

Emergency Order and Notice from AROOSTOOK COUNTY PROBATE COURT Safety and Coronavirus (COVID-19)

In light of public health concerns and based on guidance from the Law Court, arising from the novel coronavirus (COVID-19), Aroostook County Probate Court is taking steps to adhere to the guidance provided by the Maine and United States Centers for Disease Control and Prevention. Persons identified as being infected by COVID-19, having had contact with those infected by COVID-19, or having visited areas identified as problematic due to the prevalence of COVID-19 should not come to the Aroostook County Probate Court.

The Aroostook County Probate Court is monitoring and managing the number of people in the courthouse in order to reduce the likelihood of the spread of COVID-19. That will affect the scheduling and hearing of cases.

The Aroostook County Probate Court will remain open to serve the public but in person visits are restricted. If you have questions about whether you should go to the courthouse, please call the Register of Probate Office at 207- 532-1502. Forms can also be obtained by calling or on the www.maineprobate.net website.

CANCELLATIONS AND POSTPONEMENTS

Effective immediately and continuing until the earlier of further Order of this court or May 1, 2020, all in-person court events before the Aroostook County Probate Court shall be postponed, unless otherwise ordered by the court. Any new matters will be postponed until after May 1, 2020, unless the matter can be addressed by telephonic conferencing, as appropriate

If a party or the party's attorney contends that there are urgent and compelling reasons that the court should hold the party's hearing in-person, before May 1, 2020, the party or counsel shall immediately file a written motion, which must be served on the other party or parties, explaining why this particular case must be heard in-person before May 1, 2020. If any party objects to the motion, it must file its written opposition within three days after the motion is filed. The court will rule on the motion expeditiously.

Extension of this time period will be reviewed on an ongoing basis with notice provided to all parties.

The court is still accepting filings through its e-filing system or by mail.

Dated: April 3, 2020



JUDGE OF PROBATE COURT
JAMES P. DUNLEAVY

TEMPORARY ORDER REGARDING PROBATE VISITORS

In response to concerns about transmission of the coronavirus, many of the state's hospitals, nursing homes, and assisted living facilities have limited access to their residents. In order to accommodate those restrictions, and to allow guardianships and conservatorships to be processed, the following will remain in effect until May 1, 2020.

1. 18-C M.R.S. § 5-304(2) states:

A visitor appointed under subsection 1 shall interview the petitioner and the proposed guardian and 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, the respondent's rights at the hearing and the general powers and duties of a guardian;
- B. Determine the respondent's views about the appointment, proposed powers and duties and the scope and duration of the proposed guardianship, and general preferences and values;
- 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
- 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.

Until May 1, 2020, any "in-person" interview of a resident of a hospital, nursing home, or assisted living institution by guardians ad litem, and visitors required by 18-C M.R.S. § 5-304, may be fulfilled using Skype, or some other video conferencing platform or method. Every effort shall be made to determine whether the Respondent objects to the relief requested in the petition, and the reasons stated for such objection, if any. If necessary, the visitor or (guardian ad litem) may seek an order from this court allowing a non-video conferencing platform or method.

2. 18-C M.R.S. § 5-304(2) states:

A copy of a petition under section 5-302 and notice of a hearing on the petition must be served personally on the respondent.

Until May 1, 2020, residents of hospitals, nursing homes, and assisted living institutions may be served personally in compliance with Section 5-304(2) by the visitor leaving the petition and notice of hearing with an employed individual, or other competent responsible adult there present and willing to do so, at each facility which individual shall make proof of actual service upon the respondent by affidavit which shall be filed with the Probate Court.

The Registrar of Probate shall provide copies of this Order to all unrepresented parties, attorneys, guardians ad litem and visitors with currently active cases and to attorneys, guardians ad litem and visitors who have been involved in cases from January 1, 2020 to the present.

SO ORDERED.

Dated: April 3, 2020



JUDGE OF PROBATE COURT
JAMES P. DUNLEAVY