

GUARDIANSHIP OF KAYCIE W. et al.

Submitted on Briefs: April 26, 2012

Decided May 8, 2012

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

MEMORANDUM OF DECISION

The mother of Kaycie W. and Gabrielle W. appeals from a judgment of the Penobscot County Probate Court (*Woodcock, J.*) granting a petition of guardianship of a minor for both children.¹ On appeal, the mother argues that the Probate Court lacked sufficient evidence to support its findings that placement of Gabrielle with her would create an intolerable situation, as well as that placement with a guardian was in the best interest of Gabrielle. Because the mother did not request a transcript or statement of evidence pursuant to M.R. App. P. 5(d), “we are bound to accept the court’s factual findings and to assume that they are supported by sufficient competent evidence in the record.” *Springer v. Springer*, 2009 ME 118, ¶ 8, 984 A.2d 828; *see also Greaton v. Greaton*, 2012 ME 17, ¶ 6, 36 A.3d 913 (“Merely providing documents that were admitted at trial will rarely suffice to establish an adequate record for our review.”). The Probate Court found that the petitioner had met her burden of showing by clear and convincing evidence that the mother was an unfit parent, placement of either child with the mother would create an intolerable situation, and placement with the guardian was in the best interest of the children. *See In re Jewel M.*, 2010 ME 80, ¶¶ 8-12, 2 A.3d 301 (summarizing the findings of fact the court must make to establish the propriety of granting a petition for guardianship of a minor).

¹ While the mother filed a notice of appeal for both children, her brief pertained only to Gabrielle.

The entry is:

Judgment affirmed.

On the briefs:

Randy G. Day, Esq., Garland, for appellant mother

Barbara A. Cardone, Esq., Cardone & Winchell, L.L.P., Bangor, for appellee
petitioner

Penobscot County Probate Court docket numbers 2010-755, 2010-756
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