

IN RE TAYLOR D.

Submitted on Briefs November 23, 2009
Decided December 15, 2009

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD, and JABAR, JJ.

MEMORANDUM OF DECISION

The father appeals from a judgment of the District Court (Lewiston, *Beliveau, J.*) terminating his parental rights and responsibilities for his daughter. Contrary to his contentions, sufficient evidence exists in the record on which the court could find, by clear and convincing evidence, that termination of parental rights is in the child's best interest despite her attachment to her father. *See* 22 M.R.S. §§ 4055(1)(B)(2), 4055(2) (2008); *In re David G.*, 659 A.2d 859, 862 (Me. 1995) (holding that the child's attachment to other family members may be considered when determining the best interests of the child). Further, the court did not err when it prevented cross-examination of a witness regarding a prior statement she allegedly made. Impeachment by prior inconsistent statement requires the cross-examiner to show that the statement is inconsistent with a relevant previously uttered statement. *See, e.g., State v. Brine*, 1998 ME 191, ¶ 9, 716 A.2d 208, 211.

Additionally, in light of the time-sensitive nature of termination proceedings, and the father's contribution to his difficulty procuring a therapist, the court did not abuse its discretion by denying the father's motion to continue or by refusing to reopen the termination proceedings to admit his therapist's diagnostic opinion. *See In re Danielle S.*, 2004 ME 19, ¶ 2, 844 A.2d 1148, 1149 ("The trial court has discretion in determining whether a party may reopen its case after the close of the evidence."); *In re Frederick P.*, 2001 ME 138, ¶ 16, 779 A.2d 957, 961 ("We review a ruling on a motion to continue for abuse of discretion."); *In re Trever I.*, 2009 ME 59, ¶ 28, 973 A.2d 752, 760 ("A party seeking a continuance has the

burden of showing sufficient grounds for granting the motion and must make known to the presiding justice substantial reasons why granting the continuance would serve to further justice.”).

The entry is:

Judgment affirmed.

Attorney for the father:

Jeffrey S. Dolley, Esq.
145 Lisbon Street, Third Floor
Lewiston, Maine 04240

**Attorneys for the Maine Department of
Health and Human Services:**

Janet T. Mills, Attorney General
Nora Sosnoff, Asst. Atty. Gen.
Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006

Guardian ad litem:

Carolyn M. Asquith, Esq.
2 Main Street Suite 212
Topsham, Maine 04086