

IN RE TRINITY C.

Submitted on Briefs July 19, 2017
Decided July 27, 2017

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

MEMORANDUM OF DECISION

The grandmother of Trinity C. appeals from a judgment of the District Court (Waterville, *Mathews, J.*) terminating her permanency guardianship of Trinity pursuant to 22 M.R.S. § 4038-C(6) (2016). She purports to challenge the court's finding, by a preponderance of the evidence, that termination of the permanency guardianship is in Trinity's best interest and also argues that she received ineffective assistance of counsel. Because we conclude that, pursuant to 22 M.R.S. § 4006 (2016), the grandmother has no statutory right to appeal the termination of a permanency guardianship, we dismiss the appeal.¹ *See In re L.R.*, 2014 ME 95, ¶ 9, 97 A.3d 602 (holding that "[s]ection 4006 unequivocally provides that in child-protective cases orders other than termination orders, jeopardy orders, or orders authorizing medical treatment 'are not appealable'" and that "absent any constitutional infirmity in the statute, we cannot craft exceptions to section 4006," including the death knell exception); *In re Dustin C.*, 2008 ME 89, ¶ 4, 952 A.2d 993.

Additionally, because the grandmother complains about the lack of constitutional protections afforded her in these proceedings, we specifically

¹ To the extent that the grandmother raises equal protection concerns in the context of guardianships of minors, we have previously considered and rejected such a challenge to 22 M.R.S. § 4006 (2016). *See In re Dustin C.*, 2008 ME 89, ¶ 8, 952 A.2d 993.

note that she may petition to become the child's legal parent through adoption proceedings pursuant to 18-A M.R.S. § 9-301 (2016) or to become the child's guardian pursuant to 18-A M.R.S. § 5-207 (2016)—both roles that would afford her the legal entitlements she seeks.

The entry is:

Appeal dismissed.

Valerie A. Randall, Esq., Rioux, Donahue, Chmelecki & Peltier LLC, Portland, for appellant grandmother

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