

GUARDIANSHIP BY NANCY R.

Submitted on Briefs February 21, 2024
Decided February 29, 2024

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

MEMORANDUM OF DECISION

The mother of the child appeals the court's (West Bath, *Raimondi, J.*) order granting the petition to terminate her parental rights in this adoption matter. The grandmother, who is currently the child's guardian, filed a petition to terminate the mother's parental rights and a petition to adopt the child. The grandmother attempted to serve the mother in person four times, and when that was unsuccessful, she moved to serve the mother by the alternate means. The court granted the motion, and the grandmother's counsel served the mother via an email. The mother confirmed receipt. The mother failed to appear at the hearing, but her counsel appeared, and the court granted the petition to terminate the mother's parental rights in a default hearing.

The mother argues that she was denied procedural due process because she did not receive proper notice of the termination of parental rights hearing. The mother also argues that the court order's reference to Title 18-A instead of Title 18-C is "not harmless given the fundamental rights at stake for [her]." *See Estate of Sheltra*, 2020 ME 108, ¶ 3 n.1, 238 A.3d 234, 236 ("The Probate Code codified in Title 18-A has since been repealed and replaced with a new Probate Code now codified in Title 18-C. *See* P.L. 2017, ch. 402 (repealing Title 18-A and replacing it with Title 18-C).")

We conclude that the mother's due process rights were not violated. The manner of service was proper, and the mother confirmed receipt. 22 M.R.S.

§ 4053 (2023); M.R. Civ. P. 5(b)(2). The mother failed to demonstrate how further efforts to provide her with notice would have affected the outcome of the case. *In re Child of Danielle F.*, 2019 ME 65, ¶ 6, 207 A.3d 1193. We also conclude that the court's reference to Title 18-A instead of Title 18-C constitutes a nonprejudicial and inadvertent clerical error because the court correctly applied the current statute rather than the superseded statute. M.R. Civ P. 60(a); *Bean v. Cummings*, 2008 ME 18, ¶ 18, 939 A.2d 676.

The entry is:

Judgment affirmed.

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

Meegan J. Burbank, Esq., Berry & Burbank, Edgecomb, for appellee petitioner