STATE OF MAINE

PROBATE COURT
County: _____
Docket No. _____

DISTRICT COURT
Location: _____
Docket No. _____

IN RE: _____
(Minor Name)

MOTION FOR APPOINTMENT OF GUARDIAN OF MINOR ON AN EMERGENCY BASIS
18-C M.R.S. § 5-204(4)

PLEASE NOTE: A Motion for Appointment Guardian on an Emergency Basis may be filed only with a Petition to Appoint Guardian of Minor (GS-001).

1. Petitioner Name: _____

2. Co-Petitioner Name: _____

3. Minor Name: _____

4. Proposed Guardian Name: _____

5. Proposed Co-Guardian Name (if applicable):_____

6. Proposed Guardian(s) Relationship to Minor: _____

7. The court may appoint an emergency guardian for a minor if waiting for an appointment of a guardian will likely result in substantial harm to the minor's health or safety and when no other person appears to have authority to act in the circumstances. Please describe the specific reasons why an emergency guardianship is necessary:

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Please attach an additional page if necessary.

8. Notice of Hearing

Reasonable notice of the time and place of the hearing on this petition must be given to: 1) the minor (if the minor is at least 14 years old); 2) each living parent of the minor; 3) anyone else having care or custody of the minor, and 4) the applicable Indian tribe if petitioner knows, or has reason to know, that this case involves an Indian child pursuant to the Indian Child Welfare Act. However, the court can appoint an emergency guardian before holding a hearing, and before petitioners provide notice to the above individuals, if waiting for a hearing could result in substantial harm to the minor. 18-C M.R.S. § 5-204(4).

Will the minor in this case be substantially harmed if the court does not appoint an emergency guardian without notice to the above individuals before a hearing can be held on this motion?

☐ Yes ☐ No. *If yes, please describe why below:*

_____

_____

_____

_____

_____

Please attach an additional page if necessary.

WHEREFORE, the Petitioner requests that this court:

1. Appoint an emergency guardian for the minor for a term not to exceed 90 days;
2. ☐ Appoint the emergency guardian without first requiring notice of the hearing on this motion.

For District Court filings only:

☐ I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to $5,000 if I give false information to the court.

_____

Signature of Petitioner
Date: _____
Name: _____
Address: _____
_____
Phone Number: _____
Email: _____

_____

Signature of Co-Petitioner
Date: _____
Name: _____
Address:_____
_____
Phone Number: _____
Email: _____

Attorney for Petitioner(s), if any:

_____
Signature of Attorney and Maine Bar Registration Number
Date: _____
Name: _____
Address:_____
_____
Phone Number: _____
Email: _____

STATE OF MAINE

_____ COUNTY

Personally appeared the above named, _____ and _____, and made oath that the foregoing statements are true under penalty of perjury.

Before me,

Date: _____

_____
Attorney at Law / Notary Public / Register / Clerk