

IN RE BRITTANY B. et al.

Submitted On Briefs April 2, 2008

Decided May 29, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

The paternal grandmother and former guardian of Brittany B., Rosemarie B., Justina B., and Kassandra B. appeals from a judgment entered in the Penobscot County Probate Court (*Woodcock, J.*) terminating her guardianship of Brittany and Justina. She also appeals the denials of her motion for a change of venue, her Rule 60(b) motion for relief from the order terminating her guardianship as to Rosemarie and Kassandra, and her motion for an emergency *Clifford* order to view Department of Health and Human Services records regarding allegations of sexual abuse of the children.

Contrary to the grandmother's contentions, the court applied the proper legal standard in terminating both of the guardianships. *See Guardianship of Autumn S.*, 2007 ME 8, ¶ 6 n.2, 913 A.2d 614, 616 (stating that a mother may show a change of circumstances to demonstrate that the original finding of intolerable circumstances has been alleviated, permitting the mother to recover custody of her children). Moreover, the court acted within its discretion when it denied the Rule 60(b) motion seeking relief from the termination of the guardianship of Rosemarie and Kassandra, *see Estate of Shapiro*, 1999 ME 25, ¶ 13 n.12, 723 A.2d 886, 889, when it declined to change the venue, *see* 18-A M.R.S. § 5-211(b) (2007), and when it denied the motion seeking the *Clifford* order, *see State v. Dechaine*, 572 A.2d 130, 135 (Me. 1990); *see also* 22 M.R.S. § 4008(3)(B) (2007); 32 M.R.S. § 13862 (2007).

The entry is:

Judgment affirmed.

Attorney for the paternal grandmother:

Frances C. Lindemann, Esq.
Lindemann Law Offices, LLC
PO Box 840
York, Maine 03909

Attorney for the mother:

Amy L. Faircloth, Esq.
43 Columbia Street
Bangor, Maine 04402