

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 03-63
Docket No. Som-02-704

IN RE MARIE R.

Submitted on Briefs April 9, 2003
Decided April 25, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
and LEVY, JJ.

MEMORANDUM OF DECISION

The mother and stepfather of Marie R. appeal from the denial by the Somerset County Probate Court (*Alsop, J.*) of their petition to terminate the parental rights of Marie's natural father. The termination petition is part of their petition for the stepfather's adoption of Marie brought pursuant to 18-A M.R.S.A. § 9-204(a) (1998).

Contrary to their assertions, the record does not compel the conclusion that the court failed to consider Marie's preference to terminate her relationship with her natural father. 22 M.R.S.A. § 4055(3) (Supp. 2002); *In re Frederick P.*, 2001 ME 138, ¶¶ 20-21, 779 A.2d 957, 962. Furthermore, the court was not compelled to find by clear and convincing evidence that the natural father was unwilling or

unable to take responsibility for Marie when there was competent evidence to support the court's finding that the natural father's ability to exercise his parental rights was adversely affected by the mother's hostility toward him. *See In re David G.*, 659 A.2d 859, 861 (Me. 1995); M.R. Prob. P. 52; M.R. Civ. P. 52(a). Finally, the court was not required to address whether termination of the natural father's parental rights was in Marie's best interest because none of the prongs of parental unfitness set forth in 22 M.R.S.A. § 4055(1)(B)(2)(b) (1992) had been established, *In re Scott S.*, 2001 ME 114, ¶¶ 19-21, 775 A.2d 1144, 1150-51, and did not err by concluding that termination was not in Marie's best interest.

The entry is:

Judgment affirmed.

Attorney for appellants:

Lori A. Blaisdell, Esq.
Corson & Blaisdell, P.A.
P O Box 250
Madison, ME 04950-0250

Attorney for appellee:

Karen JM Mitchell, Esq.
P O Box 97
Norridgewock, ME 04957