



State and Territory Guardianship Statute Forms

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BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Alabama</i>	State Abbreviation (Postal Code): <i>AL</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/15/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>Guardianship proceedings begin with the filing of a Petition for Letters for Guardianship. The court issues a series of orders to appoint a representative, a doctor to examine the potential ward, and a guardian ad litem to represent the ward's interest.</i></p> <p><i>The potential ward, and sometimes spouses, adult children, and parents of the potential ward, are entitled to notice of the hearing via personal service. The court must find there is no alternative to guardianship and that it is necessary to meet the individual's needs. The court can also find for limited guardianship.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations: <i>Ala. Code § 26-2A-102 (2014).</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Guardianship appointments are limited to "suitable persons," taking into consideration the needs, duties, and responsibilities with regard to the prospective ward.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>If the appointed guardian is not effectively performing duties and the court finds that the welfare of the ward requires immediate action, it may appoint, with or without notice, a temporary guardian for a specified period not to exceed six months. On petition of the ward or any person interested in the ward's welfare, or on its own motion, the court, after hearing, may remove a guardian if to do so is in the best interest of the ward.</i>
Citations: <i>Ala. Code § 26-2A-108, 110 (2014).</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Ala. Code § 26-2A-100 (2014).</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations: <i>Ala. Code § 26-2A-100, 102 (2014).</i>

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/>
Citations: <i>Ala. Code § 26-2A-100 (2014).</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>* If yes, what is the <i>general rule</i> regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations: <i>Ala. Code § 26-2A-100 (2014).</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>On petition of the ward or any person interested in the ward's welfare, or on its own motion, the court, after hearing, may remove a guardian if to do so is in the best interest of the ward.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Ala. Code § 26-2A-100 (2014).</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Alaska</i>	State Abbreviation (Postal Code): <i>AK</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>The guardian must complete one hour of mandatory education on the basics of guardianship and conservatorship and file proof of completion with the court within 30 days after the guardian's appointment order is distributed.</i></p> <p><i>Guardianship Annual Reports must be filed each year until the guardianship is terminated.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input checked="" type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>If the guardian is not engaged in the business of providing guardian services, the guardian must complete one hour of mandatory education on the basics of guardianship and conservatorship and file proof of completion with the court within 30 days after the guardian’s appointment order is distributed. Persons (including companies and other organizations) who engage in the business of providing guardian services must be licensed by the Department of Commerce, Community and Economic Development.</i>
Citations: <i>Alaska Stat. §13.26.145(c), 210(g).</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
<i>If the guardian is not engaged in the business of providing guardian services, the guardian must complete one hour of mandatory education on the basics of guardianship and conservatorship and file proof of completion with the court within 30 days after the guardian’s appointment order is distributed.</i>
Citations:
<i>Alaska Stat. § AS 13.26.145(c) and 13.26.210(g).</i>

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations:
<i>Alaska Stat. § 13.26.117,250 (2014); Probate Rules 16(e)(1)(A)17(e).</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Guardianship Annual Reports must be filed each year until the guardianship is terminated. The report must cover the 12-month period beginning the 1st of the month in which the appointment order is signed and ending 12 months later. The report is due 30 days after the end of the reporting period.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The guardian has the powers and duties of a conservator (unless a separate conservator has been appointed). The guardian is responsible for managing the ward’s money and property and using those assets to provide for the ward. The guardian must apply for any benefits to which to ward is entitled, such as health and accident insurance benefits and other private or governmental benefits the ward qualifies for.</i></p>
<p>Citations:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Every third year after a guardian is appointed, the court is required to appoint a “visitor” to file a report about the guardianship. The visitor is paid by the state. In order to prepare the report, the visitor will interview the ward (to the extent possible), the guardian, and others.</i>
Citations: <i>Alaska Stat. § 13.26.118 (2014).</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardian is not civilly liable for acts or omissions under this paragraph unless the act or omission constitutes gross negligence or reckless or intentional misconduct.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Alaska Stat. § 13.26.150(e)(3) (2014).</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input checked="" type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other: <u>Guardianship Plan</u></td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input checked="" type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input checked="" type="checkbox"/> Other: <u>Guardianship Plan</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input checked="" type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input checked="" type="checkbox"/> Other: <u>Guardianship Plan</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>AFFIRMATION – EDUCATION REQUIREMENT SATISFIED- Alaska Stat. § 13.26.310(g) (2014).</i>								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Arizona</i>	State Abbreviation (Postal Code): <i>AZ</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/10/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>A person becomes a guardian of an incapacitated person by a parental or spousal appointment or on appointment by the court. The guardianship continues until it is terminated, without regard to the location of the guardian or the ward.</i></p> <p><i>A party that is interested in the welfare of a minor, who is at least seventeen years of age and who is alleged to be incapacitated may initiate guardianship proceedings pursuant to this article and request that any guardianship order take effect immediately on the minor's eighteenth birthday.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input checked="" type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>The Arizona Supreme Court requires that any person who is not a state-licensed fiduciary (or a financial institution) must complete a training program approved by the Supreme Court before Letters of Appointment to serve as a guardian, conservator, or personal representative can be issued by the Clerk of the Court.</i>
Citations: <i>Ariz.Rev.Stat. §14-5312; §14-5101-5315.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input checked="" type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>The court may require a guardian to furnish a full set of fingerprints to conduct a criminal background investigation. The court shall submit the person's completed fingerprint card to the department of public safety. Criminal history records checks shall be conducted pursuant to § 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Ariz. Rev. Stat. Ann. § 14-5304(E).</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations: <i>Ariz.Rev.Stat. §§14-5101.</i>

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Ariz. Rev. Stat. Ann. § 14-5303(B).</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A guardian is required to report the condition of the ward and of the estate that has been subject to the guardian's possession or control, as required by the court or court rule. The report shall also detail any major changes in the ward's physical or mental condition observed by the guardian in the last year.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The report shall detail any major changes in the ward's physical or mental condition observed by the guardian in the last year and a summary of the services provided to the ward by a governmental agency.</i></p>
<p>Citations:</p> <p><i>Ariz. Rev. Stat. Ann. § 14-5315.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal:
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations:

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other: <u>Order discharging/terminating Guardianship</u></td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input checked="" type="checkbox"/> Other: <u>Order discharging/terminating Guardianship</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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<input checked="" type="checkbox"/> Other: <u>Order discharging/terminating Guardianship</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Receipt of Restricted Funds</i>	http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/ProbateCases/prob_pbgcda1.asp
<i>Petition to Discharge and/or Terminate and (if applicable) to Release Funds</i>	http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/ProbateCases/prob_pbgcda1.asp

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Arkansas</i>	State Abbreviation (Postal Code): <i>AS</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>A guardian can be any person who is a resident of the state; 18 years or older; of sound mind; and not a convicted or unpardoned felon.</i> <i>The Department of Human Services, a corporation, or a bank can also be appointed as a guardian. To be a guardian, a petition must be filed with the court, an evaluation must be made by a professional and a court hearing will be held.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>A guardian can be any person who is a resident of the state; 18 years or older; of sound mind; and not a convicted or unpardoned felon; Any charitable organization or humane society incorporated under the laws of this state is qualified for appointment as guardian of the person and estate of a minor</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A person who is a convicted or unpardoned felon is ineligible to be a guardian, unless that person's home has been opened under §9-28-409 either as a foster home or as an adoptive home; in that case, the person is qualified to be a guardian of the person or estate of a minor in the custody of the Department of Human Services.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>A sheriff, probate clerk of a circuit court, or deputy of either, or a circuit judge, shall not be appointed guardian of the person or estate of an incapacitated person unless the incapacitated person is related to him or her within the third degree of consanguinity. Except as provided in subdivision (i)(4), a public agency or employee of any public agency acting in his or her official capacity shall not be appointed as guardian for any incapacitated person.</i>
Citations: <i>Ark. Code. Ann. § 28-65-203.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Ark. Code. Ann. §§28-65-101-707.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Every year after the initial accounting, the Guardian of the Estate is required to file an annual accounting. This is filed with the Circuit Clerk's probate section within sixty (60) days of the anniversary date of appointment.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The annual accounting generally includes the assets of the Ward at the last accounting, the total income received during the year, any additions to the Ward's property and/or assets, and what was paid out for the Ward.</i></p>
<p>Citations:</p> <p><i>Ark.Code.Ann. §§28-65-101-707.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A Guardian can be removed by the Court for various reasons. These include:</i> 1. <i>Becoming mentally incompetent;</i> 2. <i>Mismanaging the estate;</i> 3. <i>Failing to perform any duty imposed by law, or</i> 4. <i>Has moved out of the State of Arkansas.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal? <i>The substitution or removal of a Guardian requires the Court’s approval. Generally the Guardian will not change unless the Court is satisfied that the new Guardian is for the best interest of the Ward.</i>
Citations: <i>Ark.Code.Ann. §§28-65-101-707.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input checked="" type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input checked="" type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>Ark. Code Ann. § 28-65-217. A petition must be filed at the Probate Clerk’s office requesting a guardian be appointed. This is filed in the Probate Clerk’s office of the county where the proposed Ward lives. The Petition is generally filed by the person seeking to be appointed Guardian, with the aid of an attorney.</i>								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>California</i>	State Abbreviation (Postal Code): <i>CA</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>If the petitioner or proposed conservator is a professional fiduciary, the petition shall include the following: The petitioner's or proposed conservator's proposed hourly fee schedule regarding proposed compensation for services performed as a conservator, statement of the petitioner's or proposed conservator's license information, and how the petitioner came to be involved.</i></p> <p><i>A conservator may be removed for failure to use ordinary care and diligence in the management of the estate, failure to file an inventory or an account within the time allowed by law or by court order, continued failure to perform duties or incapacity to perform duties suitably.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input checked="" type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>If the petitioner or proposed conservator is a professional fiduciary, as described in Section 2340, who is required to be licensed under the Professional Fiduciaries Act (Chapter 6 (commencing with Section 6500) of Division 3 of the Business and Professions Code), the petition shall include the following: The petitioner's or proposed conservator's proposed hourly fee schedule regarding proposed compensation for services performed as a conservator, statement of the petitioner's or proposed conservator's license information, and how the petitioner came to be involved.</i>
Citations: <i>Cal. Prob. Code § 1821(c).</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The court is to be guided by what appears to be in the best interest of the proposed ward, taking into account the proposed guardian's ability to manage and to preserve the estate as well as the proposed guardian's concern for and interest in the welfare of the proposed ward.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Cal. Prob. Code § 2614.5.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Each court shall coordinate investigations with the filing of accountings, so that investigators may review accountings before visiting conservatees if feasible.</i>
Citations: <i>Cal. Prob. Code § 1851.2.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A conservator may be removed for failure to use ordinary care and diligence in the management of the estate, failure to file an inventory or an account within the time allowed by law or by court order, continued failure to perform duties or incapacity to perform duties suitably; conviction of a felony, whether before or after appointment as conservator; gross immorality, having an interest adverse to performance of duties the conservator will fail to fulfill duties, and any other case the court determines that removal is in the best interests of the ward or conservatee.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Cal. Prob. Code § 2650.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input checked="" type="checkbox"/> Other: <u>Supplemental Information Form</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>In addition to any required Judicial Council forms, a petitioner seeking the appointment of a guardian of the person and the estate, or of the estate only, must file the following local forms and declarations with the clerk of the court: (1) Declaration Regarding Venue, or a declaration contained within the petition that is in substantial compliance with rule 15.2(c); (2) Preliminary Inventory of Guardianship Estate; (3) Court Investigator’s Information and Referral Form; and (4) Order Appointing Investigator.</i>								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Colorado</i>	State Abbreviation (Postal Code): <i>CO</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

Any interested person can file a petition for "Appointment of a Guardian for an Incapacitated Person." The petition must include a filing fee, medical evaluations regarding the client's lack of decision-making capacity, a statement of guardianship type, and a general statement of the respondent's property.

A guardian shall report at least annually and whenever ordered by the court on the current mental, physical, and social condition of the ward; living arrangements during the reporting period; medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of care.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **"Guardian"** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term "guardian" or "guardianship" is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **"Guardian of the Person"** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **"Guardian of the Estate"** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a "conservator.")
- **"Incapacitated Person"** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as "wards" or "conservatees.")

