

# STATE OF MAINE

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

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

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

ORDER FOR PROTECTIVE  
ARRANGEMENT(S)

Upon  petition for a guardianship for the Respondent;<sup>1</sup>  petition for a conservatorship for the Respondent;<sup>2</sup>  joint petitions for guardianship and conservatorship for the Respondent;  petition for one or more protective arrangements instead of guardianship and/or conservatorship,<sup>3</sup> and after hearing, the Court finds that (1) venue for this proceeding is proper; (2) by clear and convincing evidence that the Respondent was given proper notice of the hearing on the petition;<sup>4</sup> and (3) that all other notices were properly given or waived.<sup>5</sup>

Protective Arrangement Instead of Guardianship:

1. The Court finds by clear and convincing evidence that

- a. The Respondent lacks the ability to meet essential requirements for physical health, safety or self-care because the Respondent is unable to receive and evaluate information or make or communicate decisions, after the Court's consideration of the Respondent's ability to use appropriate supportive services, technological assistance or supported decision making that provides adequate protection for the Respondent;

AND

- b. The Respondent's identified needs cannot be met by less restrictive alternatives that provide adequate protection for the Respondent.<sup>6</sup>

2. The Court hereby makes the following Protective Arrangement instead of appointing a guardian for the Respondent:<sup>7</sup>

Protective Arrangement Instead of Conservatorship:

1. The Court finds

a. By clear and convincing evidence that

Respondent is unable to manage property or financial affairs because of a limitation in the ability 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, OR

the Respondent is missing, detained or unable to return to the United States;

AND

b. By a preponderance of the evidence that

The Respondent has property likely to be wasted or dissipated unless management is provided; OR

An order for Protective Arrangement other than Conservatorship is necessary or desirable to obtain or provide money needed for the support, care, education, health or welfare of the Respondent or an individual who is entitled to the Respondent's support and protection;

AND

c. The Respondent's identified needs cannot be met by less restrictive alternatives.<sup>8</sup>

2. The Court hereby makes the following Protective Arrangement instead of appointing a conservator for the Respondent:<sup>9</sup>

Order to Restrict Access:<sup>10</sup>

1. The Court finds by clear and convincing evidence that \_\_\_\_\_:  
(Name of individual)

Through fraud, coercion, duress or the use of deception and control, caused or attempted to cause harm to the Respondent or the Respondent's property; OR

Poses a significant risk of harm to the Respondent or the Respondent's property.

2. The Court hereby orders that access to the Respondent or the Respondent's property by \_\_\_\_\_,  
(Name of Restricted Individual), is restricted as follows:

The Court shall give notice of this Order to the Respondent, a person whose access to the Respondent is restricted by this Order, and any other person as the Court determines.<sup>11</sup>

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

<sup>1</sup> 18-C M.R.S. § 5-501(1)(A).

<sup>2</sup> 18-C M.R.S. § 5-501(1)(B).

<sup>3</sup> 18-C M.R.S. § 5-501(2),(3).

<sup>4</sup> 18-C M.R.S. § 5-505(2); see also 18-C M.R.S. §§ 5-310(1), 5-303(2); 5-411(2)(B), 5-403(2).

<sup>5</sup> 18-C M.R.S. § 5-505(3); see also 18-C M.R.S. § 5-303(3); 5-403(3).

<sup>6</sup> 18-C M.R.S. § 5-502(1).

<sup>7</sup> 18-C M.R.S. § 5-502(2).

<sup>8</sup> 18-C M.R.S. § 5-503(1).

<sup>9</sup> 18-C M.R.S. § 5-503(3).

<sup>10</sup> 18-C M.R.S. § 5-503(4).

<sup>11</sup> 18-C M.R.S. § 5-510.