

ADULT GUARDIANSHIP OF P.

Submitted on Briefs September 29, 2020

Decided October 27, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

P. appeals from a judgment of the Kennebec County Probate Court (*E. Mitchell, J.*) granting the Department of Health and Human Services full guardianship over P. Contrary to P.'s assertions, there is sufficient evidence to support a finding, by clear and convincing evidence, that P. "lacks the ability to meet essential requirements for physical health, safety or self-care," 18-C M.R.S. § 5-301(1)(A)(2020); *see also In re Cyr*, 2005 ME 61, ¶ 16, 873 A.2d 355, including that "appointment is necessary or desirable as a means of enabling [P.] to meet essential requirements for physical health, safety or self-care." 18-C M.R.S. § 5-301(1)(A)(3). Similarly, the court did not abuse its discretion in determining the scope of the guardianship. *See Estate of Bragdon*, 2005 ME 85, ¶ 14, 875 A.2d 697. Finally, we discern no constitutional violation suffered by P. as a result of his attendance at the evidentiary hearing in only a hospital gown.¹

The entry is:

Judgment affirmed.

¹ We emphasize, however, that the preferable course would have been the provision of suitable clothing by the Department to P. for his attendance at a formal hearing in a court of law for an important proceeding to determine whether he could be responsible for his own care.

Julian Richter, Esq., Richter Law, LLC, Gardiner, for appellant P.

Aaron M. Frey, Attorney General, and Cody M.P. Hopkins, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

Kennebec County Probate Court docket number 2019-733
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