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>An owner, operator, or employee of a long-term-care provider from which the respondent is receiving care may not be appointed as guardian unless related to the respondent by blood, marriage, or adoption.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>A termination may occur if the appointed guardian is not performing effectively.</i>
Citations: <i>Colo. Rev. Stat. Ann. § 15-14-318.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Colo. Rev. Stat. Ann. § 15-14-317.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input checked="" type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A guardian shall report at least annually and whenever ordered by the court on the current mental, physical, and social condition of the ward; living arrangements during the reporting period; medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of care.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>The guardian shall exhibit all securities or investments held to an officer of the bank or other depository wherein said securities or investments are held, or to an authorized representative of the corporation which is surety on his or her bond, or to the judge or clerk of a court of record in this state, or, upon request of the guardian or other interested party, to any other reputable person designated by the court, who shall certify in writing that he or she has examined the securities or investments and identified them and shall note any omissions or discrepancies.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text or require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>Every guardian shall file with the court annually, on the anniversary date of the appointment, a full, true, and accurate account under oath of all moneys or other things of value so received by him or her, all earnings, interest, or profits derived therefrom, and all property acquired therewith and of all disbursements therefrom, and showing the balance thereof in his or her hands at the date of the account and how invested.</i></p>
<p>Citations:</p> <p><i>Colo. Rev. Stat. Ann. § 28-5-211.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Cause for removal of a fiduciary exists when removal would be in the best interests of the estate or if it is shown that the fiduciary or the person seeking the fiduciary's appointment intentionally misrepresented material facts in the proceedings leading to the fiduciary's appointment, or that the fiduciary has disregarded an order of the court, has become incapable of discharging the duties of the office, or has mismanaged the estate or failed to perform any duty pertaining to the office.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>If a court determines that a breach of fiduciary duty has occurred or an exercise of power by a fiduciary has been improper, the court, after a hearing, may order such other sanctions as the court deems appropriate.</i>
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Colo. Rev. Stat. Ann. § 15-10-503.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other: <u>Notice of Guardianship Appointment</u></td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input checked="" type="checkbox"/> Other: <u>Notice of Guardianship Appointment</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input checked="" type="checkbox"/> Other: <u>Notice of Guardianship Appointment</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments
<p><i>If the ward has substantial assets (more than the amount required for his/her daily living needs), it is necessary that a conservator be appointed. If the ward is also a relative, it may be possible for you to serve as both the guardian and conservator.</i></p>

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Connecticut</i>	State Abbreviation (Postal Code): <i>CT</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state’s guardianship process and requirements:</p> <p><i>If the court finds, by clear and convincing evidence, that the respondent is totally unable to meet essential requirements for the respondent’s physical health or safety and totally unable to make informed decisions about matters related to the respondent’s care, the court shall appoint a plenary guardian or plenary co-guardians of the person.</i></p> <p><i>A plenary guardian or limited guardian shall submit a report to the court: annually when the court orders additional reports to be filed; when there is a significant change in the capacity of the ward to meet the essential requirements for the ward’s physical health or safety; when the plenary guardian or limited guardian resigns or is removed; and when the guardianship is terminated.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/>
Citations:

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A plenary guardian or limited guardian shall submit a report to the court: (1) Annually; (2) when the court orders additional reports to be filed; (3) when there is a significant change in the capacity of the ward to meet the essential requirements for the ward's physical health or safety; (4) when the plenary guardian or limited guardian resigns or is removed; and (5) when the guardianship is terminated.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>Reports are to be submitted on a form provided by the Office of the Probate Court Administrator and shall detail any changes in the ward's capacity, the services provided to the ward, significant actions taken by the guardian on behalf of the ward during the reporting period, any problems that arose during the reporting period, and whether the guardianship should be continued, modified, or terminated and the reasons therefor.</i></p> <p>Citations: <i>Conn. Gen. Stat. § 45a-677(f-g).</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Any plenary guardian or limited guardian of the person may be removed by the court of probate after notice and hearing if the court of probate finds such removal and appointment of a new plenary guardian or limited guardian of the person with intellectual disability to be in the best interest of the respondent.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Conn. Gen. Stat. § 45(a)-677.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>PC-442: Financial Report Conservator/Guardian; other guardian forms: PC-500-580; located at: http://www.ctprobate.gov/Pages/Probate-Court-Forms.aspx Forms located in forms folder in CT state resources folder</i>								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Delaware</i>	State Abbreviation (Postal Code): <i>DE</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

The guardian is to ensure that the disabled person's physical and emotional needs are met, whether the disabled person is at home or in a care facility, and that he or she is receiving the best possible medical care. The interested party must petition the Delaware Court of Chancery. The prospective guardian must secure a written affidavit under oath giving the doctor's opinion on specified questions regarding the potential ward's condition and need for a guardian.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Del. Ch. Ct. R. 110.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Further guardianship accounts shall be filed at least once every year on the anniversary date of the appointment of the guardian. Further trust accounts shall be filed at least once every two years. At such other times as it deems appropriate, the Court may direct a guardian or trustee to file an account. The annual statement should update the diagnosis, care, residence, and status of the disabled person and address the need for a continued guardianship.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>Every account of a guardian of the property or trustee shall include a schedule showing the amount of principal on hand at the time the account begins and the manner of investment, additions to principal, when made and the source, amount of income received, when received and the source, deductions from principal, when made and for what purpose, income paid out, when paid, to whom and for what purpose, and principal on hand when account ends.</i></p>
<p>Citations:</p> <p><i>Del. Ch. Ct. R. 117.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>Failure to abide by each of the fiduciary responsibilities may subject the guardian to personal liability and other sanctions for failure to comply.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal:
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations:

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>District of Columbia</i>	State Abbreviation (Postal Code): <i>DC</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/10/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

An incapacitated individual or any person interested in the welfare of the incapacitated individual may petition for appointment of a guardian, either limited, temporary, or general. The petition shall state the name, address, and interest of the petitioner, state the name, age, residence, and address of the individual for whom a guardian is sought, and set forth the reasons for which the guardianship is sought with specific particularity so as to enable the court to determine what class of examiner and visitor should examine the person alleged to be incapacitated.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Unless lack of qualification or other good cause dictates the contrary, the court shall appoint a guardian in accordance with the incapacitated individual's current stated wishes or his or her most recent nomination in a durable power of attorney.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>Individuals with a conflict of interest may not serve as a guardian. Examples include an individual or employee of a business that provides substantial services in a professional or business capacity, a creditor.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>D.C. Code § 21-2043 (2014).</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>D.C. Code § 21-2064, 2065(b)(c).</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input checked="" type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A limited or general permanent conservator shall submit an account and a report to the Court for administration of the estate annually, within 30 days of the anniversary date of appointment as permanent conservator; and within 60 days of the appointment; and at such other times as the Court may direct. A report shall also be filed when there is a significant change in the capacity of the ward to manage his or her financial resources.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>Each account shall have attached a conservator's report (Form II-R) that outlines significant changes in the capacity of the protected individual to manage his or her finances; the services provided to the protected individual and the relationship of those services to the conservatorship plan; significant problems relating to the conservatorship during the reporting period; and reasons why the conservatorship should not be terminated.</i></p>
<p>Citations:</p> <p><i>D.C. Code § 21-2065.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The Register of Wills shall audit all accounts. A conservator shall retain all documentation of financial transactions until approval of the final account and disposition of any timely appeal from the approval of the final account. Upon the completion of the audit of an account the Register of Wills shall schedule a hearing on said account and mail a notice of hearing to all parties and persons entitled to receive a copy of the account</i>
Citations: <i>D.C. Code § 21-2065.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>The guardian may be discharged for any of the following reasons: (1)If the guardian becomes incapacitated,(2) Failure to discharge his or her duties, including failure to conform as closely as possible to a standard of substituted judgment or, if the ward's wishes are unknown and remain unknown after reasonable efforts to discern them, to make a decision on the basis of the ward's best interests; abuse of power, failure to comply with any order of the court.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>D.C. Code § 21-2049 (2014).</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input checked="" type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input checked="" type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input checked="" type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Florida</i>	State Abbreviation (Postal Code): <i>FL</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/5/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Professional guardians must register with a statewide office. Both background screening and credit checks are required, and guardians must submit an inventory as well as annual financial filings while serving. The statutes also enumerate various grounds for removal.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>There is a registration process whereby professional guardians must register with the Statewide Public Guardianship Office using specialized forms</i>
Citations: <i>Fla. Stat. Ann. § 744.1083.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Non-professional guardians who are residents must be 18 or older and not a judge except where the judge is related to the ward by blood, marriage, adoption, or a close relationship with the ward or the family. A nonresident may be a guardian if related by lineal consanguinity, a legally adopted child or parent, a relative (spouse, uncle, sister, etc.)</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A person is disqualified if s/he has been convicted of a felony or, due to incapacity/illness is incapable of discharging the duties of a guardian, or if a court determined they had committed abuse, abandonment, or neglect, or, if they have been found guilty of or entered a plea of nolo contendere or guilty to, any enumerated offenses in another section.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>They include: if the person provided substantial services to the ward in a professional/business capacity, or served as a creditor of the ward, or if she is in the employ of any person/agency/government/corporation that provides service to the ward, or any other circumstances in which a "conflict of interest" may occur.</i>
Citations: <i>Fla. Stat. Ann. § 744.309.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>The court may require a nonprofessional guardian, and must require a professional or public guardian, to undergo level 2 background screening. For nonprofessional guardians, the court shall accept the satisfactory completion of a criminal history record check using fingerprints. For professional guardians, the court will accept criminal history record check through electronic fingerprinting, and complete a level 2 background screening every 5 years.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any): <i>A professional guardian must complete a credit history before and at least once every 2 years after the date of registration. The Statewide Public Guardianship Office may inspect at any time the results of any credit/criminal history record check of a public or professional guardian.</i>
Citations: <i>Fla. Stat. Ann. §§ 744.3135, 744.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any): <i>Guardians receive min. 40 hours of instruction; professional guardians also receive 16 hours of continuing education every 2 years and must pass exam approved by the Department of Elderly Affairs. Additional training requirements apply to non-parental non-professional guardians and court-appointed guardians of minor child's property.</i>
Citations: <i>Fla. Stat. Ann. 744.1085; E.S.A. § 744.3145.</i>

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Fla. Stat. Ann. 744.3145.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input checked="" type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Guardian shall file an annual accounting on or before April 1 of each year. However, a court can require filing on a fiscal-year basis as well.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The report must cover the preceding calendar year. Guardians of property must file a report that includes: a full account of the receipts/disbursements of all the ward's property that guardian has control over at the end of the accounting period, and a copy of the annual or year-end statement of all the ward's cash accounts from each of the institutions where the cash is deposited.</i></p>
<p>Citations:</p> <p><i>Fla. Stat. Ann. § 744.367.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>But there are sanctions for failure to turn in a guardianship plan.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Each office of public guardian shall undergo an independent audit by a public accountant at least once every 2 years. The audit report shall be submitted to the Statewide Public Guardianship Office.</i>
Citations: <i>Fla. Stat. Ann. 744.708.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Guardian may be removed for: fraud, abuse of powers, incapacity/illness, non-compliance with court order, failure to return schedules of property sold, waste/embezzlement of ward's property, failure to give bond/security or to file annual guardianship plan, conviction of a felony, appointment of a receiver, trustee in bankruptcy, etc., development of a conflict of interest, a finding of guilt, a material failure to comply with the guardianship report, failure to comply with the rules for timely filing of guardianship reports, failure to fulfill education requirements.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal? <i>Proceedings for removal of a guardian may be instituted by the court, by any surety or other interested person, or by the ward. Reasonable notice shall be given to the guardian. On the hearing, the court may enter an order that is proper considering the pleadings and the evidence.</i>
Citations: <i>Fla. Stat. Ann. § 744.474; 744.477.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Application/Petition for Appointment</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Inventory</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Acceptance of Appointment</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Certification by Guardian/Screening Form</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Other: _____</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Department of Elder Affairs (Florida)</i>	<i>http://elderaffairs.state.fl.us/does/pubguard/GuardianshipBasics.pdf</i>
<i>Eighteenth Judicial Circuit (Florida)</i>	<i>https://umshare.miami.edu/web/wda/ethics/guardianship_rev1-07.pdf</i>
<i>Florida Bar Association</i>	<i>http://www.floridabar.org/tfb/TFBConsum.nsf/0a92a6dc28e76ae58525700a005d0d53/e8fd739d221b11c085256b2f006c5a4e?Open</i>
<i>Florida State Guardianship Association</i>	<i>http://www.floridaguardians.com/guardianship-faq/</i>

C. Additional Comments

STATEWIDE PUBLIC GUARDIANSHIP OFFICE
Professional Guardian Registration Form

This registration package is: New Annual Amended (Please check one)

SECTION A. PROFESSIONAL GUARDIAN INFORMATION

Last Name: _____ First: _____ MI: _____ DOB: _____

Business Address: _____

City: _____ State: _____ Zip: _____ E-Mail: _____

*Social Security No.: _____ Phone: _____ Fax: _____

Corporate Name (if applicable): _____ EIN: _____

Please indicate which counties you practice _____

SECTION B. CREDIT AND CRIMINAL HISTORY

Documents	Please check one		
FBI	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 5 years	<input type="checkbox"/> Completed electronically
FDLE	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	<input type="checkbox"/> Completed electronically
Credit	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	<input type="checkbox"/> Attached

FBI is required every five years unless you were fingerprinted electronically and FDLE is retaining your prints.

FDLE is required every two years unless you were fingerprinted electronically and FDLE is retaining your prints.

Credit histories are required every two years.

