

IN RE MEGAN W.

Submitted on Briefs December 12, 2003
Decided February 9, 2004

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

MEMORANDUM OF DECISION

The father of Megan W. appeals from the judgment of the District Court (Houlton, *Griffiths, J.*) terminating his parental rights pursuant to 22 M.R.S.A. § 4055 (1992 & Supp. 2003). He contends that (1) during the first year and one-half while the proceedings were pending, he did not receive effective assistance of counsel; (2) evidence of his parenting of his older children should have been excluded; (3) the trial court did not consider evidence that he presented; and (4) the evidence was insufficient to justify termination of parental rights.

Any inadequacies in the performance of the father's original counsel primarily involve acquiescing in the father's initial choice not to participate in or cooperate with the child protective proceeding until paternity was determined.

There is no indication that any inadequacies in original counsel's performance prejudiced the termination of parental rights proceeding where the father was represented by new counsel. *See State v. Brewer*, 1997 ME 177, ¶¶ 15, 20, 699 A.2d 1139, 1143-44.

The record before the trial court contains more than sufficient evidence to support, by the clear and convincing evidence standard, the court's findings in its termination of parental rights order. *See In re Michaela C.*, 2002 ME 159, ¶ 17, 809 A.2d 1245, 1250. In the course of making its findings, the court properly considered the evidence of the father's poor parenting of his older children, as that evidence was directly relevant to the issues before the court. *In re Melissa T.*, 2002 ME 31, ¶ 4, 791 A.2d 98, 99. While the findings indicate that the court did not view some of the father's evidence favorably, it certainly considered his evidence, and consideration and critical assessment by the court is all that is required. *In re Heather G.*, 2002 ME 151, ¶¶ 8, 9, 805 A.2d 249, 251.

The entry is:

Judgment affirmed.

Attorney for appellant:

Richard L. Rhoda, Esq.
P O Box 743
Houlton, ME 04730

Attorneys for appellee:

G. Steven Rowe, Attorney General
Matthew Pollack, Asst. Attorney General
Heidi D. Silver, Asst. Attorney General
6 State House Station
Augusta, ME 04333-0006

Guardian ad Litem:

Richard Cleary, Esq.
21 Military Road
Houlton, ME 04730

Attorney for mother:

Robert Ward, Esq.
P O Box 689
Houlton, ME 04730