

IN RE CHILDREN OF KINLEY M.

Submitted on Briefs May 23, 2023  
Decided May 30, 2023

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

MEMORANDUM OF DECISION

Kinley M. appeals from a judgment of the District Court (York, *Duddy, J.*) terminating her parental rights to three children. 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(iv) (2023). Contrary to the mother's contentions, the court was not required to sua sponte appoint a guardian ad litem for her pursuant to M.R. Civ. P. 17(b). *See In re Child of Sherri Y.*, 2019 ME 162, ¶¶ 10, 18, 221 A.3d 120; *In re Child of Mercedes D.*, 2018 ME 149, ¶¶ 16-17, 196 A.3d 888. "Suffering from mental health issues does not necessarily render one incompetent to participate in a hearing." *In re Child of Sherri Y.*, 2019 ME 162, ¶ 15, 221 A.3d 120. Further, any failure of the Department of Health and Human Services to comply with its obligations does not preclude the termination of her parental rights. *See In re Child of Amelia C.*, 2020 ME 28, ¶ 8, 227 A.3d 156; 22 M.R.S. § 4041 (2023). The mother's incarceration was but one factor the court considered, and competent record evidence supported at least one finding of parental unfitness by clear and convincing evidence. *See In re Alijah K.*, 2016 ME 137, ¶ 16, 147 A.3d 1159.

The court also did not abuse its discretion in declining to continue the termination hearing at the mother's request as she failed to present "sufficient grounds" and "substantial reasons" for doing so. *In re J.B.*, 2015 ME 25, ¶ 5, 112 A.3d 369. The mother received due process because she was given notice of the hearing and an opportunity to be heard. *See In re Children of Benjamin W.*, 2019

ME 147, ¶ 10, 216 A.3d 901. Contrary to the mother's contention, the court has jurisdiction over child protection proceedings. *See* 22 M.R.S. § 4031(1) (2023).

We do not address the mother's other challenges which attempt to relitigate earlier stages of the proceeding and thus were not cognizable in this appeal. *In re Children of Corey W.*, 2019 ME 4, ¶ 12, 199 A.3d 683. The remainder of the mother's arguments were not sufficiently developed on appeal or presented to the court. *See In re Anthony R.*, 2010 ME 4, ¶ 8, 987 A.2d 532. Accordingly, the court did not err or abuse its discretion in determining that the mother is unable to protect her children from jeopardy or take responsibility for them within a time that is reasonably calculated to meet their needs, and that the termination of her parental rights is in the children's best interests. *See* 22 M.R.S. § 4055(1)(B)(2)(a)-(b)(i)-(iv).

The entry is:

Judgment affirmed.

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