

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MELANIE TRAINOR,<sup>1</sup>

Petitioner Below,  
Appellant,

v.

MEGAN TRAINOR,

Respondent,  
Appellee.

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§ No. 136, 2022

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§ Court Below—Family Court of  
§ the State of Delaware

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§ File Nos. CN20-03774, CN11-02261

§ Petition Nos. 20-18526, 21-03194

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Submitted: August 26, 2022

Decided: October 4, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

**ORDER**

Having considered the opening brief and the record below, it appears to the Court that:

(1) This appeal arises from the Family Court’s order, dated April 19, 2022, granting a petition for guardianship filed by the appellee Megan Trainor (“Maternal Aunt”) and denying a petition to rescind guardianship filed by the appellant Melanie Trainor (“the Mother”). For the reasons set forth below, this Court affirms the Family Court judgment.

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<sup>1</sup> The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

(2) On August 31, 2020, the Maternal Aunt filed an emergency petition for *ex parte* guardianship of the Mother's newly born child ("Younger Child"). The Maternal Aunt already had guardianship of the Mother's older child ("Older Child").<sup>2</sup> The Family Court granted the petition and scheduled a hearing for September 17, 2020.

(3) At the September 17, 2020 hearing, a Division of Family Services ("DFS") worker testified about the Mother's mental health issues and concerning behavior at the hospital after the Younger Child's birth. The worker further testified that the alleged father supported the Maternal Aunt having guardianship of the Younger Child. There was also testimony from the Maternal Aunt, who testified about her concerns regarding the Mother's mental health, and the Mother, who was unable to regulate her behavior during the hearing and made nonsensical statements. The Family Court found that the Younger Child would suffer immediate and irreparable harm if left in the Mother's care and granted temporary guardianship of the Younger Child to the Maternal Aunt. The Family Court also appointed counsel to represent the Mother.

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<sup>2</sup> In 2018, this Court affirmed the Family Court's denial of the Mother's petition to rescind the Maternal Aunt's guardianship of the Older Child. *Trainor v. Trainor*, 2018 WL 3599601, at \*1 (Del. July 25, 2018).

(4) At the request of the Mother's counsel, the Family Court granted a continuance of a hearing scheduled for January 20, 2021 pending the Mother's completion of a competency evaluation in a Family Court criminal proceeding. The Family Court rescheduled the hearing for May 26, 2021. In March 2021, the Mother's counsel filed a motion to withdraw. The Family Court scheduled a case management conference to address the motion and obtain an update on the competency evaluation.

(5) At the case management conference, the Family Counsel granted counsel's motion to withdraw. The Family Court subsequently obtained the results of the Mother's forensic mental health evaluation in the criminal proceeding. The evaluator diagnosed the Mother with Schizoaffective Disorder and concluded that she was not competent to stand trial in the criminal proceeding. Based on the mental health evaluation and the Mother's behavior in the guardianship proceedings, the Family Court found the Mother was not competent for purposes of the guardianship proceeding. The Family Court appointed legal counsel to represent the Mother in the guardianship proceeding and a guardian *ad litem* to represent the Mother's best interest in the guardianship proceeding. The Family Court granted a continuance of the May 26, 2021 hearing so that the Mother's new counsel could become familiar with the case.

(6) In February and May 2021, the Mother filed petitions to rescind the Maternal Aunt's guardianship of the Older Child. These filings were among many *pro se* petitions and motions that the Mother had filed since September 1, 2020. The Mother was also going to Family Court Intake Services several times a week, sometimes becoming so belligerent and incoherent that Capital Police had to escort her from the building.

(7) On May 24, 2021, the Family Court ordered that the Mother was prohibited from filing additional documents except through court-appointed counsel. The Family Court directed the Mother's counsel to review her previous filings and advise whether the court should consider any of them. The Mother's counsel requested dismissal of most of the Mother's filings. The Family Court scheduled a hearing on the Maternal Aunt's petition for guardianship and the Mother's petition to rescind guardianship for November 10, 2021. At the request of the Mother's counsel, the Family Court granted a continuance so that the Mother could continue mental health treatment.

