

STATE OF MAINE

PROBATE COURT

County: _____

Docket No. _____

DISTRICT COURT

Location: _____

Docket No. _____

IN RE: _____
(Minor Name)

ORDER OF APPOINTMENT OF
GUARDIAN OF MINOR
AND FINDINGS OF FACT
AND CONCLUSIONS OF LAW
 Interim Final
18-C M.R.S. §§ 5-204 - 5-211

By agreement of the parties after a final hearing, the Court finds that a suitable person has been presented to be appointed guardian of the above-named minor, that venue is proper, that the required notices have been given or waived, and that the requirements of 18-C M.R.S. §§ 5-204 and 5-205 have been met. In addition, the Court finds that the appointment is in the best interest of the minor, as set forth below.

The Court hereby appoints the following person as guardian:

Name: _____

Address: _____

The Court hereby appoints the following person as co-guardian:

Name: _____

Address: _____

If co-guardians are appointed, they shall act jointly and severally, unless limited as follows:

The Court hereby directs issuance of Letters of Guardianship to said guardian(s) and finds as follows:

1. REASON(S) FOR APPOINTMENT (check all that apply):

- The following parent(s) consent _____;
- All parental rights have been terminated;
- The following parents are unwilling or unable to exercise their parental rights, as set forth in the attached findings and conclusions _____; or
- All parents are deceased.

2. DUTIES AND RESPONSIBILITIES OF GUARDIAN

Except as limited by this order of appointment, the guardian of the minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, and welfare. A guardian shall act at all times in the best interest of the minor and shall exercise reasonable care, diligence, and prudence. The guardian shall also:

- A. Become or remain personally acquainted with the minor and maintain sufficient contact with the minor to know of the minor's capacities, limitations, needs, opportunities, and physical and mental health;
- B. Take reasonable care of the minor's personal effects and bring a protective proceeding if necessary to protect other property of the minor;

- C. Expend money of the minor that has been received by the guardian exclusively for the minor's support, care, education, health, and welfare;
- D. Conserve any excess money of the minor for the minor's future needs, but if a conservator has been appointed for the estate of the minor, the guardian shall pay the money at least quarterly to the conservator to be conserved for the minor's future needs;
- E. Report the condition of the minor and account for money and other assets in the guardian's possession or subject to the guardian's control, as ordered by the court on application of any person interested in the minor's welfare or as required by court rule;
- F. Inform the court of any change in the minor's custodial dwelling or address; and
- G. Other: _____

3. LIMITATIONS OF APPOINTMENT

Other than the rights and responsibilities retained by the parents as specified below, the order of appointment of guardian is limited in the following way(s):

4. REPORTING ON THE STATUS OF MINOR

The guardian(s) is required to submit regular status reports about the minor, to be submitted under oath or affirmation to the court and served on the parent(s) and guardian ad litem, if still active, on an annual basis or as follows: _____

The status report shall be filed using form GS-014 and shall include the following information contained in 18-C M.R.S. § 5-207(3)(A)(1)-(10).

5. RIGHTS AND RESPONSIBILITIES RETAINED BY PARENT(S)

The parent(s) of the minor does not retain any rights and responsibilities; OR
 The parent(s) of the minor retains rights and responsibilities as follows:

A. Parent-Child Contact.

The parent(s) shall have contact with the minor as follows:

Conditions on such contact are as follows:

The court finds that denial of parent-child contact with the following parent(s) is necessary to protect the physical safety or emotional well-being of the minor:

B. Access to records and information regarding the minor as provided for under 19-A M.R.S. § 1653(2)(D)(4) with regard to the following parent(s): _____

6. CHILD SUPPORT

A. There is an existing administrative or court child support order involving the minor child.
Court docket number or administrative order number, if known: _____
The effect of this guardianship appointment on that existing child support order is as follows

B. There are no existing administrative or court child support orders involving the minor child.
 A child support order is attached to this Appointment and incorporated by reference; **OR**
 The Court declines to issue a child support order at the time of this Appointment or reserves the issue of support for a further court order.

