

IN RE CHILD OF JUSTIN B.

Submitted on Briefs December 30, 2024

Decided January 7, 2025

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

MEMORANDUM OF DECISION

Justin B. appeals from a judgment of the District Court (Lincoln, *Roberts, J.*) terminating his parental rights to his child. See 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i), (ii) (2024). We affirm the judgment because (1) the court did not err in finding the father parentally unfit, and (2) the court did not err or abuse its discretion in determining that termination of the father’s parental rights was in the best interest of the child, who by the time the termination order was entered had spent over two years in the Department’s custody. See *In re Child of James R.*, 2018 ME 50, ¶¶ 6, 12-13, 15, 182 A.3d 1252; *In re Noah B.*, 2017 ME 201, ¶¶ 2, 4, 171 A.3d 188; *In re Child of Stacy H.*, 2020 ME 66, ¶ 8, 232 A.3d 212; *In re Child of Erica H.*, 2019 ME 66, ¶¶ 11-12, 207 A.3d 1197.

In addition, contrary to the father’s contention, “[t]he court’s trial management decisions regarding scheduling of the hearing on the termination petition” did not deny the father due process. Because the father raised this issue for the first time on appeal, we review for obvious error. *In re Child. of Destiny H.*, 2024 ME 66, ¶ 18, 322 A.3d 1183. The termination hearing took place across three days spread across five months. While this timing is less than ideal, the father does not show that the scheduling of the hearings affected the outcome of the proceeding. *Id.* ¶ 21. Nor can the father show that he was deprived of “notice of the issues, an opportunity to be heard, the right to introduce evidence and present witnesses, the right to respond to claims and

evidence, [or] an impartial fact-finder.” *Id.* ¶ 19 (quotation marks omitted). Thus, the court did not violate the father’s right to due process.

The entry is:

Judgment affirmed.

Brittany Sawyer, Esq., Holmes Legal Group, LLC, Wells, 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

Lincoln District Court docket number PC-2020-25
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