

STATE OF MAINE

_____ County Probate Court

Docket No. _____

In Re: _____
Minor

JOINED PETITIONS: Appointment of Conservator and Guardian of Minor

1. Name, address and telephone number of petitioner:

2. Name and address of nominee to become guardian. (If same as item 1, enter "same".) State qualifications of the nominee and why said appointment would be in the best interest of the minor.

3. Date of birth of persons listed in item 2, and relationship of such person to the minor:

4. Name and legal residence of minor¹:

5. Date of birth of minor:

6. Current location of the minor (if same as item 4, enter "same"):

7. Name and addresses of all persons who must be notified and the relationship of each to the minor²:
(Indicate if waivers of notice have been or are to be filed.)

NAME	ADDRESS	RELATIONSHIP	WAIVERS
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8. Any person listed in item 7, other than the minor, may wave notice and hearing and agree to this appointment by signing here. This waiver does not apply to subsequent proceedings.

9. I, _____, being 14 years of age or older do hereby nominate _____ to be my Guardian and consent to his/her appointment as such without the necessity of hearing.³

Dated: _____

(signature of minor)

10. Is a temporary guardian required? YES _____ NO _____. If yes, state here the reasons why and the name and address of the suggested temporary guardian.⁴

11. State here the issues to be heard and indicate who may take a position contrary to that of petitioner.

12. Is appointment of an attorney for the indigent non-consenting parent or legal custodian required? YES _____ NO _____. If yes, state the reasons why.⁵

13. Has the nominee attached a child custody affidavit as required by 19-A MRSA § 1710⁶? YES _____ NO _____. If no, state when it will be filed.

14. Has the nominee attached an acceptance of appointment? YES _____ NO _____. If no, state when it will be filed.

15. State here the circumstances leading to this petition: (check where applicable)

____ (a) Both parents have died making no testamentary appointment. (Copies of death certificates are attached).

____ (b) Parental rights of custody have been terminated by a prior court order.⁷ (A certified copy of said order is attached).

____ (c) Parental rights of custody have been suspended by circumstances:⁷ Explain.

____ (d) A surviving parent(s) (has) (have) been adjudged incapacitated.⁸ Explain.

____ (e) A living situation has been created that is at least temporarily intolerable for the minor as follows⁹:

The proposed guardian will provide a living situation that is in the best interest of the minor. (A guardianship plan may be required.)

____ (f) Other, explain:

16. (a) Does the petitioner believe a limited guardianship is sufficient in this case? YES _____NO _____. If yes, explain in detail including a statement of proposed powers of guardian and the parental rights and responsibilities retained by the parent(s) of the minor:¹⁰
- (b) Does petitioner believe that the conservator's powers should be limited or expanded in any way? YES _____NO _____. If yes, include a statement of facts demonstrating why these specific powers are warranted.¹¹
17. Name, address, qualifications and priority of nominee to be conservator¹² (if same as item 1, so state):
18. Has nominee attached an acceptance of appointment as conservator? YES _____NO _____ If no, state when it will be filed.
19. Has the nominee attached a conservatorship plan?¹³ YES _____NO _____
20. Is a bond attached? YES _____NO _____. If no, explain why not. If a Court order is sought with respect to the type or amount of bond, state here all the particulars of the order sought and reasons therefor.¹⁴
21. Set forth a general description of the assets of the protected person, including estimated values and location by county. Include any benefits paid or anticipated from any governmental agency:

22. Is an interim Court order sought pursuant to 18-A MRSA § 5-408? YES _____ NO _____. If yes, set forth in detail the order sought and the reasons therefor. Attach a proposed order.
23. Is a temporary conservator required? YES _____ NO _____. If yes, state here the reason why and the name and address of the suggested temporary conservator. An affidavit setting forth the factual basis for the emergency and the specific powers requested is required.¹⁵
24. Is appointment of a (visitor/guardian ad litem/attorney) required? YES _____ NO _____. If yes, state here the reasons why:¹⁶

The petitioner believes that the appointment of a guardian and conservator for the above-named minor is necessary and desirable and is in the best interest of said minor. Petitioner requests that the Court determine that said minor is a person for whom appointment of a guardian and conservator is proper, make the appointments prayed for, and let letters of appointment issue to the guardian/conservator.

Date _____

Petitioner or Attorney

"Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name." See Rule 11.

Name, address and telephone of attorney for petitioner, if any

Attorneys appearing for other parties

Name of Attorney

Name of Party

Date filed _____

Hearing set in this Court for _____ at _____,
and notice sent or notice forms given to petitioner for service.¹⁷

Dated _____

Register of Probate

The Court hereby appoints _____ of _____

Temporary Guardian of _____
(name and address of minor)

to serve until _____ (not more than six months from appointment), and the reasons for this appointment are:

Dated _____

Judge of Probate

The Court hereby appoints _____ of _____

Temporary Conservator of _____
(name and address of minor)

to serve until _____ (not more than six months from appointment), and the reasons for this appointment are:

Dated _____

Judge of Probate

Interim order or protective arrangement granted on separate order date _____

Register of Probate

NOTE: A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay same for the welfare of the ward. See 18-A MRSA 5-209(b).

- 1 The address listed here or in item 6 must be in this county to establish venue. See 18-A MRSA §5-205.
- 2 The following must be notified:
 - (a) The minor if 14 or over who has not otherwise consented or waived notice;
 - (b) The person who has had principal care and custody of the minor during 60 days immediately preceding date of petition;
 - (c) Any living parent of minor;
 - (d) The director or chief executive officer of the institution where the minor may be present. See Rule 4(d)(1)(D) of the MRPP.
 - (e) Any governmental agency paying or planning to pay benefits to the minor. (i.e. Social Security Administration, Veteran's Administration, etc.) See 18-A MRSA §5-406. See 18-A MRSA §5-206.
- 4 See 18-A MRSA §5-207(c).
- 5 See 18-A MRSA §5-204 (c). In such a proceeding, the non-consenting parent or legal custodian is entitled to "court appointed" counsel if he does not consent to the petition and is indigent. (An affidavit if indigency must be filed.)
- 6 See 19-A MRSA §1710.
- 7 See 18-A MRSA §5-204.
- 8 See 18-A MRSA §5-202.
- 9 See 18-A MRSA §5-204(c).
- 10 See 18-A MRSA §5-105.
- 11 See 18-A MRSA §5-426.
- 12 See 18-A MRSA §5-410.
- 13 See 18-A §5-407(b). The plan must be filed at least 10 days before the hearing. See 18-A MRSA §5-407(d).
- 14 See 18-A MRSA §5-411 and §5-412.
- 15 See 18-A MRSA §5-408-16A(a).
- 16 See 18-A MRSA §5-207(d), § 1-403(4) and §5-408-A(a-1).
- 17 If all persons who must be notified either sign the petition or waive notice of the proceedings, no notices will be required. Otherwise, notice shall be served as required by statute or by Rule 4 of the MRPP. See 18-A MRSA §5-405. Persons wishing to waive notice to all subsequent proceedings should file Form N-107.
- 18 See 18-A MRSA §5-408-A(a).

MARP