

IN RE CHILD OF JACIE H.

Submitted on Briefs April 19, 2022
Decided April 28, 2022

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

MEMORANDUM OF DECISION

Jacie H. appeals from a judgment of the District Court (Skowhegan, *Benson, J.*) terminating her parental rights to her child.¹ The court did not violate the mother's due process rights or abuse its discretion in declining to reschedule the termination hearing despite the mother's absence, because the mother was served in-hand with the termination petition, and her counsel had notice of the hearing date, attempted to contact the mother, and was present at and participated in the hearing. *See In re Child of Haley L.*, 2019 ME 108, ¶¶ 17-18, 211 A.3d 1148; *In re Zoey H.*, 2017 ME 159, ¶ 4 & n.5, 167 A.3d 1260; *In re Child of Danielle F.*, 2019 ME 65, ¶ 6, 207 A.3d 1193; *see also* 22 M.R.S. § 4053 (2022).

Further, we discern no error in the court's termination of the mother's parental rights because there is sufficient evidence in the record to support the court's parental unfitness and best interest findings, and the court did not abuse its discretion in concluding that termination of the mother's parental rights was in the child's best interest. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i), (ii), (iv)

¹ The mother's counsel filed an appellate brief including a procedural history, statement of facts, and statement that he did not believe that there were arguable issues of merit on appeal. *See In re M.C.*, 2014 ME 128, ¶¶ 7-8, 104 A.3d 139. We authorized the mother to submit a supplemental brief, but she elected not to file anything.

(2022); *In re Carlos C.*, 2016 ME 179, ¶¶ 2-4, 152 A.3d 163; *In re Children of Benjamin W.*, 2019 ME 147, ¶¶ 14-16, 216 A.3d 901.²

The entry is:

Judgment affirmed.

Henry Griffin, Esq., Auburn, for appellant mother

With leave of the Court, the Department of Health and Human Services did not file a brief

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FOR CLERK REFERENCE ONLY

² Although the mother's counsel alluded to an issue concerning the Department of Health and Human Services' failure to fulfill its statutory duties to rehabilitate and reunify, that fulfillment is not an "element requiring proof" in parental termination proceedings, nor does the Department's failure to meet those duties preclude a finding of parental unfitness. *In re Doris G.*, 2006 ME 142, ¶ 17, 912 A.2d 572; *In re Dakota K.*, 2016 ME 30, ¶¶ 2-6, 133 A.3d 257; *see also In re Child of Tanya C.*, 2018 ME 153, ¶ 13, 198 A.3d 777 (explaining that we will affirm if any basis of unfitness is supported by clear and convincing evidence).