

GUARDIANSHIP BY MICHAEL G. et al.

Submitted on Briefs November 18, 2021

Decided December 7, 2021

Panel: STANFILL, C.J., and MEAD, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Michelle Gardner, Leslie N. Greenlaw, and Mark Hanning II appeal from the judgments of the District Court (Caribou, *Soucy, J.*) granting Michael A. Greenlaw and Lynn M. Greenlaw's petitions for guardianship and denying Michelle's petitions for guardianship of two minor children.<sup>1</sup>

The parents consented only to the grandmother's petitions. The court found that the parents are unwilling or unable to exercise their parental rights, and that finding is supported by competent evidence. *See* 18-C M.R.S. § 5-204(2)(C) (2021); *Guardianship of Johnson*, 2014 ME 104, ¶¶ 19-20, 98 A.3d 1023; *Guardianship of Thayer*, 2016 ME 52, ¶¶ 23-27, 136 A.3d 349. The court, therefore, did not violate the parents' constitutional rights in granting the grandfather's petitions. *See Guardianship of Hailey M.*, 2016 ME 80, ¶¶ 19-22, 29, 140 A.3d 478; *Guardianship of Jeremiah T.*, 2009 ME 74, ¶ 27, 976 A.2d 955. Similarly, competent evidence supports the court's determination that granting the grandfather's petitions was in the best interests of the children, and the court did not abuse its discretion. *See* 18-C M.R.S. § 5-102(4) (2021); 19-A

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<sup>1</sup> Michelle is the maternal grandmother of both children, Leslie is the mother of both children, and Mark is the father of the older child. The father of the younger child is deceased. Michael is the maternal grandfather of both children and Lynn is his wife. We refer to Michael and Lynn's petitions as the grandfather's petitions.

M.R.S. § 1653(3) (2021); *Guardianship of Hailey M.*, 2016 ME 80, ¶¶ 15, 21, 140 A.3d 478; *Guardianship of Donovan C.*, 2019 ME 118, ¶ 18, 212 A.3d 851.

The entry is:

Judgments affirmed.

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Michael and Lynn Greenlaw

Caribou District Court docket numbers FM-2019-43, FM-2019-72, FM-2019-73, FM-2020-43 and  
FM-2020-44

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