

# STATE OF MAINE

Probate Court

Penobscot, ss.

## **Emergency Order and Notice from PENOBSCOT COUNTY PROBATE COURT Safety and Coronavirus (COVID-19) MARCH 17, 2020**

In light of public health concerns and based on guidance from the Law Court arising from the novel coronavirus (COVID-19), Penobscot 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 Probate Court.

The 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 Penobscot County Probate Court will abide by the directives of the County Commissioners and will continue to serve the public within that mandate. In-person court hearings will be limited to emergencies. If you have questions about a case or a potential case, please call the clerk's office at 207-942-8769. Forms can be obtained by calling the clerk's office or at [maineprobate.net](http://maineprobate.net).

Effective immediately and continuing until the earlier of further Order of this court or May 1, 2020, all in-person court events for Penobscot County Probate Court shall be postponed, unless otherwise ordered by the court. All previously scheduled cases through May 1, 2020 are postponed as in-person events.

The court may hear the following matters by telephonic conferencing, if appropriate, as well as others:

1. Minor guardianships/conservatorships
2. Adult guardianships/conservatorships
3. Estate matters

4. Adoptions
5. Name Changes

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, 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. 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 present cancellation 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.

#### Special Notice

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, assisted living institution or other facility by guardians *ad litem* and visitors required by 18-C M.R.S. § 5-304 may be fulfilled using Skype, Zoom, or some other video

conferencing platform or method. 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:

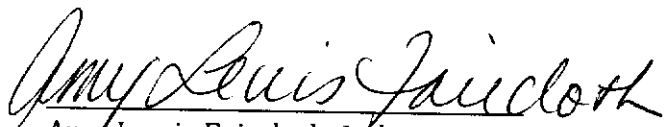
A copy of a petition under section 5-302 and notice of a hearing on the petition must be served personally on the respondent.

Until May 1, 2020, residents of hospitals, nursing homes, assisted living institutions and other facilities may be served personally in compliance with Section 5-304(2) by the visitor leaving the petition and notice of hearing with an individual identified at each institution/facility which individual shall make proof of actual service upon the respondent by affidavit.

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: 3/17/2020

  
Amy Lewis Faircloth, Judge  
Penobscot County Probate Court