

IN RE ELISHA D. et al.

Submitted on Briefs February 25, 2010  
Decided March 2, 2010

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

The mother and father of Elisha D. and Seth D. appeal from a judgment of the District Court (Ellsworth, *Staples, J.*) terminating their parental rights to the children. Contrary to the father's contention, the court did not exceed its discretion in denying his request for withdrawal of counsel near the time of the jeopardy hearing. *See State v. Dunbar*, 2008 ME 182, ¶ 5, 960 A.2d 1173, 1176. We grant the court "wide latitude in balancing [the right to counsel] against the fair, efficient and effective administration of justice," *id.* ¶ 7, 960 A.2d at 1177 (quotation marks omitted), and the court preserved the father's right of procedural due process in ensuring that he was represented by counsel at all relevant times, *see In re Robert S.*, 2009 ME 18, ¶¶ 13-14, 966 A.2d 894, 897-98.

The court also committed no error in determining that the Department of Health and Human Services satisfied its duty to rehabilitate the parents and reunify the family, and we discern no error in the court's judicial review orders concerning the services recommended by the Department. *See* 22 M.R.S. § 4041 (2009).

Finally, contrary to the mother's contention, the record contains sufficient competent evidence on which the court could find at least one ground of parental unfitness and that termination of parental rights is in the children's best interests. *See* 22 M.R.S. § 4055(1), (1-A)(C), (E) (2009); *In re Marpheen C.*, 2002 ME 170, ¶ 5, 812 A.2d 972, 973 ("In making its findings, the court is free to accept or reject the testimony of individual witnesses in whole or in part, and it is free to reject testimony that is not contradicted if it finds that testimony incredible.").

The entry is:

Judgment affirmed.

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