

ADULT GUARDIANSHIP OF D.

Submitted on Briefs January 23, 2020

Decided January 30, 2020

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

D. appeals from a judgment of the Kennebec County Probate Court (*E. Mitchell, J.*) adjudicating him incapacitated and appointing the Department of Health and Human Services as his public guardian. *See* 18-A M.R.S. §§ 5-101(1), 5-304(b), 5-601 (2018).¹ In accordance with the procedure outlined in *In re M.C.*, 2014 ME 128, ¶¶ 6-7, 104 A.3d 139, counsel for D. filed a brief indicating that there are no arguable issues of merit for appeal. We entered an order permitting D. to personally file a supplemental brief on or before November 15, 2019, but he did not do so. After reviewing the record, we are satisfied that competent evidence supports the court's finding each of the elements required for the appointment of a public guardian—including D.'s incapacity—and we discern no abuse of discretion in the court's appointment of the Department as D.'s full guardian without limitation. *See Guardianship of McIntosh*, 2015 ME 95, ¶¶ 16-17, 120 A.3d 654; *In re Cyr*, 2005 ME 61, ¶ 16, 873 A.2d 355.

¹ The citations herein are to the Probate Code in effect at the time the court entered its judgment on August 5, 2019. The Probate Code codified in Title 18-A has since been repealed and replaced with a new Probate Code now codified in Title 18-C. *See* P.L. 2017, ch. 402 (repealing Title 18-A and replacing it with Title 18-C); P.L. 2019, ch. 417, §§ A-103, B-14 (amending the effective date of the repeal and replacement from July 1, 2019 to September 1, 2019).

The entry is:

Judgment affirmed.

Daniel J. Eccher, Esq., Levey, Wagley, Putman & Eccher, PA, Winthrop, for appellant D.

With leave of the Court, the Department of Health and Human Services did not file a brief

Kennebec County Probate Court docket number 2019-0269
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