SECTION C. EDUCATION

C1. 40-Hour Professional Guardian Course **Certificate of Completion Attached (please check one)**

Name of Course and Date Completed: _____ Yes On file

C2. Continuing Education Credits

16 SPGO approved continuing education credits are required every two-calendar years after completion of the 40-hour course. Please refer to the chart below:

Year of 40-hour Professional Guardian Course completion	Two-year reporting periods
Course completed in 1999 or earlier	2006-2007 (due 2008) 2008-2009(due 2010)
Course completed in 2000	2007-2008 (due 2009) 2009-2010 (due 2011)
Course completed in 2001	2006-2007 (due 2008) 2008-2009 (due 2010)
Course completed in 2002	2007-2008 (due 2009) 2009-2010 (due 2011)
Course completed in 2003	2006-2007 (due 2008) 2008-2009 (due 2010)
Course completed in 2004	2007-2008 (due 2009) 2009-2010 (due 2011)
Course completed in 2005	2006-2007 (due 2008) 2008-2009 (due 2010)
Course completed in 2006	2007 - 2008 (due 2009) 2009- 2010 (due 2011)
Course completed in 2007	2008 - 2009 (due 2010) 2010-2011 (due 2012)
Course completed in 2008	2009 - 2010 (due 2011) 2011-2012 (due 2013)
Course completed in 2009	2010 - 2011 (due 2012) 2012-2013 (due 2014)
Course completed in 2010	2011 - 2012 (due 2013) 2013-2014 (due 2015)

C3. Continuing Education Courses	Date Completed	# of Credits

SECTION D. EXAMINATION (Please check one)

Date of Examination: _____ Passed SPGO waived my exam on _____ (date of waiver)

SECTION E. BLANKET FIDUCIARY BOND

Name of Bonding Company: _____

Amount: \$ _____ Bond Anniversary Date: _____

Bonds must be payable to the Governor and his or her successors in office. Proof of renewal is required for annual registrants. First time registrants must attach a copy of your bond.

SECTION F. STAFFING

F1. Please list each professional guardian employed (attach additional sheets if necessary).

_____	_____
_____	_____
_____	_____
_____	_____

For each professional guardian listed above, you must submit a professional guardian employee registration form (DOEA/SPGO Form 002). All forms must be submitted together; do not submit your form without all your professional guardian employees' forms.

F2. Other employees with fiduciary responsibilities

Please complete the section(s) below for each employee, other than professional guardians, that has a fiduciary responsibility to wards. Fiduciary responsibility is defined as having a position of trust.

Last Name: _____ First: _____ MI: _____ DOB: _____

Business Address: _____

City: _____ State: _____ Zip: _____ E-Mail: _____

*Social Security No.: _____ Phone: _____ Fax: _____

Documents	Date Submitted	Please check one		
FBI	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 5 years	<input type="checkbox"/> Completed electronically
FDLE	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	<input type="checkbox"/> Completed electronically
Credit	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	

Last Name: _____ First: _____ MI: _____ DOB: _____

Business Address: _____

City: _____ State: _____ Zip: _____ E-Mail: _____

*Social Security No.: _____ Phone: _____ Fax: _____

Documents	Date Submitted	Please check one		
FBI	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 5 years	<input type="checkbox"/> Completed electronically
FDLE	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	<input type="checkbox"/> Completed electronically
Credit	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	

Last Name: _____ First: _____ MI: _____ DOB: _____

Business Address: _____

City: _____ State: _____ Zip: _____ E-Mail: _____

*Social Security No.: _____ Phone: _____ Fax: _____

Documents	Date Submitted	Please check one		
FBI	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 5 years	<input type="checkbox"/> Completed electronically
FDLE	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	<input type="checkbox"/> Completed electronically
Credit	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	

Last Name: _____ First: _____ MI: _____ DOB: _____

Business Address: _____

City: _____ State: _____ Zip: _____ E-Mail: _____

*Social Security No.: _____ Phone: _____ Fax: _____

Documents	Date Submitted	Please check one		
FBI	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 5 years	<input type="checkbox"/> Completed electronically
FDLE	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	<input type="checkbox"/> Completed electronically
Credit	_____	<input type="checkbox"/> Clerk to send	<input type="checkbox"/> On file with SPGO/obtained within last 2 years	

*FBI is required every five years unless you were fingerprinted electronically and FDLE is retaining your prints.
FDLE is required every two years unless you were fingerprinted electronically and FDLE is retaining your prints.
Credit histories are required every two years.*

SECTION G.

FEES

G1. Registration Fees

- | | |
|---|----------|
| a. Number of professional guardians registering | _____ |
| b. Registration Fee | \$35.00 |
| c. Total Registration Fees (multiply lines a and b) | \$ _____ |

G2. Expedited Processing Fees (optional)

Registrations are processed within 30 days of receipt. If you opt for expedited processing, please choose one of the following:

- | | |
|--|----------|
| a. <input type="checkbox"/> For expedited processing within 14 days | \$45.00 |
| b. <input type="checkbox"/> For expedited processing within 7 days | \$55.00 |
| c. <input type="checkbox"/> For expedited processing within 48 hours | \$65.00 |
| d. Number of professional guardians registering | _____ |
| e. Total Processing Fees (multiply line a, b, or c by line d) | \$ _____ |

G3. Total Fees Due

- | | |
|--|----------|
| a. Total Registration Fees from G1 | \$ _____ |
| b. Total Expedited Processing Fees from G2 (if applicable) | \$ _____ |
| c. Total Fees Due (Add lines a and b) | \$ _____ |

Please enclose a check for this amount made payable to the Statewide Public Guardianship Office

APPLICANT STATEMENT: I declare that my answers and all statements made by me herein are true and correct.

APPLICANT SIGNATURE: _____ **DATE:** _____

Please submit this form along with all fees to: Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000.

For Office Use Only		Reg. Period: _____	Registration #: _____	Check #: _____	Check Amount: _____
Credit Results Date: _____	FBI Results Date: _____	FDLE Results Date: _____	Exam/Waiver Date: _____		
Status: _____	Status: _____	Status: _____	Status: _____		
Reviewer Initials: _____	Reviewer Initials: _____	Reviewer Initials: _____	Reviewer Initials: _____		
Date Reviewed: _____	Date Reviewed: _____	Date Reviewed: _____	Date Reviewed: _____		

Bond Expiration Date: _____	CEU Due Date: _____
Status: _____	Status: _____
Reviewer Initials: _____	Reviewer Initials: _____
Date Reviewed: _____	Date Reviewed: _____
	Date Entered into CE Broker: _____

**The collection of social security numbers for record keeping is mandatory pursuant to Section 744.1083, F.S., and will not be available to the general public.*

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Georgia</i>	State Abbreviation (Postal Code): <i>GA</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Georgia allows wards to recover damages from guardians who breach their fiduciary duties. Georgia does not require credit checks, criminal history checks, or require any formal education or training.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Guardians for minors cannot be a minors themselves, a ward, or a protected person or have a conflict of interest with the minor unless the court believes it is still in the child's best interest. Guardians to adults can only be individuals, except when public guardian or DHS is appointed.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>For minors, no person may be appointed who is a minor, ward, or protected person, or has a conflict of interest unless best interest is determined. For adults, no person may be appointed who is a minor, ward, or protected person, who has a conflict of interest unless best interest is determined, or who is an owner, operator, or employee of a long-term care or other care-giving institution or facility at which the adult is receiving care, unless he is related.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Ga. Ann. Code § 29-2-2; 29-4-2.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Ga. Ann. Code. § 29-3-21.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Each year, within 60 days of the anniversary date of qualification, every conservator shall file with the court a verified return consisting of a statement of the receipts and expenditures of the conservatorship during the year preceding the anniversary date, an updated inventory consisting of a statement of the assets and liabilities of the estate, an updated plan for managing the minor's property, a note or memorandum of any other fact necessary to show the true condition of the estate, and a statement of the current amount of the bond.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>Ga. Ann. Code 29-3-60.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>Upon the failure of any conservator to file any return within the time frame required by law, the court shall cite the conservator to appear and show reason for the delay. A conservator who fails to file an annual return as required by law shall forfeit all commissions and other compensation for the year within which no return is filed unless otherwise ordered by the court. A willful and continued failure to file a return shall be good cause for removal.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>If a conservator commits a breach of fiduciary duty or threatens to commit a breach of fiduciary duty, a minor or an interested person on behalf of the minor shall have a cause of action as appropriate:(1) To recover damages;(2) To compel performance of the conservator's duties;(3) To enjoin the commission of a breach of fiduciary duty; or(4) To compel the redress of a breach of fiduciary duty by payment of money or otherwise.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Upon investigation the court may in its discretion:(1) Revoke or suspend the letters of conservatorship;(2) Require additional security;(3) Require the conservator to appear and submit to a settlement of accounts, (4) Reduce or deny compensation to the conservator or impose such other sanction or sanctions as the court deems appropriate; and(5) Issue such other orders which the court deems appropriate under the circumstances of the case.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Upon the petition of any interested person or whenever it appears to the court that good cause may exist to revoke or suspend the letters of conservatorship or to impose sanctions, the court shall cite the conservator to answer the charge. The court shall investigate the allegations and may require such accounting as the court deems appropriate. The court may appoint a temporary substitute conservator to take possession of and to administer the minor's property during the investigation.</i>
Citations: <i>Ga. Ann. Code. 29-3-83; 29-3-82.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>Georgia Legal Aid</i>	http://www.georgialegalaid.org/issues/childrens-law-education/guardianship-and-alternatives-for-children-1
<i>Georgia Division of Aging Services</i>	http://aging.dhr.georgia.gov/sites/aging.dhs.georgia.gov/files/imported/DHR-DAS/DHR-DAS_Publications/ELAP-%20GUARDIANS
<i>Georgia Council of Probate Court Judges</i>	http://www.sji.gov/PDF/GA_Handbook_for_Guardians.pdf

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Guam</i>	State Abbreviation (Postal Code): <i>GU</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>There are no specific qualifications for guardians, no criminal or credit checks, and no training requirements. An initial inventory must be filed along with an appraisal of the estate, and a financial accounting must be submitted within a year, and then on a regular basis depending on the judge's discretion.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>For minors, the court should be guided by "what appears to be for the best interest of the child in respect to tis temporal and mental and moral welfare."</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>If a parent knowingly or willfully abandons or fails to maintain (despite ability to do so) a minor child is disqualified from all rights to guardianship of such child; if a parent or guardian knowingly permits his child or ward to become an object of charity for a period of six months, he/she forever forfeits all rights to the guardianship of the child.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Guam. Ann. Code. § 3507, 3510.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Guam. Ann. Code. 4301.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input checked="" type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>At the expiration of a year from the time of his appointment, and as often thereafter as he may be required by the court, the guardian must present his account to the court for settlement and allowance.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>Guam. Ann. Code. 4304.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>It is a (discretionary) cause for removal under 4501.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The estate must be independently appraised along with the initial inventory submission.</i>
Citations: <i>Guam. Ann. Code. 4301.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardian may be removed for: waste or mismanagement of the estate/abuse of trust, failure to file an inventory or to render an account within the time allowed by law or for continued failure to perform his duties, for incapacity to perform his duties suitably, for gross immorality, for having an interest adverse to the faithful performance of his duties, for removal from the territory of Guam, for insolvency in the case of property, or when it is no longer necessary that the ward should be under guardianship.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>The removal may be ordered after such notice to the guardian as the court or a judge thereof may require; and the court may compel him to surrender the estate of the ward to the person found to be lawfully entitled thereto. Pending the hearing, the court or the judge thereof may suspend the powers of the guardian to such extent as deemed necessary.</i>
Citations: <i>Guam. Ann. Code. 4501, 4502.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>Law Help</i>	http://www.lawhelp.org/gu/resource/about-guardianship-of-a-child?ref=TWvMg
<i>Navy JAG</i>	http://www.jag.navy.mil/legal_services/documents/nlso_pacific_Guam%20Guardianship.pdf
<i>Office of the Public Guardian</i>	http://www.guamcourts.org/OPG/pubguard.html
<i>Guam Bar Association</i>	http://guambar.org/office-of-the-public-guardian

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Hawaii</i>	State Abbreviation (Postal Code): <i>HI</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/22/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

