

ADULT GUARDIANSHIP AND CONSERVATORSHIP OF H.

Submitted on Briefs February 22, 2023
Decided March 2, 2023

Panel: MEAD, JABAR, HORTON, CONNORS, and LAWRENCE, JJ.

MEMORANDUM OF DECISION

H. appeals from judgments entered by the York County Probate Court (*Houde, J.*) appointing the Department of Health and Human Services as her guardian and conservator after a bench trial. We review for obvious error H.'s unpreserved challenge to the court's admission at trial of a physician's report that had been filed with the court in accordance with 18-C M.R.S. §§ 5-306, 5-407 (2022). *See In re Anthony R.*, 2010 ME 4, ¶¶ 8-9, 987 A.2d 532. Although H.'s liberty interests are at stake, *see Guardianship of Hughes*, 1998 ME 186, ¶¶ 9-11, 715 A.2d 919, H. has not shown that any error "should have been apparent to the trial court," *In re Anthony R.*, 2010 ME 4, ¶ 9, 987 A.2d 532, because there is no clear precedent deciding whether sections 5-306 and 5-407 authorize the court to consider the required report despite the hearsay rules, *see* M.R. Evid. 801(c), 802. Nor has H. demonstrated that the admission of the report affected her substantial rights because the court made abundant findings, supported by evidence other than the physician's report, that fully support the judgments. *See In re Anthony R.*, 2010 ME 4, ¶¶ 9-11, 987 A.2d 532.

The entry is:

Judgment affirmed.

Jason A. MacLean, Esq., Bridgton, for appellant H.

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 2022-0283
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