

IN RE CHILD OF ACACIA W.

Submitted on Briefs January 25, 2023

Decided February 2, 2023

Panel: MEAD, JABAR, HORTON, CONNORS, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

Acacia W. appeals from a judgment entered by the District Court (Skowhegan, *Benson, J.*) terminating her parental rights. Contrary to the mother's contentions, notice of the termination of parental rights hearing was properly served on her through her counsel. *See In re Child of Haley L.*, 2019 ME 108, ¶ 18, 211 A.3d 1148; *see also* M.R. Civ. P. 5; 22 M.R.S. § 4053 (2022). Further, we do not need to reach the mother's ineffective assistance of counsel claim because she did not comply with the "strict procedural requirement[]" of submitting an affidavit stating the basis for her claim. *In re Aliyah M.*, 2016 ME 106, ¶ 10, 144 A.3d 50; *see also In re M.P.*, 2015 ME 138, ¶ 21, 126 A.3d 718. Even if we were to disregard the procedural defect in the mother's ineffective assistance claim, *see In re Children of Kacee S.*, 2021 ME 36, ¶¶ 25-26, 31, 253 A.3d 1063, the available record does not demonstrate that counsel's performance resulted in prejudice to the mother. The evidence fully supports the court's findings of unfitness and best interest.

The entry is:

Judgment affirmed.

Brittany Sawyer, Esq., Holmes Legal Group, LLC, Wells, for appellant Mother

Aaron M. Frey, Attorney General and Hunter C. Umphrey, Asst, Atty. Gen., Office of the Attorney General, Bangor, for appellee Department of Health and Human Services

Skowhegan District Court docket number PC-2021-61
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