

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

Estate of _____
Protected Person

PETITION FOR APPOINTMENT
OF CONSERVATOR

1. Name, address and telephone number of petitioner:
2. Relationship of petitioner to protected person or interest of petitioner in estate:¹
3. Name, address and qualifications and priority of nominee to be conservator:²
4. Name and residence address of protected person:
5. Date of birth of protected person:
6. Is the protected person a resident of the county? YES____ NO____. If not, state here the location of and description of protected person's property which is located in this county.³

7. Names and addresses of all persons who must be notified including the person to be protected and the relationship of each such person to the person to be protected:⁴ (Use separate sheet if necessary.) The following must be notified: the person to be protected, his spouse, domestic partner and all adult children; if no spouse, domestic partner or adult children, the person's parents or closest adult relative, or if none, a friend; any governmental agency paying or planning to pay benefits to the person to be protected; and the director or chief executive officer of the institution where the person to be protected resides.

NAME	ADDRESS	RELATIONSHIP
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8. Any person listed in item 7 other than the incapacitated person may waive notice and hearing and agree to this appointment by signing here:

9. Is a physician's and/or licensed psychologist's examination likely to be required? YES____ NO____. If yes, state name of examining physician and/or licensed psychologist and date, not later than 10 days before the hearing, when his written report is expected to be filed with this Court.⁵

10. Will the person to be protected attend the hearing?⁶ YES____ NO____. If no, state the reason why not..

11. Is the protected person currently represented by counsel? YES____ NO____. If yes, state name and address and telephone number of said counsel. If no, a Visitor or Guardian ad Litem will be appointed by the Court.⁷

12. Does the petitioner request that the person to be protected be served by the visitor?⁸ YES____ NO____.
13. Has the nominee attached acceptance of appointment? YES____ NO____. If no, state when it is to be filed.
14. Has the nominee attached a conservatorship plan?⁹ ____ Yes ____ No. If no, state when it is to be filed.
15. Is a bond attached? YES____ NO____. If not, explain why not. If a Court order is sought with respect to type of amount of bond, state here all particulars of the order sought and reasons therefor.¹⁰
16. State here any facts which should be brought to the Court's attention specifically including, in every case, the reason why the person sought to be protected is allegedly unable to manage his property and affairs effectively:¹¹
17. Set forth here a general description of the assets of the protected person with location by county and estimated values, including benefits being paid or anticipated from any governmental agency:
18. The petitioner believes that the conservator's powers should be as provided by law unless an expansion of limitation is requested here. State facts demonstrating why the protected person's actual mental and adaptive limitations or other conditions warrant this appointment. If expanded or limited powers are requested, include a statement of proposed powers of the conservator, together with a statement of facts demonstrating why the protected person's actual mental and adaptive limitations or other conditions warrant those specific powers.¹²
19. Is an interim Court order sought pursuant to 18-A MRSA § 5-408? YES____ NO____. If so, set forth in detail the order sought and the reasons therefore. Attach a proposed order.
20. Is a temporary conservator required? YES____ NO____. If yes, state here the reasons 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.¹³

NOTE: All reports and plans must be filed at least 10 days before any hearing on this petition.¹⁴

GUARDIANSHIP STATUS

Check one:

_____ 1. A petition for appointment of a guardian for the above-named person dated _____ was filed in the Probate Court in _____ or is filed simultaneously with this petition or is expected to be filed by _____ (name of expected petitioner).

_____ 2. No petition for guardianship for the above-named person has been filed and none is expected.

_____ 3. The person to be protected has a guardian whose name and address are:

_____ 4. Other, explain.

Wherefore petitioner requests that the Court determine that the above person is a person for whom appointment of a conservator is proper, make the appointment prayed for, and let letters of appointment issue to the conservator.

Dated _____

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, telephone number and Bar Registration
Number of attorney petitioner, if any.

Attorneys appearing for other parties
Name of attorney Name of party

¹ See 18-A MRSAS§§5-404 and 1-201 (20). Only persons specified in those sections may apply.
² See 18-A MRSAS § 5-410.
³ This item is required to establish venue. See 18-A MRSAS § 5-403.
⁴ The following must be notified: See 18-A MRSAS § 5-405(a).
(1) The person to be protected, his spouse, domestic partner and all adult children;
(2) If no spouse, domestic partner or adult children, the person’s parents or closest adult relative;
(3) If none of the above, an adult friend;
(4) Any governmental agency paying or planning to pay benefits to the person to be protected: (i.e. Social Security Administration, Veteran Administration) See 18-A MRSAS § 5-406.
(5) The director or chief executive officer of the institution where the person to be protected resides or is present. See Rule 4(d)(1)(2) of the MRPP.
⁵ Report submitted shall provide diagnoses, a description of the person’s actual mental and functional limitations and prognoses. Said report shall be filed at least 10 days prior to the hearing. See 18-A MRSAS § 5-407(b) and (d).
⁶ See 18-A MRSAS § 5-407(b).
⁷ See 18-A MRSAS § 5-407(b) and (b-1). Visitor, guardian ad litem, or attorney shall be appointed unless incapacitated person has counsel or will attend hearing or appointment will serve no useful purpose.
⁸ See 18-A MRSAS § 5-405(a).
⁹ See 18-A MRSAS § 5-407(b-2) and (d). The plan must be filed at least 10 days before hearing.
¹⁰ See 18-A MRSAS § 5-411 and 5-412.
¹¹ See 18-A MRSAS § 5-401.
¹² See 18-A MRSAS § 5-426, 5-408.
¹³ See 18-A MRSAS § 5-408-A.
¹⁴ See 18-A MRSAS §5-407(d).