

§5-506. Appointment of visitor

1. Petition for protective arrangement. On receipt of a petition for one or more protective arrangements instead of guardianship under section 5-501, the court shall appoint a visitor. A visitor appointed under this subsection must be an individual having training or experience in the type of abilities, limitations and needs alleged in the petition.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Protective order for minor. On receipt of a petition for a protective order instead of conservatorship for a minor under section 5-501, the court may appoint a visitor to investigate a matter related to the petition or to inform the respondent or a parent of the respondent about the petition or a related matter.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Protective order for adult. On receipt of a petition for a protective order instead of conservatorship for an adult under section 5-501, the court shall appoint a visitor unless the respondent is represented by an attorney.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

4. Visitor's duties. A visitor appointed under subsection 1 or 3 shall interview the respondent in person and, in a manner the respondent is best able to understand:

A. Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding, and the respondent's rights at the hearing; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. Determine the respondent's views, preferences and values with respect to the order sought; [PL 2019, c. 417, Pt. A, §89 (AMD).]

C. Inform the respondent of the respondent's right to employ and consult with an attorney at the respondent's expense and the right to request a court-appointed attorney; and [PL 2019, c. 417, Pt. A, §89 (AMD).]

D. Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets. [PL 2019, c. 417, Pt. A, §89 (AMD).]

E. [PL 2019, c. 417, Pt. A, §90 (RP).]

F. [PL 2019, c. 417, Pt. A, §90 (RP).]

G. [PL 2019, c. 417, Pt. A, §90 (RP).]

H. [PL 2019, c. 417, Pt. A, §90 (RP).]

[PL 2019, c. 417, Pt. A, §§89, 90 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

4-A. Additional visitor duties. In addition to the duties imposed by subsection 4, the visitor shall perform any duties that the court directs, which may include:

A. Visiting the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted; [PL 2019, c. 417, Pt. A, §91 (NEW).]

B. Obtaining information from any physician or other person known to have treated, advised or assessed the respondent's relevant physical or mental condition; [PL 2019, c. 417, Pt. A, §91 (NEW).]

C. Reviewing financial records of the respondent if relevant to the visitor's recommendation; and [PL 2019, c. 417, Pt. A, §91 (NEW).]

D. Investigating the allegations in the petition and any other matter relating to the petition as the court directs. [PL 2019, c. 417, Pt. A, §91 (NEW).]

[PL 2019, c. 417, Pt. A, §91 (NEW).]

5. Report. A visitor under this section promptly shall file a report in a record with the court, which, in addition to reporting on the additional visitor duties directed by the court under subsection 4-A, must include:

A. A recommendation whether an attorney should be appointed to represent the respondent; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. To the extent relevant to the order sought, a summary of self-care, independent living tasks and financial management tasks the respondent can manage without assistance or with existing supports or could manage with the assistance of appropriate supportive services, technological assistance or supported decision making that provides adequate protections for the respondent; [PL 2019, c. 417, Pt. A, §92 (AMD).]

B-1. To the extent relevant to the order sought, a summary of the respondent's medical conditions, cognitive functioning, everyday functioning, values and preferences, risks and levels of supervision needed and any means to enhance the respondent's capacity; [PL 2019, c. 417, Pt. A, §92 (NEW).]

C. Recommendations regarding the appropriateness of the protective arrangement sought and whether less restrictive alternatives for meeting the respondent's needs are available that provide adequate protections for the respondent; [PL 2019, c. 417, Pt. A, §92 (AMD).]

D. If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

E. A recommendation whether a professional evaluation under section 5-508 is necessary; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

F. A statement whether the respondent is able to attend a hearing at the location court proceedings typically are conducted; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

F-1. A statement whether the respondent wishes to attend a hearing under paragraph F, after being informed of the right to attend the hearing, the purposes of the hearing and the potential consequences of failing to attend the hearing; [PL 2019, c. 417, Pt. A, §92 (NEW).]

G. A statement whether the respondent is able to participate in a hearing and that identifies any technology or other form of support that would enhance the respondent's ability to participate; and [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

H. Any other matter as the court directs. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

[PL 2019, c. 417, Pt. A, §92 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. A, §§89-92 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

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