

# STATE OF MAINE

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

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

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

PETITION FOR APPOINTMENT OF  
 CONSERVATOR  
 SUCCESSOR CONSERVATOR  
FOR ADULT

1. Full legal name and 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 conservatorship is sought) and the Petitioner's interest in the appointment:

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

4. Full legal name, address and current location of Respondent, including the address of the dwelling where Respondent will reside if this Petition is granted (designate both physical and mailing addresses, if applicable):

5. Age of the Respondent (approximate age if exact age is unknown):

6. Relationship to the Respondent of each nominee to become conservator or successor conservator:

7. Names and addresses of all persons who must be notified, including the Respondent, as well as the relationship of each person to the Respondent<sup>1</sup> (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 of which the Respondent is a beneficiary; (i) the U.S. Department of Veterans Affairs fiduciary for the Respondent;



8. Is an emergency conservator requested?<sup>2</sup> 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)).

9. 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.

10. Provide a description of the following: (a) nature and extent of Respondent's alleged need 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 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 are insufficient to meet the Respondent's alleged need:

11. Provide a description of why each nominee conservator or successor conservator should be appointed.<sup>3</sup>

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

13. 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>

14. Does Respondent require an interpreter, translator or other form of support to communicate effectively with the Court or understand Court proceedings? YES  NO

15. Has any nominee conservator or successor conservator been a debtor in a bankruptcy, insolvency or receivership proceeding?<sup>4</sup> YES  NO

16. Has any nominee conservator or successor 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 conservator?<sup>5</sup> YES  NO

The Petitioner 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

\_\_\_\_\_  
<sup>1</sup> 18-C M.R.S. § 5-402(2)(B) and 5-402(2)(C).

<sup>2</sup> 18-C M.R.S. § 5-413.

<sup>3</sup> 18-C M.R.S. § 5-410(2), (3).

<sup>4</sup> 18-C M.R.S. § 5-117.

<sup>5</sup> 18-C M.R.S. § 5-117.

MARP