

IN RE CHILD OF NICHOLAS E.

Submitted on Briefs April 19, 2023

Decided April 27, 2023

Panel: STANFILL, C.J., and MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Nicholas E. and the mother appeal from a judgment of the District Court (Bangor, *Szylvian, J.*) terminating their parental rights to their child. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b)(i)-(ii), (iv) (2023).

Contrary to the mother's contention, the record contains sufficient evidence to support the trial court's finding of parental unfitness by clear and convincing evidence. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii), (iv); *In re Child of Nathaniel B.*, 2019 ME 120, ¶ 5, 212 A.3d 863. Further, although not challenged by the mother, the court did not abuse its discretion in determining that termination of the mother's parental rights is in the child's best interest. *See* 22 M.R.S. § 4055(1)(B)(2)(a); *In re Child of Christine M.*, 2018 ME 133, ¶¶ 7-8, 194 A.3d 390.

The father contends that the trial court violated his right to due process by (1) denying his request for a continuance, (2) failing to examine his competency, and (3) failing to sua sponte appoint a guardian ad litem or issue other orders pursuant to M.R. Civ. P. 17(b). We have reviewed the record and find no error. *See Adoption by Jessica M.*, 2020 ME 118, ¶ 12, 239 A.3d 633; *In re A.M.*, 2012 ME 118, ¶¶ 14-15, 55 A.3d 463; *In re Child of Sherri Y.*, 2019 ME 162, ¶¶ 9-18, 221 A.3d 120. Although the father does not challenge the sufficiency of the evidence, we further conclude that the court did not clearly err in its

finding of unfitness, nor did it abuse its discretion in determining that termination of the father's parental rights is in the child's best interest. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b)(i)-(ii); *In re Kenneth S.*, 2017 ME 45, ¶¶ 8-9, 157 A.3d 244.

The entry is:

Judgment affirmed.

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