

§5-419. Conservator's plan

1. Plan; revision. The petitioner for appointment as conservator for an adult shall file with the petition a plan for protecting, managing, expending and distributing the assets of the conservatorship estate. When there is a change in circumstances or when the conservator seeks to deviate significantly from the conservator's plan previously filed, the conservator shall file with the court a revised plan for protecting, managing, expending and distributing the assets of the conservatorship estate. The plan must be based on the needs of the individual subject to conservatorship and take into account the best interest of the individual as well as the individual's preferences, values and prior directions, to the extent known to or reasonably ascertainable by the conservator. The conservator shall include in the plan:

A. A budget setting forth projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the individual subject to conservatorship; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. How the conservator will involve the individual subject to conservatorship in decisions about management of the conservatorship estate; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. Any step the conservator plans to take to develop or restore the ability of the individual subject to conservatorship to manage the conservatorship estate; and [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

D. An estimate of the duration of the conservatorship. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Notice of revised plan. A conservator shall give notice of the filing of a revised plan under subsection 1, along with a copy of the revised plan, to the individual subject to conservatorship, all persons entitled to notice under section 5-411, subsection 5 or a subsequent order and other persons as the court determines. The notice must include a statement of the right to object to the revised plan and be given not later than 14 days after the filing.

[PL 2019, c. 417, Pt. A, §75 (AMD).]

3. Objection to revised plan. An individual subject to conservatorship and any person entitled under subsection 2 to receive notice and a copy of the conservator's revised plan may object to the revised plan within 14 days of receipt of notice of the revised plan.

[PL 2019, c. 417, Pt. A, §75 (AMD).]

4. Court review of plan or revised plan; approval. The court shall review a conservator's plan or revised plan filed under subsection 1. In deciding whether to approve the plan or revised plan, the court shall consider any objection under subsection 3 and whether the plan or revised plan is consistent with the conservator's duties and powers. The court may schedule a hearing on any revised plan submitted and may not approve the plan or revised plan until 30 days after its filing. The conservator may implement the revised plan 30 days after filing unless the court orders otherwise.

[PL 2019, c. 417, Pt. A, §75 (AMD).]

5. Copy of approved plan. After a conservator's plan or revised plan under this section is approved by the court, the conservator shall provide a copy of the plan or revised plan to the individual subject to conservatorship, all persons entitled to notice under section 5-411, subsection 5 or a subsequent order and other persons as the court determines.

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

6. Application to existing conservatorships. For conservatorships established prior to September 1, 2019, the conservator is not subject to the requirement for the filing of a revised plan until so ordered by the court.

[PL 2019, c. 417, Pt. A, §76 (NEW).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. A, §§75, 76 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

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