

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

In Re: _____
Minor

ORDER OF APPOINTMENT OF
CONSERVATOR (MINOR)

On petition for the appointment of a conservator for the above-named Minor, and after hearing, the Court finds that venue for this proceeding is proper and that all notices were properly given or waived.¹

1. The Court finds by a preponderance of the evidence that²

The Minor owns money or property requiring management or protection that otherwise cannot be provided; OR

Appointment of a conservator is in the best interest of the Minor and, if the Minor has a parent, the Court has given weight to any recommendation of the Minor's parent whether an appointment is in the best interest of the Minor and either:

The Minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the Minor's age; OR

Appointment is necessary or desirable to obtain or provide money needed for the support, care, education, health or welfare of the Minor.

2. The Court hereby appoints the following person(s) as Conservator for the property and financial affairs of the Minor. Co-Conservators shall each serve immediately and shall make decisions jointly unless otherwise specified below:³

The person(s) hereby appointed has/have priority to serve, or the Court otherwise finds that such person(s) is/are best qualified to serve as Conservator or appointment of such person(s) is in the Minor's best interest.⁴

3. The Court hereby establishes a:

Full Conservatorship. The Conservator has all powers available under the Maine Uniform Guardianship, Conservatorship and Protective Proceedings Act.⁵ The Court finds that a limited conservatorship would not meet the identified needs of the Minor for the following reason(s):⁶

Limited Conservatorship. The property placed under the control of the Conservator and the powers granted to the Conservator are as follows:⁷

4. Unless otherwise ordered below, the Conservator must give notice to persons entitled to notice under 18-C M.R.S. § 5-403(4) and receive specific authorization by the Court before the Conservator may exercise with respect to the conservatorship the power to: (1) Except as provided in 18-C M.R.S. § 5-421(2)(Y), make gifts, except those of de minimis value; (2) Sell, encumber an interest in or surrender a lease to the primary dwelling of the Respondent; (3) Convey, release or disclaim contingent or expectant interests in property, including marital property and any right of survivorship incident to joint tenancy; (4) Exercise or release a power of appointment; (5) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the Respondent; (6) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value; (7) Exercise a right to an elective share in the estate of a deceased spouse or domestic partner of the Respondent or to renounce or disclaim a property interest (if applicable to the Minor); (8) Grant a creditor a priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the Respondent and preferential treatment otherwise would be impermissible under 18-C M.R.S. § 5-428(5); and (9) Make, modify, amend or revoke the will of the individual subject to conservatorship, with the conservator treated as the individual making, modifying, amending or revoking the will (if applicable to the Minor):⁸

5. The Court hereby appoints the following person(s) as successor Conservator to the Conservator(s) named in Paragraph 3 above:⁹

The successor Conservator shall serve upon the following future event:¹⁰

The successor Conservator hereby appointed succeeds to the predecessor Conservator's powers OR the Successor Conservator's powers shall be modified from those provided in Paragraph 4 and 5 above as follows:¹¹

6. Except as modified below, the Conservator shall provide notice and access to reports and plans as provided in 18-C M.R.S. § 5-411(5),(7).

The provision of notices and access to reports and plans provided in 18-C M.R.S. § 5-411(5) to one or more of the Minor's parents and/or adult siblings is not in the best interest of the Minor, as follows:¹²

The following additional person(s) is/are entitled to notices and to access to reports and plans as provided in 18-C M.R.S. § 5-411(5):

7. The Conservator shall furnish a PERSONAL/CORPORATE bond with surety in the amount of \$ _____ and/or an alternative asset-protection arrangement as follows:¹³

OR

No bond or alternative asset-protection arrangement is required because:

The estate is valued at less than \$50,000 and the Court does not otherwise find that a bond is required;¹⁴

Conservator is a regulated financial service institution qualified to do trust business in this state;¹⁵ or

A bond or other asset-protection arrangement is not necessary to protect the interests of the Minor for the following reason(s):¹⁶

8. The Conservator shall file an inventory with the Court within 90 days according to law.¹⁷

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. § 5-403.

² 18-C M.R.S. § 5-401(1).

³ Insert name and address of each conservator hereby appointed. The Court may appoint a co-conservator to serve immediately or when a designated future event occurs. 18-C M.R.S. § 5-110(1).

⁴ 18-C M.R.S. § 5-410(1)-(3).

⁵ 18-C M.R.S. § 5-102(8); 5-421.

⁶ 18-C M.R.S. § 5-411(1).

⁷ 18-C M.R.S. § 5-411(4).

⁸ 18-C M.R.S. § 5-414.

⁹ 18-C M.R.S. § 5-111.

¹⁰ 18-C M.R.S. § 5-111(3).

¹¹ 18-C M.R.S. § 5-111(4).

¹² 18-C M.R.S. § 5-411(6). Except as modified in this paragraph, the Respondent's spouse or domestic partner, if any, and adult children, if any, are entitled to the notices and to access to reports and plans provided in 18-C M.R.S. § 5-411(5).

¹³ 18-C M.R.S. § 5-416.

¹⁴ 18-C M.R.S. § 5-416(1).

¹⁵ 18-C M.R.S. § 5-416(3).

¹⁶ 18-C M.R.S. § 5-416(1).

¹⁷ 18-C M.R.S. § 5-420.