MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 25-14
Docket No. Som-24-269

IN RE CHILD OF STEVEN D.

Submitted on Briefs January 7, 2025
Decided January 14, 2025

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

MEMORANDUM OF DECISION

Steven D. appeals from a judgment of the District Court (Skowhegan, *Benson, J.*) terminating his parental rights to his child. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i-iv) (2024). The father does not challenge either the court's finding of parental unfitness or its conclusion that termination of his parental rights was in the child's best interest. Instead, the father appeals the termination of his parental rights on the ground that had a member of his family been designated as the child's foster care placement, his case might not have culminated in the termination of his parental rights. The father argues that the Department erred in placing the child with the adoptive family of her half-brother instead of with the father's family.

To the degree that the father seeks to directly challenge the child's initial placement with her foster family, his claim is not cognizable on appeal. 22 M.R.S. § 4006 (2024); *see In re Child. of Corey W.*, 2019 ME 4, ¶ 12, 199 A.3d 683. Independent of the child's placement, the record demonstrates that the court did not err when it found that the father was unfit due to, inter alia, his failure to engage in any court ordered services, his failure to participate in a drug screen, his arrest and incarceration during the reunification process, and

his lack of a plan for his release.[1] *See In re Child. of Corey W.*, 2019 ME 4, ¶¶ 12, 14, 199 A.3d 683 (explaining that where a parent challenges a child's placement on appeal from a termination order, the court "must consider the father's assertions only in the context of the court's conclusion that the father is parentally unfit," reviewing for clear error).

Further, the father is incorrect when he asserts that "[t]he Department failed to give preference to a kinship placement over a nonrelated caregiver." While 22 M.R.S. § 4005-G(1) (2024) does establish a "[k]inship preference" for "an adult relative" to act as a child's residential placement, 22 M.R.S. § 4002(9-B) (2024) defines "relative" to "include[] the adoptive parent of the child's siblings." Here, the child was placed with the family who adopted her half-brother. The father has failed to show that his family should have been given priority over the adoptive family of the child's half-brother, and the father's family's involvement in the child's case has been minimal.

The entry is:

Judgment affirmed.

Mary-Ann Letourneau, 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

Skowhegan District Court docket number PC-2023-23
FOR CLERK REFERENCE ONLY

[1] Nor did the court err or abuse its discretion in determining that termination of the father's parental rights was in the best interest of the child, who has spent nearly all her life in the loving care of her half-brother's adoptive family. *See* 22 M.R.S. § 4055(1)(B)(2)(a); *In re Kayla M.*, 2001 ME 166, ¶ 13, 785 A.2d 330.