

IN RE CHILD OF NICOLE H.

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 mother appeals from a judgment by the District Court (Portland, *Woodman, J.*) terminating her parental rights. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i)-(ii) (2024). The mother contends that (1) the evidence was insufficient for the court to find by clear and convincing evidence that she was unfit and (2) the court abused its discretion in finding termination was in the child's best interest. The mother also argues that termination of her parental rights violates due process because the Department of Health and Human Services failed to file a rehabilitation and reunification plan after being ordered to do so.

The record contains competent evidence to support the court's findings that the mother is unfit and that termination of her parental rights is in the best interest of the child.<sup>1</sup> *See In re Children of Quincy A.*, 2023 ME 49, ¶ 13, 300 A.3d 832; *In re Children of Brandon D.*, 2020 ME 80, ¶ 19, 235 A.3d 831. With regard to the rehabilitation and reunification plan, the Department was ordered to file that plan seven times during the pendency of the case and never did so. Despite the Department's failure to file a rehabilitation and reunification plan, *see* 22

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<sup>1</sup> The mother argues that the court erred by making improper evidentiary determinations such as making findings not supported in the record. We determine that any unsupported findings were harmless. As to the other asserted issues—a credibility determination by the court and the admission of certain testimony not objected to during the termination hearing—we conclude that there was no obvious error by the court. *See In re Destiny H.*, 2024 ME 66, ¶ 18, --- A.3d ---.

M.R.S. § 4041 (2024), the mother was not denied due process because she had adequate notice of the issues she needed to address to work toward reunification, and she was not found parentally unfit solely because she did not make a good faith effort to rehabilitate and reunify with the child. *See In re Child of Rebecca J.*, 2019 ME 119, ¶ 7, 213 A.3d 108; *In re Children of Quincy A.*, 2023 ME 49, ¶ 16, 300 A.3d 832. Thus, the court did not err or abuse its discretion in finding the mother unfit and that termination of the mother's parental rights was in the best interest of the child.

The entry is:

Judgment affirmed.

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