

IN RE CHILD OF CASEY S.

Submitted on Briefs January 22, 2025

Decided January 30, 2025

Panel: MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Casey S. appeals from a judgment of the District Court (Biddeford, *Duddy, J.*) terminating his parental rights to his child. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i), (ii), (iv) (2024). Although the guardian ad litem did not make a recommendation on the termination petition until the day of trial, the father has not shown a deprivation of a fundamental liberty interest on that basis, given that (1) he does not indicate how the trial or its outcome would have differed if he had received the recommendation earlier and (2) the court stated at the end of the trial that it had independently reached the same determination as the guardian ad litem. *See Guardianship of Hughes*, 1998 ME 186, ¶ 9, 715 A.2d 919.

The court also did not err or abuse its discretion in finding at least one ground of parental unfitness given the father's lack of progress in taking responsibility for his actions and obtaining services to address the risks to the child arising from his substance misuse and domestic violence. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i), (ii), (iv); *In re Child of James R.*, 2018 ME 50, ¶ 11, 182 A.3d 1252. The court acted within its fact-finding authority in weighing the credibility of the witnesses, including the credibility of the child's mother. *In re Caleb M.*, 2017 ME 66, ¶ 27, 159 A.3d 345; *In re Fleming*, 431 A.2d 616, 618 (Me. 1981).

Finally, it is only for purposes of establishing the parties' rehabilitation and reunification obligations under 22 M.R.S. § 4041(1-A) (2024) and the court's obligations regarding permanency planning under 22 M.R.S. § 4038-B(1) (2024) that the date when a child "entered foster care" has a defined statutory meaning. The court did not err or abuse its discretion in considering the consequence of the passage of time since the child was initially placed in the Department's custody, along with the stability of the young child's existing home environment, to determine whether termination of the father's parental rights was in the child's best interest. *See* 22 M.R.S. §§ 4002(1-C), 4055(1)(B)(2)(a) (2024); 19-A M.R.S. § 1653(3)(A), (D), (E), (N) (2024); *In re Child of Angela S.*, 2020 ME 60, ¶¶ 10-11, 232 A.3d 215. The court did not err or abuse its discretion in determining that termination is in the best interest of the young child, who has been in foster care for most of his life and needs permanency. *See In re Child of Jessica C.*, 2020 ME 63, ¶ 8, 232 A.3d 224; 22 M.R.S. § 4055(1)(B)(2)(a).

The entry is:

Judgment affirmed.

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