

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

In Re: _____
Respondent

ORDER ON PETITION FOR
APPOINTMENT OF:
 EMERGENCY GUARDIAN AND/OR
 EMERGENCY CONSERVATOR

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

1. That notice has been duly given (check where appropriate):

- A. Notice pursuant to 18-C M.R.S. § 5-312(3) has been provided and Petitioner's Affidavit pursuant to 18-C M.R.S. § 5-312(3)(c) has been filed;
- Notice pursuant to 18-C M.R.S. § 5-413(3) has been provided and Petitioner's Affidavit pursuant to 18-C M.R.S. § 5-413(3)(c) has been filed; **OR**
- B. Notice is not required¹ because:
- Giving notice would place the Respondent at substantial risk of harm, abuse, neglect or exploitation;
 - Notice, if provided, would not be effective; or
 - The Court determines that there is good cause not to provide notice, as follows:

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

2. A hearing occurred on _____, or, based on Petitioner's Affidavit or testimony, no hearing was held because:²

- Respondent will be substantially harmed before a hearing; and/or
- Respondent's property or financial interests will be substantially and irreparably harmed before a hearing.

3. A. With respect to the emergency guardianship petition, the Court finds that (i) appointment of a guardian is likely to prevent substantial harm to the adult's physical health, safety or welfare; (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 guardian under §5-301 may exist.

B. With respect to the emergency conservatorship petition, 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 Guardian Address

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

2. The Emergency Guardian shall have the following powers and duties necessary to address the emergency:

To have custody of the Respondent, to establish the Respondent's place of abode, and to place the Respondent in any hospital or other institution for care in the same manner as otherwise provided by law.

To make provisions for the care, comfort and maintenance of the Respondent and to take reasonable care of the Respondent's clothing, furniture, vehicles and other personal effects.

To give or withhold consents or approvals related to medical or other professional care, counsel, treatment or services of the Respondent.

Other, as follows³:

3. That _____ of _____
Name of Emergency Conservator Address

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

4. 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 follows⁴:

5. That the Emergency Guardian shall file with this Court a report of the Emergency Guardian's actions as Emergency Guardian hereof and shall file with this Court copies of all medical reports at the hearing, as may be required by the Court.

6. 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 Guardian's and/or 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. § 5-312(3)(E) & (4); and 18-C M.R.S. § 5-413(3)(E) & (4)

² If the Court appoints an emergency guardian or 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. §§ 5-312(4) and 5-513(4).

³ 18-C M.R.S. § 5-314.

⁴ 18-C M.R.S. § 5-421

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