

IN RE STEWART N. et al.

Submitted on Briefs May 17, 2007
Decided June 7, 2007

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

MEMORANDUM OF DECISION

The father of Stewart N. and Aubrey N. appeals from a judgment entered in the District Court (Bangor, *Gunther, J.*) awarding custody of his children to their mother in California. Although the father admits that the judicial review order granting the mother custody is interlocutory and generally not appealable, he argues that the judgment effectively terminated his parental rights and should be eligible for appellate review. *See* 22 M.R.S. §§ 4006, 4038 (2006). In addition, the father argues that the judgment fails to make sufficient written findings pursuant to 22 M.R.S. § 4038(5) (2006). We dismiss this appeal, finding that the court's order is interlocutory and outside of our appellate jurisdiction.

The Child and Family Services and Child Protection Act, 22 M.R.S. §§ 4001 to 4099-C (2006) provides that in the course of child protective proceedings, a

party may appeal only jeopardy orders pursuant to 22 M.R.S. § 4035, termination orders pursuant to 22 M.R.S. § 4054, and medical treatment orders pursuant to 22 M.R.S. § 4071. 22 M.R.S. § 4006. All other child protective orders, including judicial review orders pursuant to section 4038, are interlocutory and are not appealable. 22 M.R.S. § 4006. It is well settled that our appellate jurisdiction is “entirely and exclusively . . . conferred by statute.” *Rice v. Amerling*, 433 A.2d 388, 390-91 (Me. 1981) (citation omitted); *see also Cooley v. Powell*, 544 A.2d 752, 753 (Me. 1988) (citation omitted) (“The Law Court’s jurisdiction to review cases on appeal derives solely and entirely from statute.”). Accordingly, we lack jurisdiction to hear this appeal and therefore dismiss it as interlocutory.

The entry is:

Appeal dismissed.

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