

IN RE ALASKA F.

Submitted on Briefs September 29, 2016

Decided November 8, 2016

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

The former boyfriend of the mother of the child who is the subject of this child protection proceeding, 22 M.R.S. §§ 4001-4059 (2015), appeals from an order of the District Court (Portland, *Powers, J.*), entered during the ongoing child protective proceeding, finding that the former boyfriend had failed to establish a prima facie case for his claim that he was the child's de facto parent. At the time the court acted on this petition, there was no provision for determining whether a person was a de facto parent within title 22. Therefore, the court had no authority to consider the boyfriend's petition, and this appeal must be dismissed.<sup>1</sup>

The entry is:

Appeal dismissed.

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<sup>1</sup> After the trial court acted in this case, the Maine Parentage Act, 19-A M.R.S. §§ 1831-1938, went into effect. P.L. 2015, ch. 296, § A-1 (effective July 1, 2016). Although the Act amended 22 M.R.S. § 4005-F to expressly allow district courts to determine de facto parenthood in child protection proceedings, it did not amend § 4006, which bars a party in a child protection proceeding from appealing orders other than child jeopardy orders, medical treatment orders, and termination of parental rights judgments. Because the Parentage Act was not in effect during the pendency of this case, we do not address the appealability of a de facto parenting decision made in the context of a child protection proceeding pursuant to the Parentage Act.

**On the briefs:**

Jason A. MacLean, South Portland, for appellant former boyfriend of the mother

Janet T. Mills, Attorney General, and Meghan Szylvian, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

Portland District Court docket number PC-2015-22  
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