

IN RE CAMERON P.

Submitted on Briefs February 26, 2004
Decided March 3, 2004

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

MEMORANDUM OF DECISION

The mother of Cameron P. appeals from the judgment of the District Court (Lewiston, *Beliveau, J.*) terminating her parental rights. The mother failed to preserve the issue of whether the court violated her due process rights by holding the termination proceeding in her absence, and there is no obvious violation of her due process rights. *See Morey v. Stratton*, 2000 ME 147, ¶ 10, 756 A.2d 496, 499; *In re Randy Scott B.*, 511 A.2d 450, 452-54 (Me. 1986). In addition, contrary to the mother's contentions, the court did not abuse its discretion by holding the hearing; there was ample evidence that the mother's absence was voluntary and there was no guarantee that she would attend a later hearing, *see In re Frederick P.*, 2001 ME 138, ¶ 16, 779 A.2d 957, 961; the mother did not follow

the procedure in M.R. Civ. P. 40(c); and she has not shown that “the denial of the motion for continuance had any adverse prejudicial effect on [her] substantial rights,” *Farrell v. Theriault*, 464 A.2d 188, 192 (Me. 1983). Finally, the mother challenges the District Court’s findings of parental unfitness pursuant to 22 M.R.S.A. § 4055(1)(B)(2)(b)(i), (ii) (1992). She fails, however, to challenge the sufficiency of the evidence supporting the court’s finding of parental unfitness by clear and convincing evidence pursuant to 22 M.R.S.A. § 4055(1)(B)(2)(b)(iv), and the court’s finding that termination of her rights is in Cameron’s best interests. *See In re Annie A.*, 2001 ME 105, ¶ 20, 774 A.2d 378, 384; *In re Denice F.*, 658 A.2d 1070, 1073 n.2 (Me. 1995). Moreover, the evidence as to parental unfitness and to best interest is more than sufficient to support the court’s findings. *See In re Alana S.*, 2002 ME 126, ¶¶ 22-23, 802 A.2d 976, 981; *In re Elijah R.*, 620 A.2d 282, 285 (Me. 1993). Accordingly, we affirm the District Court’s judgment.

The entry is:

Judgment affirmed.

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