

IN RE CHILDREN OF DALE C.

Submitted on Briefs April 23, 2025  
Decided May 1, 2025

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

MEMORANDUM OF DECISION

Dale C. appeals from a judgment of the District Court (Augusta, *Daniel Mitchell, J.*) terminating his parental rights to his daughters from his most recent marriage. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i)-(ii) (2025).<sup>1</sup> We affirm the judgment because the court (1) did not err in finding the father parentally unfit and (2) did not err or abuse its discretion in determining that termination of the father’s parental rights was in the best interest of the children, who by the time the termination order was entered had not seen the father since 2021. *See In re Child. of Alice R.*, 2018 ME 33, ¶ 3, 180 A.3d 1085 (affirming the District Court’s termination of parental rights based in part on the father’s previous domestic violence convictions involving a former partner); *In re Child. of Quincy A.*, 2023 ME 49, ¶ 18, 300 A.3d 832 (concluding that the trial court did not err when it found parental unfitness based in part on the father’s “fail[ure] to recognize the impact that domestic violence had on the children”); *In re Child of Ryan F.*, 2020 ME 21, ¶ 33, 224 A.3d 1051 (affirming that there was sufficient evidence to support the court’s finding of jeopardy based in part on evidence of the father’s past convictions for sexual offenses against minor children).

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<sup>1</sup> Title 22 M.R.S. § 4055 has since been amended, P.L. 2021, ch. 340, § 5 (effective October 18, 2021); that amendment, however, does not affect the provisions relevant to this appeal, so we cite the current version of the statute.

In addition, contrary to the father's contention, the court did not violate his due process rights by denying in part his motion to continue his termination hearing. The father cannot show that he lacked notice of the hearing; that he was deprived of an opportunity to be heard, to present evidence, or to respond to the opposing party's claims; or that the judge was biased in any way. *See In re Child of Raul R.*, 2019 ME 94, ¶ 10, 209 A.3d 757 ("In termination cases, where fundamental interests are at stake, due process requires: notice of the issues, an opportunity to be heard, the right to introduce evidence and present witnesses, the right to respond to claims and evidence, and an impartial fact-finder. Due process, however, does not require that a parent be physically present at the termination hearing, as long as notice of the hearing was given in a manner calculated to give actual notice and the parent had an *opportunity* to be heard." (citation and quotation marks omitted); *In re Randy Scott B.*, 511 A.2d 450, 453 (Me. 1986) ("We reject the father's contention that the procedures used by the District Court were likely to lead to an erroneous termination of his parental rights because he was not present to assist his counsel in cross-examination of the opposing witnesses."). Thus, the court did not violate the father's right to due process.

The entry is:

Judgment affirmed.

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