

# STATE OF MAINE

\_\_\_\_\_ COUNTY PROBATE COURT

DOCKET NO. \_\_\_\_\_

In Re: \_\_\_\_\_

## **PETITION FOR INTERIM ORDER<sup>1</sup>**

1. Name, address and telephone number of petitioner:
  
2. Interest of petitioner:<sup>2</sup>
  
3. Name and residence address of the protected person:
  
4. Petitioner believes an interim order is required in this matter. The interim order would:<sup>3</sup> (Check where applicable)
  - a. Require a bond or other security
  - b. Require additional bond or security
  - c. Reduce the bond
  - d. Require accounting<sup>3</sup>
  - e. Instruct the conservator concerning his fiduciary responsibilities
  - f. Direct distribution
  - g. Enlarge the powers of the conservator<sup>4</sup>
  - h. Limit the powers of the conservator<sup>5</sup>
  - i. Grant the powers of a personal representative to the conservator<sup>6</sup>
  - m. Grant the following other relief:

5. The factual and legal basis for the required relief is as follows:

6. Is the protected person currently represented by counsel?  YES  NO. If yes, state name, address and telephone number of said counsel, as well as state what funds are available in the protected person's estate to pay the cost of said appointment.<sup>7</sup> If no, a Visitor or Guardian ad Litem will be appointed by the Court.

7. Names and addresses of all persons who must be notified, including the alleged incapacitated person and the relationship of each person to the alleged incapacitated person:<sup>8</sup> (Use separate sheet if necessary.) The following must be notified:

- (a) the person alleged to be incapacitated
- (b) the person's spouse, domestic partner, parents and all adult children;
- (c) any person currently serving as the person's guardian or conservator or who has the person's care and custody; and
- (d) if there are no persons to notify under (b) above, then the closest adult relative who can be found or, if no close adult relative can be found, an adult friend.

NAME

ADDRESS

RELATIONSHIP

WAIVERS

8. Wherefore, the petitioner prays that the Court grant the relief as stated in the attached draft Order.<sup>9</sup>

Under penalty of perjury, I the undersigned, state that all of the foregoing facts and statements are complete and accurate as far as I know or am informed.<sup>10</sup>

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

\_\_\_\_\_  
Petitioner or Attorney for Petitioner

\_\_\_\_\_  
“Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name.”  
See M.R.Prob.P. 11.

Name, address, telephone number and Bar Registration  
Number of Attorney for petitioner, if any:

Attorneys appearing for other  
parties, if any:

Name of Attorney

Name of Party

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> This petition can be used only when a conservator has already been appointed. See 18-A M.R.S. § 5-416.

<sup>2</sup> Any interested person as defined in 18-A M.R.S. § 1-201 (20), specifically including the conservator or protected person, may apply. See also § 5-416.

<sup>3</sup> Upon resignation or removal of the conservator, an accounting must be filed. Upon termination of the conservatorship, an accounting may be required at other times as the court may direct. See 18-A M.R.S. § 5-419.

<sup>4</sup> See 18-A M.R.S. § 5-426.

<sup>5</sup> See 18-A M.R.S. § 5-426

<sup>6</sup> See 18-A M.R.S. § 5-425 (c). Original letters of conservatorship need to be endorsed to note that the protected person is deceased and that the conservator has acquired all the powers and duties of a personal representative.

<sup>7</sup> See 18-A M.R.S. § 5-407 (b).

<sup>8</sup> Notice requirements are the same as for the same as for the initial conservatorship proceeding. See 18-A M.R.S. § 5-405 (a). If the proceeding refers to a bond, see § 5-412 (a)(3).

<sup>9</sup> Attach a draft order in a form acceptable for signature by the Court. The draft order is part of this petition and must be served with this petition on all persons entitled to notice.

<sup>10</sup> See 18-A M.R.S. § 1-310.