

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

In Re: _____
Respondent

ORDER ON PETITION FOR
APPOINTMENT OF EMERGENCY
CONSERVATOR

Upon Petition for appointment of Emergency Conservator, or upon Petition for appointment of Conservator, the Court finds:

1. Petitioner's Affidavit pursuant to 18-C M.R.S. § 5-413(3)(C) has been filed.
2. Notice pursuant to 18-C M.R.S. § 5-413(3) has been provided; **OR**
 Notice is not required on one or more parties for the following reason(s):¹
 - Giving notice to _____ would place the Respondent at substantial risk of abuse, neglect or exploitation;
 - Notice, if provided to _____, would not be effective; and/or
 - The Court determines that there is good cause not to provide notice to _____, as follows:

AND, Petitioner has stated the reasons why notice was not given in the Affidavit.

3. A hearing occurred on _____; **OR**
 Based on Petitioner's Affidavit or testimony, no hearing was held because Respondent's property or financial interests will be substantially and irreparably harmed before a hearing.²

4. The Court finds that (i) appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the respondent's property or financial interests; (ii) no other person appears to have authority and willingness to act in the circumstances; and (iii) there is reason to believe that a basis for appointment of a conservator under §5-401 may exist.

THEREFORE, IT IS ORDERED:

1. That _____ of _____
Name of Emergency Conservator Address

be and hereby is appointed Emergency Conservator of _____.
Name of Respondent

2. That the Emergency Conservator shall have the following powers and duties necessary to prevent substantial and irreparable harm to the Respondent's property or financial interests:

- To collect, hold, retain and maintain the assets of the Respondent.
- To receive additions to the Respondent's Estate.
- To pay the Respondent's ordinary and necessary bills associated with the Respondent's care and maintenance using Respondent's assets.
- Other, as follows:³

3. That the Emergency Conservator shall file a Report and Account with this Court at the hearing as the Court requires.

This appointment shall not exceed 60 days from the entry of this emergency Order. The Emergency Conservator's authority may be extended once for not more than 120 days.

Pursuant to M.R.Prob.P. 79(a) and at the specific direction of the Court, the Register shall enter on the docket that this Order is incorporated by reference.

Dated: _____

Judge of Probate

¹ 18-C M.R.S. § 5-413(3)(E) & (4).

² If the Court appoints an emergency conservator without notice and hearing, within 48 hours after the appointment, the Court must notify the Respondent, Respondent's attorney and other persons determined by the Court. If any person so notified by the Court objects to the appointment, the Court must hold a hearing within 14 days after receiving the objection. See 18-C M.R.S. § 5-413(4).

³ 18-C M.R.S. § 5-421.