

**§5-306. Professional evaluation**

**1. Evaluation; report.** In every adult guardianship matter, the respondent must be examined by a medical practitioner who is acceptable to the court and who is qualified to evaluate the respondent's alleged cognitive and functional abilities. The individual conducting the evaluation shall file a report in a record with the court at least 10 days before any hearing on the petition. Unless otherwise directed by the court, the report must contain:

- A. A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
- B. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
- C. A prognosis for improvement and recommendation for the appropriate treatment, support or habilitation plan; and [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
- D. The date of the examination on which the report is based. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

As used in this subsection, "medical practitioner" means a licensed physician, a licensed physician assistant, a certified psychiatric clinical nurse specialist, a certified nurse practitioner or a licensed clinical psychologist.

[PL 2019, c. 627, Pt. B, §4 (AMD).]

**2. Right to decline.** The respondent has the right to decline to participate in an evaluation ordered under subsection 1. If the respondent declines to participate in an evaluation ordered under subsection 1, the petitioner may request an examination under the Maine Rules of Civil Procedure, Rule 35.

[PL 2019, c. 417, Pt. A, §27 (AMD).]

**SECTION HISTORY**

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 276, §1 (AMD). PL 2019, c. 417, Pt. A, §27 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2019, c. 627, Pt. B, §4 (AMD).

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