

IN RE CHILDREN OF ALLISON A.

Submitted on Briefs September 25, 2024

Decided October 3, 2024

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

MEMORANDUM OF DECISION

The parents appeal from an order of the District Court (Waterville, *Gilbert, J.*) terminating their parental rights as to their two children pursuant to 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i) (2024). The parents argue that the court's findings regarding parental unfitness were not supported by clear and convincing evidence¹ in the record and that the court's conclusion that termination of parental rights was in the children's best interests constituted an abuse of discretion.² Contrary to the parents' contentions, there was clear and convincing evidence in the record to support the court's findings, and the court properly exercised its discretion. *See In re Child of Louise G.*, 2020 ME 87, ¶ 8, 236 A.3d 445.

The entry is:

Judgment affirmed.

¹ The father also argues that his due process rights were violated, but the State correctly contends that his due process argument appears to actually be a sufficiency of the evidence argument because of its focus on a lack of clear and convincing evidence.

² Additionally, both parents argue that the Department failed to make a good faith effort to help the parents reunify with the children. The Department's reunification efforts, however, were more than sufficient. Further, "[t]he Department's compliance with its rehabilitation and reunification duties as outlined in section 4041 does not constitute a discrete element requiring proof in termination proceedings." *In re Hannah S.*, 2016 ME 32, ¶ 12, 133 A.3d 590.

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

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

Waterville District Court docket number PC-2022-21
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