

CONSERVATORSHIP OF R.

Submitted on Briefs September 22, 2021

Decided September 30, 2021

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

MEMORANDUM OF DECISION

The son of R. appeals from a judgment of the York County Probate Court (*Houde, J.*) denying his petition to be appointed R's conservator and appointing the Department of Health and Human Services as R's public conservator pursuant to 18-C M.R.S. § 5-410(3) (2021). We conclude that the court properly applied that statute's best interest analysis and in so doing implicitly found that the son was not a "suitable private . . . conservator," 18-C M.R.S. § 5-702 (2021). *See State v. Strong*, 2013 ME 21, ¶ 14, 60 A.3d 1286 ("Our review of the proper construction of [a] statute is de novo.").

Furthermore, contrary to the son's contention, on this record the court did not abuse its discretion in appointing the Department as R's conservator given its supported factual findings. *See Estate of Bragdon*, 2005 ME 85, ¶¶ 11, 13, 875 A.2d 697; *Guardianship of Autumn S.*, 2007 ME 8, ¶ 5, 913 A.2d 614.

The entry is:

Judgment affirmed.

Amy McNally, Esq., Woodman Edmands Danylik Austin Smith & Jacques, P.A., Biddeford, for appellant Roger Nadeau, Jr.

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

York County Probate Court docket number 2020-0413
For Clerk Reference Only