

IN RE ROLAND W.

Submitted on Briefs September 14, 2006  
Decided November 2, 2006

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

MEMORANDUM OF DECISION

The father of Roland W. appeals from a judgment of the District Court (Lewiston, *Beliveau, J.*) terminating his parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2005). Contrary to the father's contentions, the record supports the court's findings by clear and convincing evidence of at least one ground of parental unfitness, and that termination of parental rights is in the child's best interest. *See In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195, 201. Additionally, contrary to the contention of the father, the fact that the Department of Health and Human Services may have failed to update a rehabilitation and reunification plan for the father does not preclude a finding of parental unfitness. *See id.* ¶ 28, 854 A.2d at 204. The finding of unfitness rests upon numerous grounds unrelated to whether the father failed to complete specific services in a

reunification plan, including the father's on-going mental health issues. Moreover, the Department did provide adequate rehabilitation and reunification services to the father. *See In re Kayla S.*, 2001 ME 79, ¶¶ 12-13, 772 A.2d 858, 862-63. Finally, because the father failed to object at trial to the admissibility of the testimony of the court-appointed psychologist, the issue is unpreserved for appeal. *See State v. Barnes*, 2004 ME 105, ¶ 5, 854 A.2d 208, 209-10. Nevertheless, even if the issue had been adequately preserved, contrary to the father's assertion, the court acted within its discretion and did not err in admitting the testimony of, and evaluation presented by the psychologist. *See In re Sarah C.*, 2004 ME 152, ¶¶ 10-11, 864 A.2d 162, 164-65.

The entry is:

Judgment affirmed.

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