(8) On February 14, 2022, the Family Court held a hearing on the guardianship petitions. The Family Court heard testimony from the Mother and the Maternal Aunt. On April 19, 2022, the Family Court issued a decision granting the Maternal Aunt's petition for guardianship and denying the Mother's petition to rescind guardianship.

(9) As to the Maternal Aunt's petition, the Family Court held that the Younger Child would be dependent in the Mother's care and that the best-interest factors, especially factors 3, 4, 5, 6, and 8, under 13 *Del. C.* § 722 weighed in favor of guardianship. The Family Court found that factors 3 (interaction and interrelation of the child with her family members) and 4 (the child adjustment's to her home and community) weighed in favor of the Maternal Aunt's petition because the Maternal Aunt had been the sole caregiver of the Young Child since her birth with the Mother only having supervised visitations when she could control herself. As to factor 6 (past and present compliance by both parents with their rights and responsibilities to the child), the Family Court found that this factor weighed in favor of the Maternal Aunt's petition because the Maternal Aunt had met the needs of the Younger Child without any contribution from the parents. The Family Court also found that factor 8 (the criminal history of any party or any resident of their household) weighed in favor of the Maternal Aunt's petition because the Mother had pending criminal charges from violations of a protection from abuse order that the Maternal Aunt had obtained against her. The Family Court gave the most weight to factor 5 (mental and physical health of all individuals involved), finding that the Mother's Schizoaffective Disorder diagnosis, history of hospitalization for psychotic symptoms, and occasional violent outbursts could endanger the Younger Child.

(10) As to the Mother’s petition, the Family Court held that the Mother had not met her burden of showing that the conditions making the guardianship necessary—the Mother’s significant mental health issues—had been addressed. The Family Court also found that the Older Child would be dependent in the Mother’s care. The Family Court granted the Mother weekly supervised visitation with both children with the Maternal Aunt having discretion to refuse visitation if the Mother appeared intoxicated or acted in an otherwise inappropriate or threatening manner. This appeal followed.

(11) In her filings in this Court, the Mother questions why the children are with the Maternal Aunt instead of her. Our review of the Family Court’s guardianship decision extends to the facts and the law.<sup>3</sup> To the extent the issues on appeal implicate rulings of law, we conduct a *de novo* review.<sup>4</sup> If the Family Court correctly applied the law, our review is limited to abuse of discretion.<sup>5</sup>

(12) Even assuming the Mother had the capacity to file this appeal,<sup>6</sup> we find it evident that the judgment below should be affirmed on the basis of and for the

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<sup>3</sup> *Charles v. Div. of Family Servs.*, 2012 WL 1434992, at \*1 (Del. Apr. 25, 2012) (citing *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979)).

<sup>4</sup> *In re Heller*, 669 A.2d 25, 29 (Del. 1995).

<sup>5</sup> *Jones v. Lang*, 591 A.2d 185, 186–87 (Del. 1991).

<sup>6</sup> See 10 Del. C. § 3923(a) (“Any person of the age of 18 years or older who is not otherwise incompetent may bring, file, prosecute, defend, litigate, settle, dismiss or otherwise compromise any action in law or in equity in any court without the interference or appointment of a guardian, guardian ad litem, next friend or other legal representative.”); *In re Palmer*, 2018 WL 566421, at \*1 (Del. Jan. 25, 2018) (dismissing appeal because the trial court’s adjudication of the appellant

reasons assigned by the Family Court in its April 19, 2022 order granting the Maternal Aunt's petition for guardianship and denying the Mother's petition to rescind guardianship. The Family Court correctly applied the law and did not abuse its discretion. We therefore affirm the Family Court's judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Chief Justice

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as incompetent rendered the appellant legally disabled to prosecute the case except through her court-appointed attorney *ad litem*).