Hawaii specifies an order of priorities for what types of guardians are preferred, but does not require criminal/credit checks or training. Interestingly, it provides for the role of a Kokua Kanawai as an independent investigator who looks into both the ward and the proposed guardian to advise the judge on the proper course of action. There are both inventory and regular financial accounting requirements.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards:
<i>The court shall appoint as guardian a person whose appointment will be in the best interest of the minor. The court shall appoint a person nominated by the minor, if the minor has attained fourteen years of age, unless the court finds the appointment will be contrary to the best interest of the minor.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
<i>There is a process whereby a kokua kanawai, a trained person appointed at the court's discretion, will conduct a variety of independent investigative duties, including interviewing the proposed guardian. The kokua kanawai's report is then submitted to the judge and the judge can decide to reject the guardian on the basis of the report.</i>
Citations:
<i>Haw. Rev. Stat. Ann. 560:5-206; 560:5-305.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Haw. Rev. Stat. Ann. 560:5-317.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Within thirty days after appointment, a guardian shall report to the court in writing on the condition of the ward and account for money and other assets in the guardian's possession or subject to the guardian's control. A guardian shall report at least annually thereafter and whenever ordered by the court.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The mental condition of the ward, plans for future care, living arrangements, etc.</i></p>
<p>Citations:</p> <p><i>Haw. Rev. Stat. Ann. 560:5-317.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The court may appoint a kokua kanawai to review a report, interview the ward orguardian, and make any other investigation the court directs.</i>
Citations: <i>Haw. Rev. Stat. Ann. 560:5-317.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Immediate action if there is belief that the vulnerable adult has incurred abuse or is in immediate danger of abuse; a court may also make orders enjoining the guardians from selling or disposing of the vulnerable adult's property, withdrawing funds from any financial institution in which the vulnerable adult has an interest, negotiating any instruments payable to the adult, selling, mortgaging, or otherwise encumbering any interest that the vulnerable adult has in real property, exercising any powers on behalf of the vulnerable adult by representatives of the department, or other rep.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Injunctions or removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>A ward or a person interested in the welfare of a ward may petition for any order that is in the best interest of the ward. The petitioner shall give notice of the hearing on the petition to the ward, if the ward has attained fourteen years of age and is not the petitioner, the guardian, and any other person as ordered by the court.</i>
Citations: <i>Haw. Rev. Stat. Ann. 346-231; 353-26.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Application/Petition for Appointment</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Inventory</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Acceptance of Appointment</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Other: _____</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Hawaii State Courts</i>	<i>http://www.courts.state.hi.us/docs/1FP/ProSeIncap.pdf</i>
<i>Hawaii Family Court</i>	<i>http://hawaii.gov/jud/Oahu/Family/ProSeIncap032007.pdf</i>
<i>Region Legal Service Office - Hawaii</i>	<i>http://www.jag.navy.mil/legal_services/documents/PreventativeLawSeries-HI_Guardianship_Sep%2009.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Idaho</i>	State Abbreviation (Postal Code): <i>ID</i>
Completed By: <i>Mark Jia</i>	Date: <i>4/10/14</i>
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/22/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

There are fairly extensive statutory requirements for guardianship in the case of minors, conservatorships, and most especially: incapacitated persons. There are criminal background check requirements, some financial history requirements (though not quite a credit history), and very extensive financial reporting requirements at regular intervals. Conditions for removal are not enumerated, and instead live in "best interest" and "good cause" clauses.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Court may appoint any person "whose appointment would be in the best interests of the minor." If minor over 14, court shall appoint any person nominated by the minor unless against his/her best interests. For incapacitated person, guardian must be competent or can be a suitable institution.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>No convicted felon or person whose residence is the incapacitated person's proposed residence or will be frequented by the person or by a convicted felon, shall be appointed unless court finds clear/convincing evidence that such appointment is in the person's best interest. Similarly, no convicted felon shall be appointed as a conservator unless the court finds through clear/convincing evidence that it is in the person's best interest.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Idaho Code Ann. § 15-5-206.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>Guardian for incapacitated person must submit a criminal history and background check and must make available to the visitor/guardian ad litem by the department of health and welfare.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any): <i>Proposed guardian must provide report of his or her civil judgments and bankruptcies to the visitor, the guardian ad litem, and others entitled to notice of the guardianship proceeding.</i>
Citations: <i>Idaho Code Ann. § 15-5-311.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Idaho Code Ann. § 15-5-418</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The conservator or guardian shall submit a written annual report to the court concerning the status of the ward and of the ward's estate.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The report shall cover all of the estate of the protected person which is under the control of the conservator with supporting documentation. The report shall contain a reasonably detailed listing of the starting inventory with the fair market value of each item, of the receipts by the estate, of the payments or expenses of the protected person, of the ending inventory, and reasons for imbalance if imbalance occurs.</i></p>
<p>Citations:</p> <p><i>Idaho Code Ann. § 15-5-419.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If a conservator or guardian: (1) Makes a substantial misstatement on filings of any required annual reports; or(2) Is guilty of gross impropriety in handling the property of the ward; or(3) Willfully fails to file the report required by this section, after receiving written notice of the failure to file and after a grace period of two (2) months have elapsed; then the court may impose a fine in an amount not to exceed five thousand dollars (\$5,000) on the conservator or guardian. Restitution or the appointment of a guardian ad litem are also available.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>Idaho Code Ann. § 15-5-419.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>If removal "in best interest of the ward" in the case of minors or incapacitated persons. For conservators, court may remove for good cause upon notice and hearing.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Only those specified in Section II(C) above, and removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Petition for removal by the ward or a person interested in the welfare of the ward, accompanied by notice and hearing.</i>
Citations: <i>Idaho Code Ann. § 15-5-212.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Application/Petition for Appointment</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Inventory</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Acceptance of Appointment</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Other: _____</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Idaho State Bar</i>	https://isb.idaho.gov/pdf/legal_education/bro_guardianship.pdf
<i>Idaho State Government</i>	http://www.idahojudicial.edu/guardian-conservator/
<i>Idaho Supreme Court</i>	http://www.isc.idaho.gov/guardianship/guardianship-conservators-hip
<i>Disability Rights Idaho</i>	http://www.disabilityrightsidaho.org/images/content/docs/DRI-Self-Advocacy-Guide-to-Guardianships.pdf
<i>Idaho Legal Aid Services</i>	http://www.idaholegalaid.org/taxonomy/term/2495

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Illinois</i>	State Abbreviation (Postal Code): <i>IL</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/10/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>There are certification and training requirements for public guardians. There is an inventory requirement. Guardians do not need to submit to criminal or credit checks or undergo any kind of significant financial reporting scheme. Nor are there any statutory procedures specified for removal or sanction.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input checked="" type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>Each person appointed as a public guardian by the Governor shall be certified as a National Certified Guardian by the Center for Guardianship Certification within 6 months after his or her appointment.</i>
Citations: <i>755 Ill. Comp. Stat. § 13-1.2.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The guardian of minor or disabled person must be eighteen or older, a US resident, not of unsound mind, not disabled, not convicted of a felony (unless the court finds appointment in the best interest of child).</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>755 Ill. Comp. Stat. § 11-3; § 11a-5.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
<i>The Guardianship and Advocacy Commission shall provide public guardians with professional training opportunities and facilitate testing and certification opportunities at locations in Springfield and Chicago with the Center for Guardianship Certification.</i>
Citations:
755 Ill. Comp. Stat. § 13-1.2.

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations:
755 Ill. Comp. Stat. 13-5.

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/></p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The statute only requires a financial accounting upon the death of the ward. The statute does require that "[t]he public guardian shall, at such intervals as the court may direct, submit to the court an affidavit setting forth in detail the services he has provided for the benefit of the ward."</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal:
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations:

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Illinois State Bar</i>	http://www.isba.org/store/clientbrochures/booklets/beingaguardian
<i>Office of State Guardian</i>	https://gac.state.il.us/osg/
<i>Illinois Guardianship and Advocacy Commission</i>	http://gac.state.il.us/pdfs/gtagii/guideadultguardianship2011.pdf
<i>Illinois Legal Aid</i>	http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentid=5099#
<i>Illinois AAP (American Academy of Pediatrics)</i>	http://illinoisaap.org/wp-content/uploads/Guardianship.pdf

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Indiana</i>	State Abbreviation (Postal Code): <i>IN</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Indiana requires inventory accounting and regular filings. However, there are no requirements for criminal or credit history checks, educational training, certification and licensure.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The court shall appoint a qualified person or persons most suitable and willing to serve, with due regard to any request made by the person, in a will, a minor over 14, the spouse of the person, the best interest of the minor, etc.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>Court may not appoint someone if they are a sexually violent predator, if they were 18 or older at the time of the offense and convicted of child molesting or sexual misconduct with a minor against a child under 16 by using or threatening the use of deadly force while either armed with a weapon or that resulted in serious bodily injury, or if they were less than 18 years but convicted as an adult of several enumerated offenses.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Ind. Code Ann. 29-3-7-7.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Ind. Code Ann. 29-3-9-5.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input checked="" type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A written verified account of the guardian's administration must be submitted at least biennially, not more than 30 days after the anniversary date of appointment and not more than 30 days after the termination of the appointment.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>Ind. Code Ann. 29-3-9-5.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>When a person becomes incapacitated, disqualified, unsuitable, or incapable of discharging the duties, has mismanaged the estate, failed to perform any legal duty, or has ceased to be domiciled in Indiana.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>The court can sanction through its own motion or on the petition of a protected person or an interested person, but only after notice and hearing.</i>
Citations: <i>Ind. Code Ann. 29-3-12-4.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Kids Voice in Indiana</i>	http://www.kidsvoicein.org/programs/clci/guardianship/
<i>Indiana State Guardianship Association</i>	http://indianaguardian.org/
<i>Indiana Legal Services, Inc.</i>	http://www.indianalegalservices.org/article/449
<i>Indiana Adult Guardianship State Taskforce</i>	http://www.indianacare.org/Home_files/2%20A%20Report%20on%20the%20State%20of%20Adult%20Guardianship%20in%20Indi

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Iowa</i>	State Abbreviation (Postal Code): <i>IA</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/22/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>The qualifications section states certain preferences and there are no license requirements or state-wide requirements to have credit or criminal history checks. There are inventory and financial accounting requirements.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The court shall appoint a qualified and suitable person willing to serve as guardian. There is preference for parents in the case of minors, or to any person nominated as a guardian by a minor child.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Iowa Code Ann. 633.559.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Iowa Code Ann. 633.670.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input checked="" type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Reports must be filed annually within ninety days of the close of the reporting period, unless the court orders otherwise on good cause shown.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The report and accounting shall include information including: the balance of funds on hand at the close of the last previous accounting, and all amounts received from whatever source during the period covered; all disbursements made during the period; any change in investments (including a list of all assets), the amount of bond/name of surety</i></p>
<p>Citations:</p> <p><i>Iowa Code Ann. 633.671.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal:
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations:

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Iowa Legal Aid</i>	http://www.iowalegalaid.org/files/A3ED30CF-AFFE-7431-9310-0D521E4312AF/attachments/4F0157E9-F7D3-4DEC-B0E3-6515A
<i>Iowa Department of Aging</i>	https://www.iowaaging.gov/guardianship-and-conservatorship
<i>Iowa Bar Association</i>	http://c.ymcdn.com/sites/www.iowabar.org/resource/resmgr/docs/guardianshipconservatorship.pdf

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Kansas</i>	State Abbreviation (Postal Code): <i>KS</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Kansas has a fixed order of priorities when it comes to who can serve as a guardian, but does not require a criminal or credit check, or any kind of training. Financial reporting is required annually, and courts may impose sanctions or removal when bad faith has been exhibited.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Priority to nominee of proposed ward, nominee of natural guardian, nominee of minor if over 14, nominee of spouse, adult child, or close family member, or nominee of petitioner. Court shall consider the workload, capabilities, and potential conflicts of interest of the proposed guardian; shall be sensitive to religious considerations. Corporations can also serve.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Kan. Stat. Ann. 59-3068; 59-3070.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input checked="" type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Kan. Stat. Ann. 59-3083.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No *

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

The guardian or conservator appointed by the court, annually, and at other times as the court may specify, shall file with the court, in such form as the supreme court may require by rule, or in the absence of such rule or in supplement thereto, as the court may require, reports and accountings concerning the status of the ward or conservatee, the estate of the ward or conservatee, and the actions of the guardian or conservator.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text *or* require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

Citations:

Kan. Stat. Ann. 59-3083.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

The court within its order may grant to or withdraw from the guardian specified duties, responsibilities, powers or authorities and may specifically order the guardian with regard to the performance of assigned duties, responsibilities, powers or authorities, including requiring the guardian to file an amended report, may require the guardian to develop and file with the court a guardianship plan.

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>In reviewing the guardian's report, the court also shall review the guardian's accounting and at the conclusion thereof, if the court finds that the accounting accurately accounts for the ward's estate and shows appropriate administration on the part of the guardian, the court shall issue an order approving the accounting.</i>
Citations: <i>Kan. Stat. Ann. 59-3084.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>At any time the court has reason to believe that the guardian or conservator, or both, has failed to faithfully or diligently carry out such person's duties or responsibilities or to properly exercise such person's powers or authorities in a manner consistent with their responsibilities.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Court can remove the guardian, but if not, it may also issue appropriate orders further directing the guardian or conservator, or both, with regard to the performance of such person's duties or responsibilities or the exercise of such person's powers or authorities.</i>
What are the procedures for imposition of civil sanctions or removal? <i>If court has reason to believe guardian has not acted faithfully, it may issue to the guardian or conservator, or both, an order to appear before the court at a specified date, time and place to show just cause. At such hearing, the court shall give to the guardian or conservator, or both, the opportunity to present evidence concerning their actions. The court shall also have the authority to receive all relevant and material evidence which may be offered by other interested parties.</i>
Citations: <i>Kan. Stat. Ann. 59-3089.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Kansas Guardianship Program</i>	<i>http://www.ksgprog.org/Publications/Guide%20to%20KS%20Law.pdf</i>
<i>Kansas Legal Services</i>	<i>http://www.kansaslegalservices.org/taxonomy/term/28</i>
<i>Kansas Judicial Council</i>	<i>http://www.dc18.org/info/forms/Guardian%20and%20Conservator%20Instructions.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Kentucky</i>	State Abbreviation (Postal Code): <i>KY</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

There are no requirements for training, education, criminal background checks, or credit checks. Like most other statutes, inventory filings must occur on a regular basis, and a number of circumstances, including insanity and incapacity, justify removal. Kentucky requires a jury trial to assess someone's need for guardianship before a guardian can be appointed.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Court shall appoint any person or entity whose appointment would be "in the best interest of the minor," taking into account their ability "to manage and the preserve the minor's estate. Preference to those with: 1. Kinship; 2. Education and business experience 3. Financial Capability and 4. ability to carry out other statutory requirements.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Ky. Rev. Stat. Ann. 387.032, 387.605.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Ky. Rev. Stat. Ann. 387.710.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

The conservator must file with the court a verified report and financial account biennially within 120 days after the anniversary date of the appointment.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text *or* require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

The report must contain the present personal status of the ward, the plan for preserving the estate, the need for continuation/cessation of the conservatorship, the need for any alterations in powers, the amount and type of property under conservator control, the nature of such investment, and expenditures made during the preceding year.

