

IN RE ANTHONY S.

Submitted on Briefs November 29, 2005
Decided February 13, 2006

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

The paternal grandparents of Anthony S., as intervenors, appeal from the judgment of the District Court (Biddeford, *Wheeler, J.*) terminating the parental rights of the mother and father of Anthony, and establishing that the permanency plan for Anthony is adoption by his foster parents. Contrary to the grandparents' contentions, sufficient record evidence exists to support the court's determination that termination is in Anthony's best interest, *see* 22 M.R.S.A. § 4055(1)(B)(2)(a) (2004); *In re Jeremiah Y.*, 2002 ME 135, ¶ 9, 804 A.2d 357, 359, and the court did not exceed its discretion in failing to appoint a new guardian ad litem, *see Coppersmith v. Coppersmith*, 2001 ME 165, ¶ 4, 786 A.2d 602, 604. Further, we have never recognized the right of grandparents to assert the constitutional rights

of grandchildren, and we decline to do so in this case in which such a claim was not presented to the trial court. *See In re Bailey M.*, 2002 ME 12, ¶ 10, 788 A.2d 590, 594-95.

The entry is:

Judgment affirmed.

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