

GUARDIANSHIP OF ANNETTE L. BRILL

Submitted on Briefs September 28, 2015
Decided October 6, 2015

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Annette L. Brill appeals from a judgment entered by the Penobscot County Probate Court (*R. Bradford, J.*) granting the Department of Health and Human Services' Petition for Appointment of Public Guardian for an Incapacitated Person, pursuant to 18-A M.R.S. §§ 5-601, 5-602 (2014). Contrary to Brill's contentions, there was sufficient evidence presented at the guardianship hearing to determine that she is an "incapacitated person," as defined by 18-A M.R.S. § 5-101(1) (2014). The court heard testimony from five persons, including Brill's attending psychiatrist and a court-appointed Visitor. All of the witnesses, with the exception of Brill, testified to specific aspects of Brill's inability to adequately care for herself and keep herself from harm; all agreed that Brill should be under the care of DHHS. In addition, the testimony clearly established that no private person was willing or able to serve as Brill's guardian. 18-A M.R.S. § 5-602. On this record, there was sufficient evidence for the court to adjudicate Ms. Brill incapacitated and appoint a public guardian. *See Guardianship of McIntosh*, 2015 ME 95, --- A.3d ---.

The entry is:

Judgment affirmed.

On the briefs:

Randy G. Day, Esq., Garland, for appellant Annette L. Brill

Janet T. Mills, Attorney General, and William D. Hagedorn,
Asst. Atty. Gen., Office of the Attorney General, Augusta, for
appellee Department of Health and Human Services

Penobscot County Probate Court docket number 2012-113-1
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