

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 1860

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1299, L.D. 1860, Bill, "An Act Allowing the Appointment of Temporary Guardians of Minors"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 18-A MRSA §5-207, sub-§(c), as enacted by PL 1979, c. 540, §1, is amended to read:

(c) If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian shall may not last longer than six 6 months.

Notice of hearing on the petition for the appointment of a temporary guardian must be served as provided under subsection (a), except that the notice must be given at least 5 days before the hearing, and notice need not be given to any person whose address and present whereabouts are unknown and cannot be ascertained by due diligence. Upon a showing of good cause, the court may waive service of the notice of hearing on any person, other than the minor, if the minor is at least 14 years of age.'

SUMMARY

This amendment replaces the bill. It builds on the Probate Court's current authority to appoint temporary guardians of

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2 minors by allowing a hearing after only 5 days' notice. It also
removes any requirement of notice to the parents or others if the
4 person's address and whereabouts are unknown and cannot be
determined with due diligence. In addition, the court may waive
6 notice upon a showing of good cause if the minor for whom the
temporary guardian will be appointed is 14 years of age or
older. Current law limits a temporary guardianship to 6 months.