

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

In Re: _____
Respondent

JOINED PETITION FOR APPOINTMENT
OF GUARDIAN AND CONSERVATOR
 SUCCESSOR GUARDIAN AND
CONSERVATOR FOR ADULT

1. Full legal name, phone number, address and email address of Petitioner or Petitioners (designate both physical and mailing address, if applicable):

2. Relationship of each Petitioner to Respondent (i.e. individual for whom guardianship and conservatorship is sought) and the Petitioner's interest in the appointment:

3. Full legal name and address for each nominee to become guardian and conservator or successor guardian and conservator (If same as item 1, enter "same"):

4. Full legal name, address and current location of Respondent, as well as the address of the dwelling in which it is proposed the Respondent will reside if the Petition is granted (designate both physical and mailing addresses, if applicable):

5. Date of birth and age of the Respondent (approximate age if exact age is unknown):

6. Date of birth and relationship of each nominee to become guardian or conservator or successor guardian and conservator to the Respondent:

7. Names and addresses of all persons who must be notified, including the Respondent, as well as the relationship of each person to the Respondent¹ (Attach additional sheet, if necessary). The Respondent must be notified with a copy of this petition and notice of the hearing. The following must be notified of the hearing on this petition, if applicable: (a) spouse or domestic partner or, if no spouse or domestic partner, any adult with whom the Respondent has shared household responsibilities for more than 6 months in the 12-month period before filing the Petition; (b) all adult children or, if no adult children, each living parent and sibling of the Respondent or, if no adult children, parents or siblings, at least one adult nearest in kinship to the Respondent who can be found with reasonable diligence; (c) adult stepchildren whom the Respondent actively parented during the stepchildren's minor years and with whom the Respondent had an ongoing relationship within 2 years before filing of the Petition; (d) any person responsible for the care or custody of the Respondent; (e) any attorney for the Respondent; (f) the Representative Payee appointed by the U.S. Social Security Administration for the Respondent; (g) any guardian or conservator acting for the Respondent in Maine or any other jurisdiction; (h) any trustee or custodian of a trust or custodianship

8. Is a emergency guardian requested?² YES NO If yes, please provide name and address of the suggested emergency guardian. (Note: Petitioner must also file the Affidavit of Emergency Guardianship concurrently with this Petition setting forth the factual basis for the emergency, the specific powers requested and proof of notice pursuant to 18-C M.R.S. § 5-312(3)).

9. Is a emergency conservator requested?³ YES NO If yes, please provide name and address of the suggested emergency conservator. (Note: Petitioner must also file the Affidavit of Emergency Conservatorship concurrently with this Petition setting forth the factual basis for the emergency, the specific powers requested and proof of notice pursuant to 18-C M.R.S. § 5-413(3)).

10. Does Petitioner seek a limited or full guardianship? LIMITED FULL If full guardianship is sought, provide a description as to why limited guardianship or a protective arrangement instead of guardianship is inappropriate. If limited guardianship is sought, provide a list of the powers to be granted to the guardian.

11. Does Petitioner seek a limited or full conservatorship? LIMITED FULL If full conservatorship is sought, provide a description as to why limited conservatorship or a protective arrangement instead of conservatorship is inappropriate. If limited conservatorship is sought, provide a description of the property to be placed under the conservator's control and any other requested limitation on the authority of the conservator.

12. Provide a description of the following: (a) nature and extent of Respondent's alleged need for guardianship; (b) any protective arrangement or less restrictive alternatives that have been considered or implemented other than guardianship; (c) if no protective arrangements or less restrictive alternatives have been considered or implemented other than guardianship, the reason they have not been considered or implemented; and (d) the reason a protective arrangement or less restrictive alternatives are insufficient to meet the Respondent's alleged need:

13. Provide a description of the following: (a) nature and extent of Respondent's alleged need for conservatorship based on the Respondent's medical conditions, cognitive functioning, every day financial functioning and levels of supervision needed; (b) if the Petition alleges Respondent is missing, detained or unable to return to the United States, the relevant circumstances, including the time and nature of the disappearance or detention and any search or inquiry concerning the Respondent's whereabouts; (c) any protective arrangements instead of conservatorship or other less restrictive alternatives for meeting the Respondent's alleged need which have been considered or implemented; (d) if no protective arrangements or less restrictive alternatives other than conservatorship have been considered or implemented, the reason they have not been considered or implemented; and (e) the reason a protective arrangement or less restrictive alternatives other than conservatorship are insufficient to meet the Respondent's alleged need:

14. Provide a description of why each nominee guardian and conservator or successor guardian and conservator should be appointed.⁴

15. Is Respondent currently represented by an attorney? YES NO If yes, provide name and address of counsel.

16. Provide names and current addresses, if known, of any person with whom the Petitioner seeks to limit the Respondent's contact (if any):

| Name | Address |
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17. If the Respondent has property other than personal effects, provide a general statement of the Respondent's property with an estimate of its value, including any insurance or pension amounts, as well as the source and amount of any other anticipated income or receipts of the Respondent:

| <u>ASSET</u> | <u>ESTIMATED VALUE</u> |
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18. Does Respondent require an interpreter, translator or other form of support to communicate effectively with the Court or understand Court proceedings? YES NO

19. Has any nominee guardian or conservator or successor guardian and conservator been a debtor in a bankruptcy, insolvency or receivership proceeding?⁵ YES NO

20. Has any nominee guardian or conservator or successor guardian and conservator been convicted of any of the following: (a) a felony; (b) a crime involving dishonesty, neglect, violence or use of physical force; or (c) any other crime relevant to the functions the individual would assume as guardian or conservator?⁶ YES NO

The Petitioner believes that the Respondent lacks the ability to meet essential requirements for physical health, safety or self-care because: (1) the Respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance or supported decision making that provide adequate protection for the Respondent; (2) the Respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive means; and (3) the appointment is necessary or desirable as a means of enabling the Respondent to meet essential requirements for physical health, safety or self-care.

The Petitioner also believes that the Respondent lacks the ability to manage the Respondent's property or financial affairs because: (1) of a limitation in the ability to receive and evaluate information or make or communicate decisions even with the use of appropriate supportive services, technological assistance and supported decision making that provide adequate protection for the Respondent; or (2) the Respondent is missing, detained or unable to return to the United States. Petitioner believes that the appointment of a conservator is necessary to: (1) avoid harm to the adult or significant dissipation of the property of the Respondent; (2) obtain or provide money needed for the support care, education, health or welfare of the Respondent, or of an individual entitled to the

Respondent's support, and protection is necessary or desirable to obtain or provide money for that purpose; and (3) the Respondent's identified needs cannot be met by less restrictive alternatives.

Dated _____

Petitioner or Attorney for Petitioner

Co-Petitioner (if any)

Attorney (Required by Rule 11)

Attorney for Petitioner(s), if any:

Name

Address

Address

Phone Number

Maine Bar Number

Email Address

¹ 18-C M.R.S. §§ 5-302(B), 5-302(C), 5-402(2)(B) and 5-402(2)(C).

² 18-C M.R.S. § 5-312.

³ 18-C M.R.S. § 5-413.

⁴ 18-C M.R.S. § 5-310(2), (3) and §5-410(2), (3).

⁵ 18-C. M.R.S. § 5-117.

⁶ 18-C. M.R.S. § 5-117.

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