Citations:

Ky. Rev. Stat. Ann. 387.710.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Grounds for mandatory removal: if the guardian becomes insane, moves out of the Commonwealth, becomes incapable of discharging the duties of appointment, or fails for any reason to discharge the duties of appointment. Grounds for discretionary removal: failure to make an account or inventory as required by law or the District Court, or failure to give additional surety when required.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>No other civil sanctions specified; just removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>No precise mechanisms specified, only that ex post the District Court shall appoint a new person or entity to serve as guardian.</i>
Citations: <i>Ky. Rev. Stat. Ann. 387.090.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Legal Aid Network of Kentucky</i>	<i>http://kyjustice.org/node/568</i>
<i>Protection and Advocacy</i>	<i>http://louisville.edu/education/kyautismtraining/resources/june-2011-ky-plans/June2011P-AThinkingGuardianship.pdf/at_download/</i>
<i>Kentucky Cabinet for Health and Family Services</i>	<i>http://chfs.ky.gov/dail/guardianship.htm</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Louisiana</i>	State Abbreviation (Postal Code): <i>LA</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>There are minimal requirements for training, qualifications, and reporting.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>For minors, courts shall consider the 'moral and financial fitness' of the proposed guardian and the conditions of the home of the proposed guardian with respect to health, adjustment, and other advantages or disadvantages for the child. Guardian must be able to provide "safe, stable, and wholesome" home, and be in child's "best interest."</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>La. Child. Code. Ann. 721, 722, 723.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/>
Citations:

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/></p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardianship order may be modified or terminated if the court finds by clear and convincing evidence that there has been a substantial and material change in the circumstances of the guardian or child because the continuation of the guardianship is so deleterious to the child as to justify a modification or termination of the relationship or the harm likely to be caused from a change in the guardianship is substantially outweighed by the advantages to the child of the modification.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>The court shall hold a hearing before modifying or terminating a guardianship and shall, at the conclusion of the hearing enter a written order that includes the findings upon which the order is based.</i>
Citations: <i>La. Child. Code. Ann. 724.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Louisiana Guardianship Services</i>	<i>http://www.laguardianship.org/</i>
<i>Louisiana Office of Elderly Affairs</i>	<i>http://goea.louisiana.gov/assets/legalservicesfiles/INTERDICTION.pdf</i>
<i>Advocacy Center (Louisiana)</i>	<i>http://www.advocacyla.org/tl_files/publications/LegalStatus.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Maine</i>	State Abbreviation (Postal Code): <i>ME</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Maine has a different set of laws for minors and for IPs, though they are mostly the same. General provisions of Maine's law:</i> <i>* Provides for a streamlined process for small estates (disbursements of less than \$ 5,000 annually)</i> <i>* Guardian/conservator appointed 'in the best interest' of IP</i> <i>* Allows minors to collect for misappropriation of funds upon reaching majority</i> <i>* Petition for removal of guardian/conservator can be made by any interested party or court.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The proposed guardian or conservator must be "in the best interests of the minor or incapacitated person. The court considers 13 factors in determining between competing prospective guardians."</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>An owner, proprietor, administrator, employee, or other person with a substantial financial interest in a facility or institution licensed by the state may not act as guardian unless that person is the spouse of the IP.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Me. Rev. Stat. Ann. 18-A §§ 5-101, 410 (2014).</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input checked="" type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
<i>When a court makes a specific finding as to why a bond is not required it shall consider the person's creditworthiness.</i>
Citations: <i>Me. Rev. Stat. Ann. 18-A § 5-411(2014).</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Conservator must file an accounting within 90 days of appointment.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Conservators appointed after Jan. 1, 2008 must file an accounting annually, though this requirement may be waived by the court for a conservator who is a spouse or domestic partner. Conservators must keep records to furnish upon request.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe these special filing rules:</p> <p><i>Under a 'facility of payments' provision, estates which pay out less than \$5,000/year may be disbursed to a minor/IP through a court order without a guardian/conservator in order to minimize court proceedings.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>Me. Rev. Stat. Ann. 18-A §§ 5-103, 419 (2014).</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>Maine imposes a minimum penalty of \$100, or more at the court's discretion, for failing to file an annual accounting without good cause.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification

Does state law provide for review or audit of financial accountings filed by guardians of the estate?

Yes No

* If yes, briefly describe these review/audit provisions:

Public conservatorships administered by the state must be review annually. Additionally, the court sua sponte, or on the petition of any interested person, may appoint a visitor to review the guardian's report and determine if appropriate provisions for the care, comfort and maintenance of his ward and for the care and protection of his ward's property have been made. The visitor shall report his findings to the court in writing.

Citations:

Me. Rev. Stat. 18-A §§ 5-312, 418, 607 (2014).

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures

Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes No * (*If no, skip to Section III.C)

* If yes, briefly describe the grounds for sanction/removal:

Any interested party, or a minor (if at least 14 years of age) may petition court for termination of guardianship. Court must determine by clear and convincing evidence that accommodations are not in the best interest of the IP. Upon attaining majority, previous ward may bring suit for misappropriation of funds. Conservator may be removed for 'good cause' upon notice and hearing.

What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.

What are the procedures for imposition of civil sanctions or removal?

Conservator may be removed for 'good cause' upon a notice and hearing.

Citations:

Me Rev. Stat. Ann. 18-A § 5-203, 211, 415 (2014).

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>Adult Guardianship/Conservatorship Q&A/Maine Dep't of Health & Human Services</i>	<i>http://www.maine.gov/dhhs/oads/guardianship/qabook.pdf</i>
<i>Aging: Taking Care of Business/Maine Dep't of Health & Human Services</i>	<i>http://www.maine.gov/dhhs/oads/aging/aging_tcb/atcb-web.pdf</i>

C. Additional Comments
<p><i>The court shall consider: (1) The wishes of the party or parties as to custody;(2) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference;(3) The child's primary caregiver;(4) The bonding and attachment between each party and the child;(5) The interaction and interrelationship of the child with a party or parties, siblings and any other person who may significantly affect the child's best interest;(6) The child's adjustment to home, school and community;(7) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;(8) The permanence, as a family unit, of the existing or proposed home;(9) The mental and physical health of all individuals involved;(10) The child's cultural background;(11) The capacity and disposition of the parties to give the child love, affection and guidance and to continue educating and raising the child in the child's culture and religion or creed, if any;(12) The effect on the child of the actions of an abuser if related to domestic violence that has occurred between the parents or other parties; and(13) All other factors having a reasonable bearing on the physical and psychological well-being of the child.</i></p> <p><i>* Court requires conservator of an estate of \$25,000 or more to furnish a bond.</i></p>

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Maryland</i>	State Abbreviation (Postal Code): <i>MD</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/22/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Maryland's guardianship process and requirements are as follows:</i> 1) <i>The court will appoint a guardian, after a notice and hearing on the competency of the ward.</i> 2) <i>A guardian will be chosen according to a priority list but the judge can bypass the list for good cause</i> 3) <i>Once appointed, a guardian can be removed for neglect of duties, embezzlement and other misconduct.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Normally, a guardian is appointed according to a priority list but for "good cause" the court can bypass the priority list and choose the "best qualified person".</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Md. Code. Ann. Est. & Trusts. 13-207.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Md. Rules Guardians & Fiduciaries 10-707.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

The financial report must be filed 60 days after the end of the reporting year, unless the court, for cause shown, extends the filing time.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text *or* require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

Maryland Rules require a form to be used to complete the accounting. The form requires the guardian to note any changes in the estate and the amounts expended for the care of the ward.

Citations:

Md. Rules Guardians & Fiduciaries 10-206.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

Presumably, when reading Md. Rule 10-206, providing that a court can take appropriate action when a guardian fails to file an accounting, with the removal statute Md. Rule 10-208, stating that a guardian can be removed for cause, a court can remove a guardian for failing to file a report.

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The court will review the accounting, and either accept it or take appropriate action.</i>
Citations: <i>Md. Rules Guardians & Fiduciaries 10-206; 10-208.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A court must remove a guardian who, willfully misrepresented material facts leading to his appointment; willfully disregarded an order of court; shown himself incapable with or without fault to properly performs the duties of his offices or breached; or breached his duty of good faith or loyalty. A court may remove a fiduciary if they negligently failed to file a bond, negligently failed to obey a court order; or failed to perform any of their duties.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal. The statute also provides leeway for other sanctions. "Court . . . may impose any other appropriate sanctions."</i>
What are the procedures for imposition of civil sanctions or removal? <i>For removal proceedings, the court will issue a notice that sets the hearing date. At the hearing the guardian must show good cause why they should not be removed.</i>
Citations: <i>Md. Rules Guardians & Fiduciaries 10-208; 15-112.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Maryland Guardianship Forms</i>	<i>http://mdcourts.gov/family/formsindex.html</i>
<i>Maryland Guardianship: Summary of Current Law</i>	<i>http://mdcourts.gov/family/formsindex.html</i>
<i>Maryland Guardianship Handbook</i>	<i>http://www.mdclaw.org/wp-content/uploads/2011/12/Guardianship-Handbook-2011.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Massachusetts</i>	State Abbreviation (Postal Code): <i>MA</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state’s guardianship process and requirements:</p> <p><i>* Anyone can be appointed as guardian if not disqualified by criminal conduct</i> <i>* No training or certification is required for guardianship</i> <i>* Priority is given to Incapacitated Person/minor's choice (if 14 or older)</i> <i>* Accounting(s) may be requested/guardianship may be terminated by petition of interested party or by court if in best interests of the ward.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The court may appoint any person it 'deems best suited to serve', who is not legally disqualified. The ward's most recent nomination will be given first priority. If a minor, and at least 14 years of age, the court will appoint the minor's nominee unless found contrary to the best interests of the minor.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>The shall not appoint any person as a guardian who is being investigated or has charges pending for neglect or an assault and battery that resulted in serious bodily injury to the minor, incapacitated or protected person. M.G.L. 190B § 5-107.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Mass Gen. Laws Ann. §§ 5-107, 207, 305 (West 2014).</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>Guardian may not be convicted or have charges pending or assault and battery against the ward.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Mass Gen. Laws Ann. 190B § 5-107 (West 2014).</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Mass. Gen. Laws Ann. 190B § 5-309 (West 2014).</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The conservator shall file an account with the court not less than annually unless the court directs otherwise, upon removal from guardianship, and other times a court directs.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The financial accounting must state or contain: 1) a listing of the balance of the prior account or inventory, receipts, disbursements and distributions during the reporting period; 2) a listing of services provided to ward; 3) any recommended changes in any conservatorship plan as well as a recommendation as to continued need or changes in scope of conservatorship .</i></p>
<p>Citations:</p> <p><i>Mass Gen. Laws Ann. 190B § 5-418 (West 2014).</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Any person interested in the welfare of a ward or the ward (if 14 years of age) may petition for removal of guardian on the ground that removal would be in the best interest of the ward. The court may remove a guardian if the ward is no longer incapacitated. Guardianship (if for minority) terminates upon reaching majority.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Mass Gen. Laws Ann. 190B §§ 5-212, 5-311 (West 2014).</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input checked="" type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input checked="" type="checkbox"/> Financial Accounting (Initial)	<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input checked="" type="checkbox"/> Financial Accounting (Initial)							
<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Mass. Handbook for Conservators/Mass. Guardianship Assoc.</i>	http://www.massguardianshipassociation.org/wp-content/uploads/2012/09/3-Conservators-HandbookforConservators-Version1.pdf
<i>Mass. Handbook for Guardians/Mass. Guardianship Assoc.</i>	<i>New addition under revision available TBA</i>
<i>Massachusetts Trial Court Law Libraries</i>	http://www.lawlib.state.ma.us/subject/about/guardian.html
<i>Massachusetts Guardianship Assoc.</i>	http://www.massguardianshipassociation.org

