

THOMAS J. FORSTER et al.

v.

CHRISTINA M. BAKER et al.

Submitted on Briefs May 29, 2008
Decided June 17, 2008

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

MEMORANDUM OF DECISION

Thomas and Joan Forster appeal from a judgment of the District Court (Lewiston, *Cote, J.*) dismissing with prejudice their petition for visitation rights filed pursuant to the Grandparents Visitation Act, 19-A M.R.S. §§ 1801-1805 (2007). Contrary to the Forsters' contention, the court did not err in finding that their petition and supporting affidavit failed to demonstrate the "sufficient existing relationship" with their grandchildren required to establish standing. 19-A M.R.S. § 1803(1)(B); *see Robichaud v. Pariseau*, 2003 ME 54, ¶¶ 7-8, 820 A.2d 1212, 1215 (burden on petitioner to demonstrate "unique relationship" supporting an "urgent reason" for the State to interfere with parents' fundamental rights).

Based on an earlier grandparents rights action involving these parties in Missouri, Baker challenges the subject matter jurisdiction of Maine's courts pursuant to the Parental Kidnapping Protection Act, 28 U.S.C.S. § 1738A (2003). Because the result of the Missouri action is unclear, no documents from that action appear in the trial court's record, and Baker has not moved to supplement the appellate record pursuant to M.R. App. P. 5(e), the record is insufficient for us to

consider this argument. *See* 28 U.S.C.S. § 1738A(b)(9), (d) (a “visitation determination” is “a judgment, decree, or other order of a court providing for the visitation of a child”; a state has continuing jurisdiction if it has made a “visitation determination”).

The entry is:

Judgment affirmed.

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