

**§3481. Providing for protective services with the consent of the person; withdrawal of consent; care taker refusal**

When it has been determined that an incapacitated or dependent adult is in need of protective services, the department shall immediately provide or arrange for protective services, provided that the adult consents. [PL 1981, c. 527, §2 (NEW).]

**1. Consent.** If an incapacitated or dependent adult does not consent to the receipt of protective services, or if the adult withdraws consent, the service may not be provided. [RR 2021, c. 2, Pt. B, §175 (COR).]

**2. Consent refused.** When a private guardian or conservator of an incapacitated adult who consents to the receipt of protective services refuses to allow those services to be provided to the incapacitated adult, the department may petition the Probate Court for removal of the guardian pursuant to Title 18-C, section 5-319 or for removal of the conservator pursuant to Title 18-C, section 5-430. When a caretaker or guardian of an incapacitated adult who consents to the receipt of protective services refuses to allow those services to be provided to the incapacitated adult, the department may petition the Probate Court for temporary guardianship pursuant to Title 18-C, sections 5-124 and 5-312 or for a protective arrangement pursuant to Title 18-C, section 5-501. [PL 2017, c. 402, Pt. C, §55 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

**SECTION HISTORY**

PL 1981, c. 527, §2 (NEW). PL 1993, c. 652, §8 (AMD). PL 2017, c. 402, Pt. C, §55 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). RR 2021, c. 2, Pt. B, §175 (COR).

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