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Michigan</i>	State Abbreviation (Postal Code): <i>MI</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>If serving as guardian, the parent of an unmarried legally incapacitated individual may appoint by will, or other writing signed by the parent and attested by at least two witnesses, a guardian for the legally incapacitated individual. A spouse currently serving as guardian can transfer guardianship in the same manner.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Mich. Comp. Laws Ann. § 700.5417.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input checked="" type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input checked="" type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The conservator must keep suitable records of the administration and exhibit those records on the request of an interested person. A conservator shall account to the court for administration of the trust not less than annually unless the court directs otherwise, upon resignation or removal, and at other times as the court directs. The annual report is due within 56 days of the anniversary of your appointment.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>In the report, you must inform the court of the individual's - Living arrangement, Physical and mental health, Medical treatment, Social activities, Visits, and Need for continued guardianship.</i></p>
<p>Citations:</p> <p><i>Mich. Comp. Laws Ann. § 700.5418 (West 2014).</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If a guardian fails to file an accounting report, he or she can be suspended or removed as guardian.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>If a guardian fails to file an accounting report, he or she can be suspended or removed as guardian.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Mich. Comp. Laws Ann. § 700.5418 (West 2014).</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input checked="" type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other: <u>Letters of Guardianship</u></td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input checked="" type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input checked="" type="checkbox"/> Other: <u>Letters of Guardianship</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input checked="" type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input checked="" type="checkbox"/> Other: <u>Letters of Guardianship</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>PC 571 Acceptance of Appointment (Court's discretion re: whether or not to sign)</i> <i>PC 633 Letters of Guardianship</i> <i>PC 639 Petition for Appointment of a Conservator (separate from guardian, if assets are valuable enough to require investment management)</i> <i>PC 638 Petition to Terminate or Modify Guardianship; PC 634 Annual Report of Guardian</i>								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Minnesota</i>	State Abbreviation (Postal Code): <i>MN</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>A conservatorship or guardianship is established through a legal action, or proceeding. The person who files a petition with the court requesting that a conservatorship or guardianship be established is the petitioner.</i></p> <p><i>Any competent person may be appointed as the guardian or conservator for a person who is incapacitated.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Whenever possible the court will ask the adult who he or she would like appointed as guardian or conservator. The law states that in selecting a guardian or conservator, the primary concern is the interest of the incapacitated adult.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>Any individual or agency which provides residence, custodial care, medical care, employment training or other care or services for which they receive a fee may not be appointed as guardian unless related to the respondent by blood, marriage, or adoption.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>Background check must be completed before a court issues a final order appointing a guardian or conservator. Checks are not required if the proposed guardian is (1) a parent or guardian of a protected person who is mentally incapacitated, if the parent or guardian has raised the proposed ward, unless counsel appointed for the proposed ward requests the study; or (2) a bank with trust powers, bank and trust company, or trust company.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/>
Citations:

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input checked="" type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The guardian should report at least annually and whenever required by the court.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>Minn. Stat. 524.5-316(a)</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause. If a guardian fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator. Failure to satisfy the needs and requirements of this section shall be grounds for removal, but the conservator shall have no personal or monetary liability.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>There shall be grounds for removal, but the conservator shall have no personal or monetary liability.</i>
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Minn. Stat. 524.5-316 (f); Minn. Stat. 524.5-316 (g)</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>Lutheran Social Services</i>	http://www.lssmn.org/oa/guardianship/
<i>Minnesota State Library</i>	http://mn.gov/lawlib/guardianship.html
<i>Minnesota Association for Guardianship and Conservatorship</i>	http://www.minnesotaguardianship.org/

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Mississippi</i>	State Abbreviation (Postal Code): <i>MS</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/23/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Mississippi law specifies very little within statutory language and leaves most areas to the discretion of the court.</i> <i>* There are no statutory disqualifications for becoming a guardian</i> <i>* There are no background checks for prospective guardians</i> <i>* Most alterations of the estate of the ward must be approved by the court (i.e. instructions on spending or investing gifts, money, stocks, bonds, investments or acquisitions)</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Miss. Code Ann. § 93-13-33 (West 2014).</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Every guardian shall provide an account at least once each year and more often if required by the court.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>If a minor does not have any real property, cash-on-hand of no more than Two-Hundred-Fifty Dollars, and personal property no more than One Thousand Dollars, a court may waive annual or final accounting by a special guardian.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The vouchers of a guardian required to be filed shall not be received, filed, or allowed unless they conform to, or be made to conform to, the requirements of law relating to the vouchers of executors and administrators.</i></p>
<p>Citations:</p> <p><i>Miss. Code Ann. §§ 93-13-67; 93-13-37; 93-13-71.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>The guardian may be removed for failing to give a sufficient bond or if the bond previously executed becomes of doubtful solvency.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>The court by which a guardian was appointed, may, for sufficient cause, remove him after having him cited to appear.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Miss. Stat. Ann. § 93-13-23.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Guardianships/Conservatorships-N.Mississippi Rural Legal Services</i>	<i>http://www.nmrls.com/Guardianships%20and%20Conservatorships%20-%20Barry%20K.%20Jones.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Missouri</i>	State Abbreviation (Postal Code): <i>MO</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Any charitable organization organized and incorporated as a not-for-profit corporation under Missouri laws prior to Jan. 1, 1902 is qualified to continue serving as guardian of the person for whom the corporation was appointed prior to enactment of the new guardianship code and are permitted to continue being appointed guardians of a person judged to be incapacitated.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input checked="" type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>Any charitable organization organized and incorporated as a not-for-profit corporation under Missouri laws prior to Jan. 1, 1902 is qualified to continue serving as guardian of the person for whom the corporation was appointed prior to enactment of the new guardianship code and are permitted to continue being appointed guardians of a person judged to be incapacitated. A corporation authorized to do business in MO and is empowered by its charter to act as a conservator or any national banking association may be appointed as conservator but NOT as a guardian.</i>
Citations: <i>Mo. Ann. Stat. § 475.055.2, 475.055.3 (West. 2014).</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>Any employee or individual associated with the Department of Mental Health or Social Services; no judge, clerk, or deputy of any court; no one under the age of 18 (unless married and giving consent for minor or incapacitated spouse); no incapacitated or disabled person; no habitual drunkard; or no person whose letters of guardianship have been previously revoked in the last two years.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Mo. Ann. Stat. § 475.055.2 (West. 2014).</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Mo. Ann. Stat. § 475.082.2 (West. 2014).</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p> <p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The accounting must file an annual report on the anniversary of the anniversary date of the guardianship letters.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe these special filing rules:</p> <p><i>Every guardian, who has received or shall receive on account of his ward any moneys or other thing of value from the Veterans Administration shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys or other things of value so received by him, all earnings, interest or profits derived therefrom and all property acquired therewith and of all disbursements therefrom, and showing the balance at the date of the account and how invested.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text or require use of state-approved form(s)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>Mo. Ann. Stat. § 475.725 (West 2014).</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardianship or conservatorship may be terminated by court order after such notice as the court may require if the conservatorship estate is exhausted, if the conservatorship is no longer necessary for any other reason, if the court finds that a parent is fit, suitable and able to assume the duties of guardianship and it is in the best interest of the minor that the guardianship be terminated.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>The conservator is liable for all losses incurred by the protectee and subject to removal by the court.</i>
What are the procedures for imposition of civil sanctions or removal? <i>If any conservator refuses or neglects to file an accounting or makes a false report, the conservator is liable for all losses or damages to the protectee and may be relieved from his duties at the discretion of the court. Removal also occurs upon the revocation of the letters of guardianship or conservatorship by the court or upon a court order terminating the guardianship or conservatorship.</i>
Citations: <i>Mo. Ann. Stat. § 475.190.5, 475.083.1 (West. 2014).</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Montana</i>	State Abbreviation (Postal Code): <i>MT</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state’s guardianship process and requirements:</p> <p><i>* Anyone in the 'best interests' of the ward can be named a guardian/ with preference given to close relations</i> <i>* Accountings are required annually, or at the discretion of the court</i> <i>* Anyone interested in the welfare of the ward and at least 14 years old may petition for the removal of a guardian.</i> <i>* Anyone interested in the welfare of the ward may petition for substituted judgment authorizing or requiring a conservator to take a proposed action</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Any competent person or a suitable institution, association, or nonprofit corporation or any of its members may be appointed a guardian of an incapacitated person if that person is in the best interests of the ward.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Mont. Code Ann. § 72-5-312.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Mont. Code Ann. §72-5-424.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

The conservator must file an accounting, not less than once annually, unless the court determines otherwise.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text *or* require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

Citations:

Mont. Code Ann. §§ 72-5-104; 72-5-438.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Any person interested in the welfare of the ward, if 14 years or older may petition for removal of a guardian on the grounds that the guardian is not in the best interests of the ward. The court may remove a conservator for good cause and upon notice and hearing.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>None specified.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Notice and hearing and removal must be for cause, or in the case of a minor, the minor must be 14 years or older and request a new guardian/conservator.</i>
Citations: <i>Mont. Code Ann. §§ 72-5-234; 72-5-414.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>Montana courts provide for, but do not statutorily specify guardianship forms.</i> http://courts.mt.gov/library/topic/guardian.mcp								

B. Other State Resources	
Document/Organization	Web Address
<i>Temporary, Limited, and Full Guardianships/Disability Rights Montana</i>	http://www.disabilityrightsmt.org/janda3/files/articles/130
<i>Guardianship and Conservatorship/Montana Judicial Branch</i>	http://courts.mt.gov/library/topic/guardian.mcp

C. Additional Comments

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State:	State Abbreviation (Postal Code):
Completed By:	Date:
Reviewed By:	Date:

Description of Guardianship Process
Please give a brief overview of the state’s guardianship process and requirements:

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations:

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations:

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal:
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations:

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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Form notes:		

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Nevada</i>	State Abbreviation (Postal Code): <i>NV</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state’s guardianship process and requirements:</p> <p><i>* Nevada has a number of factors which may disqualify guardians (criminal record, bankruptcy, disbarment from legal or accounting professional organizations)</i> <i>* Private professional guardians must be certified</i> <i>* Any interested party may petition for removal of the guardian</i> <i>* Nevada has adopted a Uniform Veteran's Guardianship Act</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input checked="" type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>Private professional guardians must be certified, undergo an FBI background check, and submit fingerprints to the Central Repository of Nevada Records of Criminal History.</i>
Citations: <i>Nev. Rev. Stat. Ann. § 159.0595.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Nevada law allows anyone to be appointed a guardian except for six exceptions. A person may not be a guardian who is a minor, incompetent, non-resident, or has been disbarred from the practice of law, profession of accounting or any other profession which involves the sale or management of money, investments, securities, or real property.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A person may not be a guardian who is a minor, incompetent, non-resident, or has been disbarred from the practice of law, profession of accounting or any other profession which involves the sale or management of money, investments, securities, or real property.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>The court may exercise discretion in appointing guardians who have been convicted of a felony, or have been judged by a court to have committed abuse, neglect, or exploitation of a child, spouse, parent, or other adult.</i>
Citations: <i>Nev. Rev. Stat. Ann. § 159.059.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>Private professionals must undergo a criminal background check, private individuals petitioning to be a guardian must provide a list of felonies (if any) for which they have been convicted.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Nev. Rev. Stat. Ann. §159.0595; 159.044 (2)(i).</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Nev. Rev. Stat. Ann. § 159.085.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Annually, not later than 60 days after the anniversary date of the appointment of the guardian.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>Every guardian who on account of a ward receives money from the Department of Veterans shall file with the court annually, on the anniversary date of the appointment. Generally, guardianship of veterans is governed by Nevada's Uniform Veteran's Guardianship Act.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>In general, an account must show all cash receipts, claims filed, and actions taken regarding the account as well as any changes in ward's property due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions. An account filed on behalf of a veteran must include money received by the guardian its disbursement and investments if any as well as balance on hand.</i></p>
<p>Citations:</p> <p><i>Nev. Rev. Stat. Ann. §§ 159.177, 160.100.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>Failure to file for a ward who is a veteran is grounds for removal of the guardian.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Every guardianship is reviewed annually by the court. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may audit the receipts or vouchers that support the accountings.</i>
Citations: <i>Nev. Rev. Stat. Ann. §§159.176; 160.100.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardian may be removed if a court determines that the guardian: 1) has become mentally incompetent; 2) is disqualified under 159.059; 3) has filed for bankruptcy during the past five years; 4) has mismanaged the estate; 5) has negligently failed to perform any duty which either caused injury or a substantial likelihood of injury to the ward; 6) has intentionally failed to perform any duty provide by law; 7) the best interest of the ward will be served by removal; 8) is a private professional guardian and no longer qualified.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Any interested party can petition for removal of the guardian. Court has to make the findings by clear and convincing evidence.</i>
Citations: <i>Nev. Rev. Stat. Ann. §§ 159.059; 159.185.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes: <i>Nev. Rev. Stat. Ann. § 159.075 specifies a form for letters of guardianship.</i>		

B. Other State Resources	
Document/Organization	Web Address
<i>Handbook for Guardians/Clark County Guardianship Office</i>	<i>http://www.clarkcountycourts.us/shc/shc%20packets%20and%20documents/Guardian_Handbook.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>New Hampshire</i>	State Abbreviation (Postal Code): <i>NH</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>* Guardians must release criminal records to court upon petitioning to be guardian/conservator</i> <i>* Guardianship/Conservatorship must encourage maximum self-reliance possible and rehabilitative care</i> <i>* Annual accounting is required unless specified by court</i> <i>* Court or interested party may move to terminate guardianship</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Minimal, the court may not appoint someone excluded from appointment by written will or expressed by ward.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>The court will review record of criminal convictions and may release record of abuse or neglect from other states in which the guardian/conservator has lived.</i>
Citations: <i>N.H. Rev. Stat. Ann. §464-A:10 (2014).</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>Petitioners for guardianship must file a release provided by the court authorizing the release of any record of criminal convictions.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>N.H. Rev. Stat. Ann. § 464-A:4(A)-(D)(2014).</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>N.H. Rev. Stat. Ann. § 464-A:12.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The guardian must file an annual report with the court within 90 days after the anniversary date of the guardian's appointment, or be in default.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>Amount and type of real and personal property received by the guardian and remaining in his control or invested by him; the nature of such investment; receipts of money disbursed; expenditures during the preceding time. Upon request: all securities, evidences of deposit, investments, and any other relevant information.</i></p>
<p>Citations:</p> <p><i>N.H. Rev. Stat. Ann. §§ 464-A:35, 36.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If the court finds that the failure, refusal, or neglect to file is willful or negligent, the guardian may be fined an amount not to exceed \$5/day, or may be imprisoned for a period not to exceed 10 days, or both.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification

Does state law provide for review or audit of financial accountings filed by guardians of the estate?
 Yes No

* If yes, briefly describe these review/audit provisions:

The court has discretion to review the account of a conservator.

