

STATE OF MAINE

PROBATE COURT

County: _____

Docket No. _____

DISTRICT COURT

Location: _____

Docket No. _____

IN RE: _____
(Minor Name)

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

The Court hereby finds that the standard procedure appointing a guardian of a minor in this matter will likely result in substantial harm and that no other person appears to have authority to act on behalf of the minor and:

- 1. Makes this appointment without providing notice to the required parties because the Court finds the minor will be substantially harmed before a hearing can be held on the Motion for Appointment of Guardian of Minor on an Emergency Basis. The Court will hold a hearing on the date listed on the Order Setting Hearing. The hearing will be held within 14 days, but no sooner than 7 days, after issuance of this Order, except that a parent may request that the hearing take place sooner.
- Makes this appointment after notice and hearing on the Motion for Appointment of Guardian of Minor on an Emergency Basis by agreement of the parties after a hearing.

2. THE COURT HEREBY APPOINTS

Name	Address
as guardian on an emergency basis, and	

Name	Address
as co-guardian on an emergency basis (if applicable) for:	

Minor's Name	Date of Birth
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3. DUTIES AND RESPONSIBILITIES

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 needs;
- B. Take reasonable care of the minor's personal effects and bring a protective proceeding if necessary to protect 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 changes in the minor's custodial dwelling or address; and/or

G. Other: _____

4. **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):

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 judicial child support order involving the minor child.

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Effect of this guardianship appointment on that existing child support order: _____

B. There are no child support orders involving the minor presently in effect through judicial or administrative proceedings.

A child support order attached to this Appointment and incorporated by reference; OR

The Court declines to issue a child support order at the time of this appointment and reserves the issue of support for a further court order.

- 7. This Order Appointing Guardian of Minor on an Emergency Basis shall last:
 - 90 days from date of this order;
 - Until: _____ (*may not exceed 90 days from date of this order*).

- 8. The Indian Child Welfare Act applies to this case and the Court has attached and incorporated 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