7. DURATION OF APPOINTMENT

Based on the parties' agreement, the appointment remains in place until the following date and/or the occurrence of the following event:

The appointment remains in place until the minor reaches the age of majority, or upon the minor's death, adoption, emancipation, or marriage, unless modified or terminated by further order of the court.

Other: _____

8. TRANSITIONAL ARRANGEMENT

The order regarding transitional arrangement for minor is attached to this Appointment and incorporated by reference.

THE COURT ALSO HEREBY MAKES THE FINDINGS AND CONCLUSIONS ATTACHED, WHICH ARE INCORPORATED HEREIN.

The Indian Child Welfare Act applies to this case and the Court has also included required findings pursuant to 25 U.S.C §§ 1901-1963 and 22 M.R.S. §§ 3941-3955.

This Order is incorporated into the docket by reference at the specific direction of the court pursuant to M.R. Prob. P. 79(a) / M.R. Civ. P. 79(a).

Dated: _____

Judge, Probate Court / District Court

NOTICE TO PARTIES:

Parties may appeal the Final Order of Appointment of Guardian by following the procedure found in M.R. App. P. 2A, and filing a notice of appeal within 21 days after the date the Order is entered in the court's docket. If no timely appeal is filed, parties are deemed to have waived their right to appeal, and the Final Order of Appointment of Guardian shall become final.

WARNING:

The court has authority to hold a hearing and find that a party has violated the Order, to find a party in contempt, and to order relief to the other party for the violations or contempt.

Modification of Guardianship Order

A guardian of a minor, a parent of a minor, a person interested in the welfare of a minor, or the minor, if 14 years of age or older, may file a motion asking the court to modify the terms of this Order. The motion must be filed with the court and served on all parties entitled to notice. Unless the motion specifies that it is filed with the consent of all parties entitled to notice, the

matter must be set for hearing to determine whether there has been a substantial change in circumstances necessitating modification of the Order and how the court should modify the Order in furtherance of the best interest of the minor and the parents' rights.

Termination of Guardianship Order and Appointment of Guardian

A guardianship of a minor terminates upon the minor's death, adoption, emancipation, marriage, attainment of majority, or as ordered by the court set forth above. If an individual wishes to terminate a guardianship order before one of these events, that person must file a petition to terminate the guardianship. The court may not terminate the guardianship in the absence of the guardian's consent unless the court finds by a preponderance of the evidence that the termination is in the best interest of the minor. The petitioner has the burden of showing by a preponderance of the evidence that termination of the guardianship is in the best interest of the minor. If the court does not terminate the guardianship, the court may dismiss subsequent petitions for termination of the guardianship unless there has been a substantial change of circumstances.

A parent may bring a petition to terminate the guardianship of a minor. A parent's notification to the court of the revocation of prior consent for guardianship must be considered a petition to terminate the guardianship. Before the court may apply the termination requirements in the paragraph above, a party opposing a parent's petition to terminate a guardianship bears the burden of proving by clear and convincing evidence that the parent seeking to terminate the guardianship is currently unfit to regain custody of the minor, in accordance with 18-C M.R.S. § 5-204(2)(C). If the party opposing termination of the guardianship fails to meet its burden of proof on the question of the parent's fitness to regain custody, the court shall terminate the guardianship and make any further order that may be appropriate. In a contested action, the court may appoint counsel for the minor or for any indigent guardian or parent. In ruling on a petition to terminate a guardianship, the court may modify the terms of the guardianship or order transitional arrangements pursuant to 18-C M.R.S. § 5-211.

The appointment of a guardian terminates upon the death, resignation, or removal of the guardianship or upon termination of the guardianship. A minor, if 14 years of age or older, a parent of the minor, or a person interested in the welfare of the minor may petition for removal of a guardian on the ground that removal would be in the best interest of the minor or for other good cause. A guardian may petition for permission to resign. A petition for removal or permission to resign may include a request for appointment of a successor guardian.

