

# STATE OF MAINE

\_\_\_\_\_ County Probate Court

\_\_\_\_\_ Location of Court

In Re: \_\_\_\_\_  
Incapacitated Person/Protected Person

Docket No. \_\_\_\_\_

## Adjudication of Incapacity and Appointment of Public Guardian and Public Conservator of Incapacitated Person/Protected Person

Upon hearing at which the above-named incapacitated person WAS/WAS NOT present, or after legal opportunity for hearing, the Court finds that a qualified agency has been presented to this Court to be appointed Public Guardian of the named person; that no suitable private guardian is available and willing to assume the responsibilities of guardianship; that venue is proper, that the required notices have been given or waived, that the named person is incapacitated; that if the named person did not attend the hearing, inquiry was made as to whether he/she wished to do so; that this appointment is necessary or desirable as a means of providing continuing care and supervision of the person of the incapacitated person, and that this appointment is necessitated by the named person's actual mental and adaptive limitations or other conditions, all as required by 18-A M.R.S. §5-304.

The Court hereby appoints \_\_\_\_\_  
whose address is \_\_\_\_\_  
as FULL/LIMITED Public Guardian of said \_\_\_\_\_

\_\_\_\_\_  
(Name and Address of Incapacitated Person)  
incapacitated person, and directs issuance of Letters of Guardianship to said Public Guardian.

If this is a LIMITED PUBLIC GUARDIANSHIP, the following limitations apply.<sup>1</sup>

The Court finds that these specific powers or limitations are necessitated by the incapacitated person's actual mental and adaptive limitations or other conditions for the following reasons:

The Public Guardian shall review the case of the above-named incapacitated person annually and a report of each review shall be filed with the court.<sup>2</sup>

The Court further finds that a qualified agency has petitioned for the appointment of a Public Conservator for the above-named protected person; no private conservator is available and willing to assume the responsibilities of conservatorship; that venue is proper; that the required notices have been given or waived; that the named person has assets requiring protective proceedings; that the named person is a person for whom appointment of a conservator is proper; that the agency hereby appointed has priority pursuant to 18-A M.R.S. §5-410; and that the appointment of a Public Conservator will be in the best interests of the protected person.

The Court hereby appoints \_\_\_\_\_  
whose address is \_\_\_\_\_  
as Public Conservator of the estate and affairs of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Name and Address of Protected Person)

protected person, and directs issuance of Letters of Public Conservatorship to said Public Conservator.

The statutory powers of the conservator are EXPANDED/LIMITED as follows:<sup>3</sup>

The Public Conservator shall file an inventory within 90 days according to law.<sup>4</sup>

The Public Conservator shall file annual accounts according to law.<sup>5</sup>

The Public Conservator shall review the case of the above-named protected person annually and a report of each review shall be filed with the Court.<sup>6</sup>

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of Probate

<sup>1</sup> See 18-A M.R.S. § 5-105

<sup>2</sup> See 18-A M.R.S. § 5-607(2)

<sup>3</sup> See 18-A M.R.S. §§ 5-424, 5-425 and 5-426

<sup>4</sup> See 18-A M.R.S. § 5-418

<sup>5</sup> See 18-A M.R.S. § 5-419

<sup>6</sup> See 18-A M.R.S. § 5-607(2)