

IN RE CHILD OF NICHOLAS A.

Submitted on Briefs March 27, 2024
Decided April 30, 2024

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

MEMORANDUM OF DECISION

Nicholas A. appeals from a judgment of the District Court (Waterville, Dow, J.) terminating his parental rights to the child. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b)(i)-(ii) (2023). Contrary to the father’s contention, on this record, the court did not clearly err in finding at least one statutory ground of parental unfitness by clear and convincing evidence.¹ *See In re Children of Quincy A.*, 2023 ME 49, ¶¶ 10, 12, 300 A.3d 832; *In re Child of Troy C.*, 2018 ME 150, ¶ 11, 196 A.3d 452; *In re Children of Corey W.*, 2019 ME 4, ¶ 16, 199 A.3d 683. With ample evidence in the record as to the child’s wishes, the court did not err or abuse its discretion in determining that termination of the father’s parental rights is in the child’s best interest.² *See*

¹ The court did not clearly err in relying on the guardian ad litem’s reports despite the guardian’s noncompliance with the statutory mandate to see the child every six months. The father did not raise this issue with the trial court and it is waived. *See In re Children of James B.*, 2020 ME 14, ¶ 10 n.4, 225 A.3d 1285.

² Despite the father’s assertion that the court failed to consider the child’s wishes, “the statute requires that the child[]’s wishes be considered by the court, not that they control the court’s determination” and the court is not required to make express findings regarding those wishes. *In re Frederick P.*, 2001 ME 138, ¶ 21, 779 A.2d 957; *see* 22 M.R.S. § 4055(3); *In re Children of Quincy A.*, 2023 ME 49, ¶ 26, 300 A.3d 832 (“[I]n the absence of a Rule 52 motion for further findings . . . we assume that the court implicitly made all findings consistent with the evidence that are necessary to support the judgment.” (quotation marks omitted)).

In re R.M., 2015 ME 38, ¶ 7, 114 A3d 212; *In re Child of Sherri Y.*, 2019 ME 162, ¶¶ 7-8, 221 A.3d 120.

The entry is:

Judgment affirmed.

Sara A. Murphy, Esq., Pierce Atwood LLP, Portland, 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-2020-40
FOR CLERK REFERENCE ONLY