STATE OF MAINE

PISCATAQUIS COUNTY PROBATE COURT DOVER-FOXCROFT

In Re: William H. Bruce
DK # 2006-136

This matter came on for hearing on February 6, 2007. The proposed guardian, the father of the ward, appeared but did not produce the requisite medical report prior to hearing.

Findings: William H. Bruce is currently in Riverview Psychiatric Hospital having been committed to the custody of the Commissioner of Health and Human Resources by order of the Somerset Superior Court Docket # CR-06-298. He has been charged with the murder of his mother. The Superior Court entered an order and finding of incompetence dated 10-4-06 of which this court takes judicial notice.

Robert Bruce has made extensive efforts to secure medical reports regarding his son for the purposes of supporting his guardianship petition but has been unable to secure a current medical report. Those parties attending his son have for various reasons declined to either provide unfettered access for the purpose of an examination or to provide copies of prior examinations purportedly because of asserted privacy issues.

Mr. Bruce has previously filed a notice of intent to bring suit against various treating facilities because of events leading up to the death of the ward's mother and his wife. Mr. Bruce believes the resistance of the medical community to support this petition is as a result of this notice.

Mr. Bruce has submitted a report dated January 12, 2006 that provides an adequate basis for the appointment of a guardian but for its age.

The court also notes that this visitor supports the appointment of a guardian and that no objection or request for counsel has been forwarded to the court.

The court further notes that although the ward is in the custody of the Commissioner he has no guardianship protection nor are his assets being husbanded by any party with legal authority.

ORDER:

The proposed guardian finds himself in an unenviable position. He is unable to produce a report because he has no legal authority to obtain one and he cannot secure a guardianship appointment because he has no medical report to support it.

Given the extraordinary circumstances of this matter and the finding of the Superior Court this court believes that a guardianship for a period of 90 days is appropriate. This will allow Mr. Bruce both the time and authority to obtain such reports so as to allow this court to consider the entry of a permanent guardianship.

Dated: 2-8-07

James R. Austin
Judge of Probate Piscataquis County

A TRUE COPY
ATTEST: Judith A. Raymond
REGISTER OF PROBATE