Citations:

N.H. Rev. Stat. Ann. § 464-A:15.

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures

Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes No * (*If no, skip to Section III.C)

* If yes, briefly describe the grounds for sanction/removal:

The court may terminate a guardianship if it finds that removal would be in the ward's "best interest" or through the petition of any person interested in the ward's welfare.

What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.

What are the procedures for imposition of civil sanctions or removal?

Citations:

N.H. Rev. Stat. Ann. §§ 464-A:39,40.

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>General Information about N.H. Guardianship Laws/New Hampshire Courts</i>	www.courts.state.nh.us/probate/guardianship.html
<i>New Hampshire Judicial Branch- Guardianship Form</i>	http://www.courts.state.nh.us/probate/pcforms/forms.htm
<i>Assistance Guide-Information Services</i>	http://www.agis.com/Document/753/fact-sheet---protectiv

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>New Jersey</i>	State Abbreviation (Postal Code): <i>NJ</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>1) An interested person or the ward for appointment of either a guardian, conservator or both.</i> <i>2) The statute requires a criminal background check to be performed before someone can be appointed to be a professional guardian.</i> <i>3) A guardian can be removed from its position for good cause.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>A conservator is chosen from a priority list starting with the person chosen by the ward, then the ward's spouse, child and finally any other person the court believes is suitable. The court can deviate from this priority list for good cause. A minor's guardian must show the court it is willing to take full responsibility for the child.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>N.J. Stat. Ann. 3B:13A-8.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>Before a kinship guardian or professional guardian can be appointed for a child or adult the court performs a criminal history record check and a child abuse record check.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>N.J. Stat. Ann. 3B:12A-6; 52:27G-37.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>N.J. Stat. Ann. 3B:16-2.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input checked="" type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Guardians and conservators file accountings when ordered to do so by the court.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>For veteran's guardians, if they are not required to file an accounting with the state they must, nonetheless, file one with the VA Administration annually.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting must set forth the collection and disposition of income and other assets within the conservator's control</i></p>
<p>Citations:</p> <p><i>N.J. Stat. Ann. 3B:13-11; 3B:13A-25; 3B:13A-27; 3B:17-3</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>A veteran's guardian can be removed for failure to file an accounting.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The court sends the accounting to interested parties who can review it.</i>
Citations: <i>N.J. Stat. Ann. 3B:13A-27; 3B:13-14.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>The court can remove a conservator or guardian for good cause. The court can remove a veteran's guardian for failure to file an accounting.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>A veteran's guardian will be removed 30 days after court notice sent to the home address and there is still continued failure to file an accounting.</i>
Citations: <i>N.J. Stat. Ann. 3B:13-14; 3B:13A-35.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>New Jersey Department of Human Services</i>	http://nj.gov/humanservices/ddd/services/guardianship/
<i>Step by Step Process To Becoming a Guardian in New Jersey</i>	http://www.judiciary.state.nj.us/prose/10558.pdf
<i>New Jersey Guardianship Monitoring Program</i>	http://www.judiciary.state.nj.us/guardianship/

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>New Mexico</i>	State Abbreviation (Postal Code): <i>NM</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

New Mexico's guardianship system generally distinguishes between guardianship of persons ("guardianship") and of estates ("conservatorship"), and has discrete but similar rules for each category. Oversight of the diligence of guardians/conservators is provided primarily through annual reporting, but also by court discretion. Sanctions other than small fees or termination of the guardianship/conservatorship are nonexistent. There are virtually no qualifications to be a guardian/conservator of an incapacitated person ("protected person"), but as between multiple prospective guardians/conservators, courts must appoint the "best qualified."

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Any person whose appointment would be in the best interests of the incapacitated person may be a conservator/guardian, but as between multiple so qualified prospectives, N.M.S.A. 1978, § 45-5-410 details that courts must select the "best qualified" based on any ascertainable preference, practicability, and reasonableness.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>Under N.M.S.A. 1978, § 45-5-303(A)(13), a court should consider felony convictions in determining qualification.</i>
Citations: <i>N.M.S.A. 1978, §§ 45-5-206, 45-5-303, 45-5-410.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
<i>N/A, but under N.M.S.A. 1978, § 45-5-303(A)(13), prospective guardians must attest with regards to their felony records, clean or otherwise, through self-certification, although lacking a clean felony record is not an automatic disqualifier.</i>
Citations: <i>N.M.S.A. 1978, § 45-5-303(A)(13).</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
<i>N/A, but under N.M.S.A. 1978, § 45-5-405.1, a court appointed guardian ad litem must enter into a non-defined "contract for training and education."</i>
Citations: <i>N.M.S.A. 1978, § 45-5-405.1</i>

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>N.M.S.A. 1978, § 45-5-418.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Under N.M.S.A. 1978, § 45-5-409, the "court shall not waive the requirement of an annual report and account under any circumstance, but may grant an extension of time. The court may require the filing of more than one report and account annually." The annual report must be filed within 30 days of the anniversary of the appointment.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The conservator shall keep suitable records of his administration." Under N.M.S.A. 1978, § 45-5-409, which includes a form, the "report shall include information concerning the progress and condition of the person under conservatorship, a report on the manner in which the conservator carried out his powers and fulfilled his duties and the conservator's opinion regarding the continued need for conservatorship."</i></p>
<p>Citations:</p> <p><i>N.M.S.A. 1978, §§ 45-5-409, 45-5-418.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>Under N.M.S.A. 1978, § 45-5-409(D), the "conservator may be fined five dollars (\$5.00) per day for an overdue annual report and account."</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Under N.M.S.A. 1978, § 45-5-409(E), the court may at any time require the conservator to submit to a physical inspection of the estate, without cause, "to be made in any manner the court may order".</i>
Citations: <i>N.M.S.A. 1978, § 45-5-409.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Under N.M.S.A. 1978, § 45-5-415(A), "the court may remove a conservator for good cause, upon notice and hearing."</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Under N.M.S.A. 1978, § 45-5-409(D), the "conservator may be fined five dollars (\$5.00) per day for an overdue annual report and account." Similarly, under N.M.S.A. 1978, § 45-5-314(B), a guardian may be so fined for such tardiness.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Under N.M.S.A. 1978, § 45-5-430, any the incapacitated person, or interested person, may petition for termination of the conservatorship and the court may follow through with such termination "after notice and a hearing" finding either that "the minority or disability of the protected [incapacitated] person has ceased" or there is good cause for removal under N.M.S.A. 1978, § 45-5-415(A).</i>
Citations: <i>N.M.S.A. 1978, §§ 45-5-409(D), 45-5-415(A), 45-5-430.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other: <u>Non-conservator guardian annual report</u></td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input checked="" type="checkbox"/> Other: <u>Non-conservator guardian annual report</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input checked="" type="checkbox"/> Other: <u>Non-conservator guardian annual report</u>	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>N.M.S.A. 1978, § 45-5-405(A) (conservator's annual report), N.M.S.A. 1978, § 45-5-314(A) (non-conservator guardian's annual report), N.M.S.A. 1978, § 45-5-405(C) (petition for conservatorship), N.M.S.A. 1978, § 45-5-309 (C) (petition for guardianship).</i>								

B. Other State Resources	
Document/Organization	Web Address
<i>Guardianship and Conservatorship for Adults in New Mexico: A Decision-Maker's Manual</i>	<i>Guardianship Alliance New Mexico: GuardianshipAlliance.Org</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>New York</i>	State Abbreviation (Postal Code): <i>NY</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/24/14</i>

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

A court will appoint a guardian for an infant or physician-certified developmentally disabled person if the court deems it to be in the best interest of the ward.

A petition for the appointment of a guardian of the person or property, or both, of a mentally retarded or developmentally disabled person may be made by a parent, any interested person eighteen years of age or older on behalf of the mentally retarded or developmentally disabled person including a corporation authorized to serve as a guardian as provided for by this article, or by the mentally retarded or developmentally disabled person when such person is eighteen years of age or older.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input checked="" type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>A corporation must be authorized to serve as a guardian.</i>
Citations: <i>N.Y. Surr. Ct. Proc. Act Law § 1751.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>A legal guardian must be at least 18 years old and a legal resident of the United States.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>There is no definitive rule for those with a criminal record, other than stating that the more serious the convicted crime, the less likely the person will be able to serve as a guardian.</i>
Citations: <i>N.Y. Surr. Ct. Proc. Act Law § 1703, 1751.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input checked="" type="checkbox"/>
Citations:

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>An annual accounting must be submitted within thirty days of the anniversary of the appointment.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting shall include the value of all property received by the ward since the last account, all debts and withdrawals with accompanying receipts, as well as the current balances of all accounts.</i></p>
<p>Citations:</p> <p><i>N.Y. Surr. Ct. Proc. Act Law § 1719</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If the guardian fails to submit an annual accounting or the accounting is deemed to be insufficient, the court may appoint a guardian ad litem to file a petition on the ward's behalf to seek removal of the guardian, if the court has reason to believe that sufficient cause exists for removal.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>In the month of February of each year and thereafter until completed or at such other time as the court deems proper, the court must for the purposes specified in the succeeding section, examine or cause to be examined under its direction all accounts filed within the preceding year.</i>
Citations: <i>N.Y. Surr. Ct. Proc. Act Law § 1721.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal:
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations:

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>North Carolina</i>	State Abbreviation (Postal Code): <i>NC</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/22/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state’s guardianship process and requirements:</p> <p><i>A corporation contracting with a public agency to serve as guardian is required to attend guardianship training and provide verification of attendance to the contracting agency. A corporation may be appointed as guardian only if it is authorized by its charter to serve as a guardian or in similar fiduciary capacities.</i></p> <p><i>Every guardian shall, within 30 days after the expiration of one year from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file in the office of the clerk an inventory and account, under oath.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input checked="" type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>A corporation contracting with a public agency to serve as guardian is required to attend guardianship training and provide verification of attendance to the contracting agency. A corporation may be appointed as guardian only if it is authorized by its charter to serve as a guardian or in similar fiduciary capacities. A corporation shall meet the requirements outlined in Chapters 55 and 55D of the General Statutes.</i>
Citations: <i>N.C. Gen. Stat. Ann. § 35A-1213 (c).</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The clerk may appoint as guardian an adult individual, a corporation, or a disinterested public agent. The applicant may submit to the clerk the name or names of potential guardians, and the clerk may consider the recommendations of the next of kin or other persons.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>An individual who contracts with or is employed by an entity that contracts with any provider of mental health, developmental disabilities, and substance abuse services may not serve as a guardian for a ward for whom the individual or entity is providing these services, an employee of a treatment facility may not serve as guardian for a ward who is an inpatient in or resident of the facility in which the employee works.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>N.C. Gen. Stat. Ann. § 35A-1213 (e)(f).</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>N.C. Gen. Stat. Ann. § 35A-1261.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

Every guardian shall, within 30 days after the expiration of one year from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file in the office of the clerk an inventory and account, under oath.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text *or* require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

The accounting shall contain the amount of property received by the guardian, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit

Citations:

N.C. Gen. Stat. Ann. § 35A-1264 (West 2013).

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

In cases of default to file the inventory or account, the clerk must issue an order requiring the guardian to file the inventory or account within the time specified in the order, or to show cause why he should not be removed from office or held in civil contempt, or both.

