

TITLE 18-C
PROBATE CODE

ARTICLE 5
MAINE UNIFORM GUARDIANSHIP, CONSERVATORSHIP AND PROTECTIVE
PROCEEDINGS

PART 3
GUARDIANSHIP OF ADULT

§5-305. Appointment and role of attorney for adult

1. Appointment of attorney required. The court shall appoint an attorney to represent the respondent in a proceeding on a petition under section 5-302 if:

- A. Requested by the respondent;
- B. Recommended by the visitor;
- C. The court determines that the respondent needs representation; or
- D. It comes to the court's attention that the respondent wishes to contest any aspect of the proceeding or to seek any limitation on the proposed guardian's powers.

2. Duties of attorney. An attorney representing the respondent in a proceeding on a petition under section 5-302 shall:

- A. Make reasonable efforts to ascertain the respondent's wishes;
- B. Advocate for the respondent's wishes to the extent reasonably ascertainable; and
- C. If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive option in type, duration and scope, consistent with the respondent's interests.

PART 4
CONSERVATORSHIP

§5-406. Appointment and role of attorney

1. Attorney for respondent. The court shall appoint an attorney to represent a respondent in a proceeding on a petition under section 5-402 if:

- A. Requested by the respondent;
- B. Recommended by the visitor;
- C. The court determines that the respondent needs representation; or
- D. It comes to the court's attention that the respondent wishes to contest any aspect of the proceeding or to seek any limitation on the proposed conservator's powers.

2. Duties of attorney. The attorney representing the respondent in a proceeding on a petition under section 5-402 shall:

- A. Make reasonable efforts to ascertain the respondent's wishes;
- B. Advocate for the respondent's wishes to the extent reasonably ascertainable; and

Sec. 1 repeals and replaces §5-305, sub-§1

Sec. 2 repeals and replaces §5-406, sub-§1

C. If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive option in type, duration and scope, consistent with the respondent's interests.

3. Attorney for parent of minor. The court may appoint an attorney to represent a parent of a minor who is the subject of a proceeding on a petition under section 5-402 if:

- A. The parent objects to appointment of a conservator;
- B. The court determines that counsel is needed to ensure that consent to appointment of a conservator is informed; or
- C. The court otherwise determines the parent needs representation.

**PART 5
OTHER PROTECTIVE ARRANGEMENTS**

§5-507. Appointment and role of attorney

Sec. 3 repeals and replaces §5-507, sub-§1

1. Appointment of attorney. The court shall appoint an attorney to represent the respondent in a proceeding under this Part if:

- A. Requested by the respondent;
- B. Recommended by the visitor;
- C. The court determines that the respondent needs representation; or
- D. It comes to the court's attention that the respondent wishes to contest any aspect of the proceeding or to seek any limitations on the protective arrangement.

2. Attorney's duties. An attorney representing the respondent in a proceeding under this Part shall:

- A. Make reasonable efforts to ascertain the respondent's wishes;
- B. Advocate for the respondent's wishes to the extent reasonably ascertainable; and
- C. If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive option in type, duration and scope, consistent with the respondent's interests.

3. Attorney for parent of minor. The court shall appoint an attorney to represent a parent of a minor who is the subject of a proceeding under this Part if:

- A. The parent objects to the entry of an order for a protective arrangement or protective arrangements instead of guardianship or conservatorship;
- B. The court determines that counsel is needed to ensure that consent to the entry of an order for one or more protective arrangements is informed; or
- C. The court otherwise determines the parent needs representation.

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