

STATE OF MAINE  
SUPREME JUDICIAL COURT  
**PROPOSED** AMENDMENTS TO  
MAINE RULES OF PROBATE PROCEDURE

**Proposed** to be Effective: January 1, 2019

1. Rule 84 of the Maine Rules of Probate Procedure is amended to read as follows:

**RULE 84. FORMS**

**(a) Use of Official Forms.** ~~The forms listed in the Appendix of Forms are official forms.~~ All persons involved in matters within the Probate Court's jurisdiction must use official forms. ~~The official forms are intended to indicate the simplicity and brevity of statement which the rules contemplate and may serve as guides in cases for which no official form exists.~~ "Official Forms" shall be those forms as promulgated by the Maine Advisory Committee on Probate Rules, after review by the Maine Probate Judges Assembly and the Maine Association of Registers of Probate.

**(b) Printing and Certification Requirements for Official Forms Not Purchased from the Register.** Rule 5(i) of the Maine Rules of Civil Procedure governs proceedings in the Probate Courts, except that all official forms shall be printed in accordance with the following standards:

Official Probate Court forms are to be printed in a uniform format and type approved by the Maine Association of Registers of Probate. ~~Any official form not purchased from the Register shall include, at the time of filing, a written certification by the preparer of the form that no alteration has been made to the official form as most recently approved and promulgated by the Supreme Judicial Court, which certification must appear on the form immediately following the last line of the form.~~ Official Forms must be purchased from the Register or obtained from the official Maine Probate Court website.

**(c) Fees for Official Forms.** Fees for official forms shall be set by the Registers of Probate in accordance with Title 18-A, Section 1-511. The fee will be charged at the time an official form is purchased from the Register. If the

official form is prepared in accordance with paragraph (b) of this rule, the fee will be charged at the time the official form is presented to the Register for filing.

**(d) Electronically Filed Forms.** No fee shall be charged for an electronically filed form.

### **Advisory Committee Note – January 2019**

This Amendment clarifies that the Maine Advisory Committee on Probate Rules is responsible for promulgating all official probate forms and eliminates the opportunity for the use of “nonofficial” forms.

2. Rule 92.12 of the Maine Rules of Probate Procedure is amended to read as follows:

#### **RULE 92.12. PUBLIC RECORDS AND REDACTION**

**(a) Private records.** “Private Records” means (1) all records and documents ~~(electronic or nonelectronic) relating to an adoption proceeding relating to guardianship and conservatorship (adult or minor) proceedings;~~ (2) Certificates of Value (Probate Form DE-401A); (3) any medical records including Physicians’ and Psychologists’ Reports (Probate Form PP-505); and (4) Inventories; (5) Accountings; (6) Death Certificates; (7) Birth Certificates; and (8) any record or document designated as a Private Record by the Probate Court.

**(b) Public records.** “Public Records” means any record or document (electronic or nonelectronic) filed with the Probate Court ~~which~~ that is not a Private Record and ~~which~~ that is not otherwise restricted by the Probate Court.

**(c) Private Information.** “Private Information” means (1) Social Security numbers ~~of living individuals;~~ (2) banking/brokerage account numbers; ~~and~~ (3) cause of death; (4) medical information; and (5) any other information designated as Private Information by the Probate Court.

**(d) Adoption Records.** All records and documents (electronic or nonelectronic) relating to an adoption proceeding are confidential pursuant to Title 18-A M.R.S. § 9-310.

**(e) Maintenance of Private Records; Redaction of Private Information.** Court staff shall docket Private Records into the electronic file such that those documents are available only to all Registered Filers and Self-Represented Parties of record on that particular case.

Filers are responsible for redacting Private Information before filing Public Records. If a filer discovers that he or she has filed a document that includes Private Information, he or she shall notify the court and shall submit a replacement, redacted, document. Upon receipt of such replacement, redacted, document, court staff shall remove the earlier electronic document from the electronic file and shall replace the same with the replacement, redacted, document.

#### **Advisory Committee Note – January 2019**

Rule 92.12 relates to Private Records and Private Information found in Public Records. This Amendment clarifies the scope of information intended to remain private and protected from electronic disclosure. Filers who wish to protect confidential documents or information from other Registered Filers or Self-Represented Parties, but still have the information available to the Court, should make a motion to the Court to file the materials nonelectronically in accordance with Rule 92.3(b)(3).