MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 25-29
Docket No. Ken-24-336

IN RE CHILD OF DANTE S.

Submitted on Briefs February 19, 2025
Decided February 27, 2025

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

MEMORANDUM OF DECISION

Dante S. appeals from a judgment entered by the District Court (Waterville, *Dow, J.*) terminating his parental rights to his child. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i)-(iv) (2024). Contrary to the father's contentions, there is sufficient evidence in the record to support the court's findings of parental unfitness based on his inability to protect the child from jeopardy or take responsibility for the child within a time reasonably calculated to meet the child's needs. *See In re Hope H.*, 2017 ME 198, ¶ 10, 170 A.3d 813 ("Marginal progress toward reunification and a simple desire to remain parents is not enough to ameliorate jeopardy and meet the [child]'s needs."); *In re Alana S.*, 2002 ME 126, ¶¶ 13, 21–23, 802 A.2d 976 (affirming termination despite the parents' progress toward reunification where full reunification was not possible in the foreseeable future).[1]

[1] Because we determine that the record supports the court's findings of parental unfitness on at least two grounds, we do not address other alternative unfitness grounds, including the court's additional finding that the father abandoned the child. *See, e.g.*, *In re Children of Corey W.*, 2019 ME 4, ¶ 19, 199 A.3d 683 ("Where the court finds multiple bases for unfitness, we will affirm if any one of the alternative bases is supported by clear and convincing evidence." (quotation marks omitted)). Although the father also contends that that the Department of Health and Human Services made "minimal efforts" to reunify him with his child, the Department's "compliance with its rehabilitation and reunification duties as outlined in [22 M.R.S. §] 4041 does not constitute a discrete element requiring proof in termination proceedings." *In re Child of Amelia C.*, 2020 ME 28, ¶ 8, 227 A.3d 156 (quotation marks omitted). Nonetheless, we conclude that the record supports the trial court's

Additionally, we conclude that the court properly exercised its discretion in finding that termination of the father's parental rights was in the best interest of the child. *See In re Emma C.*, 2018 ME 7, ¶ 4, 177 A.3d 628 (affirming the court's decision to terminate parental rights as opposed to a permanency guardianship "because, as the GAL testified, the child is at an age where stability and permanency within a family unit that has demonstrated commitment to [the child] is of the utmost importance"); *In re Child of Danielle F.*, 2019 ME 65, ¶ 7, 207 A.3d 1193 (rejecting the parent's argument that the trial court should have ordered a permanency guardianship because "the court found that the child needs permanency now, not years down the road").

We also find no merit in the father's argument that his due process rights were violated by the court's colloquy with him at the outset of the trial. *See In re William S.*, 2000 ME 34, ¶¶ 4, 9, 745 A.2d 991.

The entry is:

Judgment affirmed.

Allison Muir Kuhns, Esq., Law Office of Allison Muir Kuhns, Portland, 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

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finding that the Department "ma[de] good faith efforts to cooperate with the parent in the pursuit of the plan." 22 M.R.S. § 4041(1-A)(A)(3) (2024).