

ADULT GUARDIANSHIP OF A.

Submitted on Briefs September 7, 2022
Decided September 29, 2022

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

MEMORANDUM OF DECISION

A. and A.'s mother separately appeal from a judgment of the Waldo County Probate Court (*Ociepka, J.*) appointing the Department of Health and Human Services as full guardian over A. *See* 18-C M.R.S. § 5-701(2) (2022). Contrary to A.'s mother's contentions, the court did not improperly change the burden of proof; the burden remained on the Department to prove there was not a suitable private guardian available. 18- C M.R.S. § 5- 702 (2022). In addition, there is ample evidence in the record that A.'s mother is not a suitable sole guardian for A. because of her inability to understand his medical diagnosis and needs. Likewise, there is ample evidence that A.'s parents are not suitable as co-guardians. *See* 18-C M.R.S. § 5-702. Although A. argues that his father should have been appointed as his sole guardian, A.'s father did not file an independent petition, 18-C M.R.S. § 5-302(1) (2022), or guardianship plan, 18-C M.R.S. § 5-316(1) (2022), and did not appeal the court's judgment. Nonetheless, the court found that A's father would not be appropriate as a sole guardian, and that finding also has ample support in the record.

A.'s mother received due process because she was given notice of the hearings and an opportunity to be heard. 18-C M.R.S. § 5-303 (2022); *see, e.g., In re Amberley D.*, 2001 ME 87, ¶ 12, 775 A.2d 1158. We do not address her further federal constitutional, statutory, and regulatory challenges because they were not sufficiently developed on appeal or sufficiently presented to the

court. *See, e.g., Guardianship & Conservatorship of Jones*, 2017 ME 125, ¶ 16, 164 A.3d 969.

The entry is:

Judgment affirmed.

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Barbara Hartlett, appellant pro se

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Waldo County Probate Court docket number 2021-0055
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