

IN RE CHILDREN OF CINDY B.

Submitted on Briefs September 21, 2022

Decided September 29, 2022

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

MEMORANDUM OF DECISION

The mother and father of three children appeal from a judgment of the District Court (Fort Kent, *Linthicum, J.*) terminating their parental pursuant to 22 M.R.S. § 4055(1)(B)(2)(b)(i), (ii) (2022). Contrary to the father's argument, we conclude that clear error as to factual findings and abuse of discretion as to overall conclusions remains the most suitable standard of review for all child protection proceedings. *See In re Child of Kimberlee C.*, 2018 ME 134, ¶ 5, 194 A.3d 925; *In re Michaela C.*, 2002 ME 159, ¶ 27, 809 A.2d 1245; *In re Misty Lee H.*, 529 A.2d 331, 333 (Me. 1987).

Contrary to the mother's contention, the court may consider rearrests and potential prison sentences, among other factors in determining unfitness, *see In re Child of Scott A.*, 2019 ME 123, ¶ 14, n.8, 213 A.3d 117, and is not required to define a specific time frame for the children at issue when making that determination, *see In re Thomas H.*, 2005 ME 123, ¶¶ 22-29, 889 A.2d 297. The court did not err because there is sufficient evidence in the record to support the court's unfitness and best interest findings and the court did not abuse its discretion when it determined that termination of the parents' parental rights was in the best interest of all three children. *See In re C.P.*, 2013 ME 57, ¶ 19, 67 A.3d 558 ("In such circumstances, where the only real hope for children is to be placed in a healthy, supportive, and permanent adoptive home, the court does not err or abuse its discretion in finding termination to be in the

best interests of the children, even if the possibility of adoption is less than certain”); *In re Kafia M.*, 1999 ME 195, ¶ 15, 742 A.2d 919.

The entry is:

Judgment affirmed.

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Allan Hanson, Esq., Caribou, for appellant mother

Bradford S. Macdonald, Esq., Bangor, for appellant father

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Fort Kent District Court docket number PC-2020-03  
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