

IN RE CHILD OF EMILY S.

Submitted on Briefs May 21, 2025
Decided May 29, 2025

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

MEMORANDUM OF DECISION

Emily S. and the father appeal from a judgment entered by the District Court (Portland, *S. Driscoll, J.*) terminating their parental rights to their child. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b)(i)-(ii), (iv) (2025). Contrary to the mother's contention, the trial court did not abuse its discretion in determining that termination of her parental rights, and not a permanency guardianship, is in the child's best interest.¹ *See id.* § 4055(1)(B)(2)(a); *In re Child of Kimberly K.*, 2019 ME 145, ¶¶ 10-14, 217 A.3d 63. Although the trial court did not expressly address a permanency guardianship in its written judgment, it is clear from the court's findings that it considered the central importance of permanency for the child and concluded that termination of the mother's parental rights is in the child's best interest. *See In re Child of Christian D.*, 2025 ME 16, ¶¶ 7-9, 331 A.3d 409; *In re Children of Quincy A.*, 2023 ME 49, ¶¶ 21-26, 300 A.3d 832.

Contrary to the father's contentions, the record contains sufficient competent evidence to support the trial court's findings of parental unfitness and determination that termination of the father's parental rights is in the child's best interest. *In re Child of Corey B.*, 2020 ME 3, ¶¶ 3-5, 223 A.3d 462

¹ Although the mother does not challenge the trial court's finding of parental unfitness, a review of the record reveals that the trial court's findings are fully supported by competent evidence. *See In re Children of Quincy A.*, 2023 ME 49, ¶ 1 n.1, 300 A.3d 832.

(affirming a judgment terminating the father's parental rights when the father had made progress toward alleviating jeopardy but had not yet achieved the stability and consistency necessary to care for the child); *In re Hope H.*, 2017 ME 198, ¶ 10, 170 A.3d 813 ("Marginal progress toward reunification and a simple desire to remain parents is not enough to ameliorate jeopardy and meet [a child's] needs.").

The entry is:

Judgment affirmed.

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

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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 Service