

GUARDIANSHIP BY RACHEAL H.

Submitted on Briefs October 30, 2024

Decided December 17, 2024

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

MEMORANDUM OF DECISION

The mother appeals from an order of the York County Probate Court (*Houde, J.*) denying the mother's petition to terminate the aunt's guardianship of the child. *See* M.R. App. P. 2B(c)(1). The mother argues that the probate court erred in denying the petition to terminate the guardianship and in finding that the mother is parentally unfit.<sup>1</sup> Contrary to the mother's contentions, there was substantial evidence in the record to support the court's findings that the mother is unfit and that terminating the guardianship is not in the best interest of the child. Therefore, the court properly denied the mother's petition to terminate the guardianship.<sup>2</sup> *See* 18-C M.R.S. § 5-204(2)(c) (2024).

The entry is:

Judgment affirmed.

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<sup>1</sup> The mother also argues that that the court violated her fundamental right to parent her child under the Due Process Clause of the U.S. Constitution by denying her petition to terminate the guardianship. *See* U.S. Const. amend. XIV. We review this unpreserved question for obvious error and conclude that the court did not violate the mother's right to due process because the court properly found that the mother was unfit to parent and that it would not be in the child's best interest to terminate the guardianship, so there was no substantial injustice to the mother. *See In re Anthony R.*, 2010 ME 4, ¶ 9, 987 A.2d 532.

<sup>2</sup> We appreciate the court's conscientious efforts to recognize and address the circumstances surrounding placement of the child in this complex case.

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Wendy S. Moulton, Esq., Rose Law, LLC, York, for appellant Racheal H.

Kathy P. McKechnie, Esq., Saco, for appellee Evan B.

York County Probate Court docket number 2018-1031  
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