

IN RE CHILDREN OF LORI L.

Submitted on Briefs April 19, 2022  
Decided April 26, 2022

Panel: STANFILL, C.J., and MEAD, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

The mother of four children and the father of three of them appeal from a judgment of the District Court (Fort Kent, *Linthicum, J.*) terminating their parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2022).

Contrary to the mother's contentions, after the unexpected death of the guardian ad litem (GAL) during trial, the court properly balanced competing due process concerns, including the mother's constitutional right to parent and the children's interests in permanency, *see In re A.M.*, 2012 ME 118, ¶ 15, 55 A.3d 463; *cf. In re Robert S.*, 2009 ME 18, ¶ 16 n.2, 966 A.2d 894, and instituted procedural safeguards, including by making all records and transcripts available to a new GAL and requiring the new GAL to be available for cross-examination, *see In re A.M.*, 2012 ME 118, ¶ 15, 55 A.3d 463; *In re Kaylianna C.*, 2017 ME 135, ¶¶ 8-9, 166 A.3d 976. The mother's due process rights were not violated because she was present for the entire evidentiary hearing before an impartial fact finder, and she had the opportunity to cross-examine each witness, including the initial GAL at the hearing. *In re Kaylianna C.*, 2017 ME 135, ¶ 9, 166 A.3d 976.

Contrary to the father's contentions, the court did not err in finding unfitness that differed in some ways from the specific circumstances of jeopardy outlined in the jeopardy order, *see In re Child of James R.*, 2018 ME 50, ¶ 19, 182 A.3d 1252; the record supports, by clear and convincing evidence, the

court's findings as to all three grounds of parental unfitness, 22 M.R.S. § 4055(1)(B)(2)(b)(i), (ii), (iv) (2022); *see, e.g., In re Child of Christine M.*, 2018 ME 133, ¶¶ 3-4, 194 A.3d 390; and we discern no error or abuse of discretion in the court's determination that termination of his parental rights was in the children's best interests, *see In re B.P.*, 2015 ME 139, ¶ 19, 126 A.3d 713.

The entry is:

Judgment affirmed.

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Randy G. Day, Esq., Garland, for appellant mother

Benjamin Fowler, Esq., Bangor, for appellant father

Aaron M. Frey, Attorney General, and Hunter C. Umphrey, Asst. Atty. Gen., Office of the Attorney General, Bangor, for appellee Department of Health and Human Services

Fort Kent District Court docket numbers PC-2018-06 and PC-2019-02  
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