

IN RE CHILDREN OF MIRANDA L.

Submitted on Briefs September 25, 2024

Decided October 3, 2024

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

MEMORANDUM OF DECISION

The mother appeals from a judgment by the District Court (Lewiston, *Ham-Thompson, J.*) terminating her parental rights to her child.¹ *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i)-(ii), (iv) (2024). The mother contends that the State had no legal interest in terminating her parental rights because the child does not have a permanent placement, that in denying the mother's motion to continue the termination hearing the court denied the mother notice and an opportunity to respond to the guardian ad litem's report filed the day before the hearing, and that the court abused its discretion when it concluded that terminating her parental rights was in the best interest of the child.² Contrary to the mother's contention, the analysis as to parental unfitness and best interest of the child in a hearing regarding termination of parental rights is separate from the analysis of where the child should be placed in the long term.

¹ The petition to terminate the mother's parental rights pertained to two of the mother's children, but the court terminated the mother's parental rights as to only one of them, per the guardian ad litem's recommendation.

² The mother also contends that the court abused its discretion by not acting on the paternal aunt's oral motion to be granted a permanency guardianship of the child, but this argument is unconvincing because the aunt was not designated as an interested person, participant, or intervenor, so she was required to make any request for placement of the child in writing. *See* 22 M.R.S. § 4005-H(2)(A) (2024) (requiring that a request for placement made by a person who is not an interested person, participant, or intervenor be in writing).

See In re Kenneth S., 2017 ME 45, ¶ 6, 157 A.3d 244 (“[P]ermanency planning for a child in foster care, and the best interest determination to be made in a termination proceeding, are distinct from the question of *who* should adopt the child, which is addressed in an adoption proceeding.” (citations omitted)). Further, we conclude that the mother was not denied due process because the court offered that the mother could request to keep the evidence open at the end of the hearing, affording her both notice of the issues in the guardian ad litem report and the opportunity to respond. *See In re Arturo G.*, 2017 ME 228, ¶ 14, 175 A.3d 91. Finally, contrary to the mother’s contention, we conclude that the court did not err or abuse its discretion in finding that termination of the mother’s parental rights was in the child’s best interest because its findings were supported by record evidence and it properly considered the factors outlined in 22 M.R.S. § 4055(2), (3). *See In re Thomas H.*, 2005 ME 123, ¶ 16, 889 A.2d 297; *see also In re Charles G.*, 2001 ME 3, ¶ 14, 763 A.2d 1163.

The entry is:

Judgment affirmed.

Julian Richter, Esq., Family Advocacy of Maine, Bath, for appellant mother

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