

IN RE CHILD OF MICHELLE O.

Submitted on Briefs May 23, 2023

Decided May 30, 2023

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

MEMORANDUM OF DECISION

Michelle O. appeals from a judgment of the District Court (Bangor, *Roberts, J.*) terminating her parental rights to her child. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2) (2023). Contrary to the mother's assertion, she was afforded all elements of due process, and the scope of the evidence forming the basis for the judgment was fully consistent with her right to due process. *See In re Child of Troy C.*, 2018 ME 150, ¶¶ 10-11, 196 A.3d 452; *In re Child of James R.*, 2018 ME 50, ¶ 19, 182 A.3d 1252.

Furthermore, the Department's failure to comply with all aspects of section 4041 did not prohibit a finding of parental unfitness in this case because the mother was aware that she needed to fully address her mental health issues to safely parent the child. *See* 22 M.R.S. § 4041(1-A)(A) (2023); *In re Doris G.*, 2006 ME 142, ¶ 17, 912 A.2d 572. Finally, we discern no error in the court's termination of the mother's parental rights because there is sufficient evidence in the record to support the court's parental unfitness determination, and the court did not abuse its discretion in concluding that termination of the mother's parental rights was in the child's best interest. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i)-(ii); *In re Child of James R.*, 2018 ME 50, ¶ 19, 182 A.3d 1252; *In re Children of Christine A.*, 2019 ME 57, ¶¶ 7-9, 207 A.3d 186.

The entry is:

Judgment affirmed.

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

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

Bangor District Court docket number PC-2021-51  
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