

# STATE OF MAINE

\_\_\_\_\_ County Probate Court

Docket No. \_\_\_\_\_

In Re: \_\_\_\_\_  
Minor

Petition for Appointment  
of Guardian of Minor

1. Name, address and telephone number of petitioner:
  
2. Name, address and telephone number of person to be nominated as guardian (if same as item 1, enter "same"):
  
3. Birth date of person to be nominated as guardian:
  
4. Relationship of nominated guardian to the minor:
  
5. Name and legal residence address of minor:<sup>1</sup>
  
6. Current location of minor (If same as item 5, enter "same"):
  
7. Birth date of minor:
  
8. These are facts that support the need for a guardian:
  
  
9. Is there any person who may disagree with your opinion of the facts? YES \_\_\_\_ NO \_\_\_\_  
If yes, explain:
  
  
10. Has the person to be nominated/petitioner attached a child custody affidavit as required by 19-A M.R.S. § 1753?  
YES \_\_\_\_ NO \_\_\_\_

11. Does the petitioner believe a limited guardianship is sufficient in this case? YES \_\_\_ NO \_\_\_.  
If yes, explain in detail proposed powers of the guardian and the parental rights and responsibilities retained by the minor's parent(s):<sup>2</sup>

12. Names and addresses and telephone numbers of all persons who must be notified and relationship of each such person to the minor.<sup>3</sup> (Indicate if waivers of notice have been or are to be filed). The following must be notified:

- the minor if 14 or over who has not otherwise consented or waived notice;
- the person who has had principal care and custody of the minor during 60 days immediately preceding date of petition;
- any living parent of minor; and
- any other interested party as directed by the Judge of Probate.

NAME	ADDRESS AND TELEPHONE NUMBER	RELATIONSHIP	WAIVERS
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13. Which of these statements are true?:

\_\_\_\_\_ (a) Each parent with parental rights or legal custodian consent(s) to the guardianship and the guardianship is in the best interest of the child.<sup>4</sup>

\_\_\_\_\_ (b) A court has terminated or suspended all parental rights. (A certified copy of that Order is attached)<sup>5</sup>

\_\_\_\_\_ (c) All parental rights of custody have been terminated or suspended by circumstances:

Explain.<sup>6</sup>

\_\_\_\_\_ (d) A court or other legal authority has determined that one or both surviving parents are incapacitated.

Explain.<sup>7</sup>

\_\_\_\_\_ (e) The minor is faced with an intolerable living situation. Explain.<sup>8</sup>

\_\_\_\_\_ (f) Both parents have died without appointing a guardian for the child. Attach copies of death certificates.

\_\_\_\_\_ (g) There is a de facto guardian whose name and address is: .<sup>9</sup>

15. NOMINATION AND CONSENT OF MINOR. I, \_\_\_\_\_,  
being 14 years of age or older do hereby nominate \_\_\_\_\_

\_\_\_\_\_ to be my guardian and consent to his/her appointment as such without the necessity of hearing.<sup>10</sup>

Dated: \_\_\_\_\_  
\_\_\_\_\_ (signature of minor)

The petitioner believes that the appointment of a guardian for the above-named minor is necessary and desirable and is in the minor's best interest. Petitioner requests the Court to:

- determine that appointment of a guardian for this minor is proper;
- make the requested appointment; and
- issue letters of appointment to the guardian.

Dated: \_\_\_\_\_  
\_\_\_\_\_ Petitioner or Attorney

\_\_\_\_\_  
"Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name." See Rule 11.

Name, address, telephone and Maine Bar Registration  
Number of attorney of petitioner, if any:

Attorneys appearing for other parties  
Name of Attorney Name of Party

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MARP

<sup>1</sup> The address listed here or in item 6 must be in this county to establish venue. See 18-A MRSA § 5-205.

<sup>2</sup> See 18-A M.R.S. § 5-105

<sup>3</sup> See M.R.S. §5-207 - The following must be notified:

- (a) The minor if 14 or over who has not otherwise consented or waived notice;
- (b) The person who has had principal care and custody of the minor during 60 days immediately preceding date of petition;
- (c) Any living parent of minor;
- (d) Any other interested party as directed by the Judge of Probate.

<sup>4</sup> See 18-A M.R.S. § 5-204(b)

<sup>5</sup> See 18-A M.R.S. § 5-204(a)

<sup>6</sup> See 18-A M.R.S. § 5-204(a)

<sup>7</sup> See 18-A M.R.S. § 5-202

<sup>8</sup> See 18-A M.R.S. § 5-204(c)

<sup>9</sup> See 18-A M.R.S. § 5-204(d), § 5-101(1-B) and §5-101 (1-C).

<sup>10</sup> See 18-A M.R.S. § 5-206.