

IN RE CHILD OF ANDREW T.

Submitted on Briefs February 23, 2022
Decided March 3, 2022

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

The father appeals from a judgment entered by the District Court (Fort Kent, *Linthicum, J.*) terminating his parental rights. Contrary to the father's argument, the trial court did not commit obvious error and correctly applied the law in this proceeding. See *In re Child of Sherri Y.*, 2019 ME 162, ¶ 10, 221 A.3d 120. At the time of the hearing, the father had been imprisoned since July 2019 and was due to serve an additional three years in prison, and was therefore unable to protect the child from jeopardy or take responsibility for the child in a time reasonably calculated to meet the child's needs. 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i), (ii) (2021); *Adoption of Isabelle T.*, 2017 ME 220, ¶ 34, 175 A.3d 639; see also *In re Alijah K.*, 2016 ME 137, ¶ 14, 147 A.3d 1159 ("A parent who is unable to fulfill his parental responsibilities by virtue of being incarcerated is entitled to no more protection from the termination of parental rights than a parent who is unable to fulfill his parental responsibilities as a result of other reasons."). Further, the father's incarceration was not the sole reason the court found parental unfitness.¹

¹ Although the father does not challenge the sufficiency of the evidence, the District Court's factual findings regarding parental unfitness and best interest of the child are supported by the record. *In re Olivia F.*, 2019 ME 149, ¶ 5, 217 A.3d 1106.

The entry is:

Judgment affirmed

Allan Hanson, Esq., Caribou, for appellant father

Aaron M. Frey, Attorney General, and Meghan Szylvian, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

Fort Kent District Court docket number PC-2020-13
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