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The guardian shall produce vouchers for all payments or verified proof for all payments in lieu of vouchers. The clerk may examine on oath such accounting party, or any other person, concerning the receipts, disbursements or any other matter relating to the estate; and having carefully revised and audited such account, if he approve the same, he must endorse his approval thereon, which shall be deemed prima facie evidence of correctness.</i>
Citations: <i>N.C. Gen. Stat. Ann. § 35A-1261 (West 2014).</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>If after due service of the order of accounting, the guardian does not, within the time specified in the order, file such inventory or account, or obtain further time to file the same, the clerk may remove him from office, hold him in civil contempt.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>N.C. Gen. Stat. Ann. § 35A-1262 (West 2014).</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>North Dakota</i>	State Abbreviation (Postal Code): <i>ND</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>North Dakota's statute broadly reflects the Uniform Probate Code, although there are some unique aspects. North Dakota's laws proscribing rules and requirements for the guardianship process could best be describe as thin, leaving most standards and practices up to the common law. There are no mandatory requirements to become a guardian, and there are virtually no sanctions or civil penalties.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Unless a lack of undefined qualifications or other good cause dictates the contrary, the court shall appoint a guardian according to the incapacitated person's most recent wishes. In the absence of such wishes, § 30.1-29-10 dictates a common-sense hierarchy of priority for appointments (e.g., family have priority over strangers).</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>The statutes merely refer to "good cause" for disqualification.</i>
Citations: <i>N.D. Cent. Code Ann. §§ 30.1-27-06, 30.1-28-11, 30.1-29-10.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): N/A
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any): N/A
Citations: N/A

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any): N/A
Citations: N/A

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)? Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: N.D. Cent. Code Ann. § 30.1-29-18 (West 2014) (90 days)

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>At least annually, but the court may direct higher frequency in its discretion. A final filing is due upon termination of the guardianship.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>Conservatorships designed principally to deal with veteran's benefits have a maximum commission fee of 5%.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>N.D. Cent. Code Ann. §§ 30.1-29-14, 30.1-29-19.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>The court, sua sponte, may require the guardian to show good cause for failure to report, and hold the guardian in contempt of court for failure to show good cause.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>N.D. Cent. Code Ann. § 30.1-28-12.1.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>"good cause."</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Termination of the guardianship, or contempt of court for failing to file annual reports.</i>
What are the procedures for imposition of civil sanctions or removal? <i>The court may remove a conservator for good cause, upon notice and hearing.</i>
Citations: <i>N.D. Cent. Code Ann. § 30.1-29-15.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Application/Petition for Appointment</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Inventory</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Acceptance of Appointment</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Other: _____</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>North Dakota Department of Human Services- A Guide for Court Appointed Guardians in ND</i>	http://www.pathfinder-nd.org/pdf/guardianship-handbook-
<i>North Dakota Department of Human Services- Standards of Practice for Adults</i>	http://www.ndcourts.gov/Court/guardiansp.pdf

C. Additional Comments
<p><i>Although they are not required by law, the North Dakota Supreme Court makes four forms available to the public, available at: <http://www.ndcourts.gov/court/forms/guard/forms.htm>, including: a Annual Report of Conservator Form, a Conservator Inventory Report Form, a Conservator Income & Expense Report Form, and a Notice of Annual Report Form.</i></p>

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Ohio</i>	State Abbreviation (Postal Code): <i>OH</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/13/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Ohio generally prefers in-state residents to be guardians. The Ohio revised code does not specify any requirements to be a guardian, or automatic repercussions for malfeasant guardianship. Generally, Ohio favors responsive investigations over routine monitoring. Additionally, Ohio generally leaves it to the courts to determine when to intervene in a guardianship, and what responsive actions by the court are appropriate, rather than stipulating grounds for removal or sanctions, or what appropriate sanctions might be.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>N/A, but the prospective guardian must attest--through self-certification--to any criminal history; the criminal history need not necessarily be clean.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Ohio Rev. Code Ann. § 2111.03.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Ohio Rev. Code Ann. § 2111.14.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input type="checkbox"/> • Every 2 Years <input checked="" type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Under § 2111.141, the court can investigate reports or demand additional evidence, and charge the costs of investigation to the ward's estate, or the guardian in the case of malfeasance. Under § 2111.14, guardians who fail to make their initial reports will be removed. Under § 2111.49, the court can review the regular biennial reports and take appropriate action including terminating or modifying the guardianship.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>Guardianships of VA benefits waive court costs, and estates not exceeding twenty-five thousand dollars (\$25,000) in value are exempt from biennial reports.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>Under § 2111.49, guardians must report: contact information, frequency of interactions with the ward, opinions of the competency and condition of the ward, and a statement by a licensed physician regarding the need for guardianship based on an examination made within three months of the report.</i></p>
<p>Citations:</p> <p><i>Ohio Rev. Code Ann. §§ 2111.02, 2111.05, 2111.14, 2111.49.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>The court may, at any time, have a court appointee investigate the guardianship, and the court may take appropriate responsive action, upon notice and a hearing.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Courts are required to review reports, and appoint investigators to verify the guardian's report if necessary, with costs to the ward's estate, or to the guardian if investigation reveals the guardian was malfeasant.</i>
Citations: <i>Ohio Rev. Code Ann. §§ 2111.031, 2111.14, 2111.49.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal:
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations:

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Ohio State Bar Association - LawFacts Pamphlets</i>	https://www.ohiobar.org/ForPublic/Resources/LawFactsPamphlets/Pages/lawfactspamphlet-10.aspx
<i>Ohio Legal Services - Q&A, free forms, non-legal resources</i>	http://www.ohiolegalservices.org/public/legal_problem/wills-and-probate/guardianships/qandact_view
<i>Disability Rights Ohio - Guardianship FAQ</i>	http://www.disabilityrightsohio.org/faq-guardianship#job

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Oklahoma</i>	State Abbreviation (Postal Code): <i>OK</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>Prospective guardians with an imperfect criminal or financial history may be guardians, but courts are directed to give such individuals additional scrutiny.</i></p> <p><i>A lawful guardianship requires that no conflict of interest exists among the parties and/or the presiding judge.</i></p> <p><i>Oklahoma also has good Samaritan requirements for individuals to report abusive guardians. Malfeasant guardians will face both civil and criminal liability, in Oklahoma, as well as termination of the guardianship.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Courts are required to examine prospective guardians' capacity (no minors or incapacitated persons may be guardians), financial competency, criminality, and conflict of interest between ward, prospective guardian, and/or the appointing judge.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>If the appointing judge has financial obligation to proposed guardian, if the proposed guardian is a minor or incapacitated person, or if a conflict of interest exists between the ward and proposed guardian such that the guardian would be "substantially hindered" from acting in the ward's best interest.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>If the prospective guardian has a criminal history, is insolvent, or has had a bankruptcy within the past five (5) years.</i>
Citations: <i>Okla. Stat. Ann. tit. 30 §§ 4-102, 4-105.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input checked="" type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>The court must determine the criminal history of the proposed guardian & each member of the his household. If requested, any of them must submit an Oklahoma Bureau of Investigation criminal background check evidencing no criminal record. The proposed guardian shall disclose the case name and status of any civil or criminal matter in state or federal court involving the proposed guardian or any adult household member of the proposed guardian.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any): <i>A guardian-appointing judge must attest through self-certification to any financial obligation the judge may have to any prospective guardianship. The existence of such an obligation automatically disqualifies that prospective guardian.</i>
Citations: <i>Under Okla. Stat. Ann. tit. 30 §§ 4-102,4-105.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Okla. Stat. Ann. tit. 30 § 4-301.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

Guardians must generally report "at least annually." Guardians of minors are not so required. All guardians must also report when the ward's financial, mental, or physical condition substantially changes, when guardianship terminates, and when the guardian resigns. Judges can waive reports, but not for more than 5 years.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

Guardians do not need to post bonds with courts or report annually for VA benefit guardianships. For estates valued at less than \$40,000, guardians do not need to post bonds, but if they do they do not need to report annually. For less than \$10,000, reporting is not required.

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text or require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

The required forms ask for: contact/basic information, the date of the next report, expenditures on ward's behalf, frequency of interaction with ward, services being provided to ward, last visit by physician to ward and purpose thereof, significant changes or proposed changes to the guardianship or ward/ward's estate/resources, and opinions about ward, ward-guardian relationship, the necessity of continuing the guardianship, and ward's care

Citations:

Okla. Stat. Ann. tit. 30 §§ 4-201, 4-303, 4-305, 4-306.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

Under Okla. Stat. Ann. tit. 30 § 1-114 (West 2014), the court can compel guardians to file accountings. Under Okla. Stat. Ann. tit. 30 § 4-801 (West 2014), failure to file an accounting would qualify as a failure to perform a guardian's duties, which would constitute good cause for removal.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

Does state law provide for review or audit of financial accountings filed by guardians of the estate?

Yes No

* If yes, briefly describe these review/audit provisions:

As directed by the court, following submission of a report or in conjunction with an initial or annual review or any subsequent proceeding, a guardian or limited guardian shall submit to an actual review of the financial resources placed under his control.

Citations:

Okla. Stat. Ann. tit. 30 §§ 1-114 4-406, 4-801

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures

Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes No * (*If no, skip to Section III.C)

* If yes, briefly describe the grounds for sanction/removal:

Abuse of guardian's fiduciary responsibility, for continued failure to perform his duties, for incapacity to perform his duties, for gross immorality, for having an interest adverse to the faithful performance of his duties, if the instrument in which the person was nominated as guardian is judicially determined to be invalid, in the case of guardian of the estate: for insolvency, when it is no longer "proper" that the ward should be under guardianship, or otherwise "good cause."

What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.

Misdemeanor liability for failure to report abuses, felony liability for maliciously removing an incapacitated person from their guardian, civil compensatory damage liability for guardians whose willful acts harm their wards.

What are the procedures for imposition of civil sanctions or removal?

Notice and a hearing.

Citations:

Okla. Stat. Ann. tit. 30 §§ 4-801, 4-901.

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these referral requirements:
<i>Any person having reasonable cause to believe that an incapacitated person, a partially incapacitated person, or a minor is suffering from abuse, neglect, or exploitation shall make a report to the Department of Human Services, the office of the district attorney in the county in which the suspected abuse, neglect, or exploitation occurred, or the local municipal police department or sheriff's department as soon as such person is aware of the situation.</i>
Citations:
<i>Okla. Stat. Ann. tit. 30 § 4-903.</i>

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input checked="" type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input checked="" type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Oklahoma Department of Human Services - A Handbook for Guardians</i>	<i>http://www.digitalprairie.ok.gov/cdm/ref/collection/stgovpub/id/6461</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Oregon</i>	State Abbreviation (Postal Code): <i>OR</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>A person will be appointed as a guardian, if there is "clear an convincing evidence" that they are "qualified, suitable and willing to serve."</i> <i>The appointed guardian may be removed from that position if they no longer serve the best interest of ward.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>A prospective guardian must be qualified, suitable and willing to serve as guardian.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A person cannot be a guardian if they are financially incapable, currently acting as ward's health care provide or are the ward's parents and had lost permanently lost custody of the child. A person cannot be a fiduciary if they were convicted of a crime, under bankruptcy protection.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Or. Rev. Stat. Ann. 125.205; 125.210; 125.305.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Or. Rev. Stat. Ann. 125.210.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Or. Rev. Stat. Ann. 125.470.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A conservator must file an accounting within 60 days after the anniversary of appointment.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting must include the total value of the property, all money received that year, all disbursements made that year and all other information as requested by the court.</i></p>
<p>Citations:</p> <p><i>Or. Rev. Stat. Ann. 125.475.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Accounting reports are sent to court and other interested parties.</i>
Citations: <i>Or. Rev. Stat. Ann. 125.475.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A conservator is personally liable for all tortuous actions committed in furtherance of conservator duties.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>A conservator can be sanctioned civilly for his tortuous actions arising from his conservator obligations. A fiduciary can be removed if it is in the best interests of the ward or the conservator fails to use good business judgment.</i>
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>Or. Rev. Stat. Ann. 125.225; 125.485.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Oregon Guardianship Forms</i>	<i>http://courts.oregon.gov/Marion/MaterialsAndResources/ProbateForms.page</i>
<i>Oregon Guardian/Conservator Association</i>	<i>http://www.gcaoregon.org/</i>
<i>Oregon Guardianship Handbook</i>	<i>http://www.drOregon.org/resources/5-publications-1/guardianship/DRO-Guardianship-Handbook.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Pennsylvania</i>	State Abbreviation (Postal Code): <i>PA</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/22/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Pennsylvania does not have mandatory, or discretionary, guardianship requirements.</i> <i>Removal is the only mechanism of enforcement or monitoring.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>For minors, guardians of the same religious persuasion as the ward or guardians nominated by the ward are preferred.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>(1) Under 18 years of age. (2) A corporation not authorized to act as fiduciary in Pennsylvania (3) A parent of the minor, except that a parent may be appointed a co-guardian with another fiduciary or fiduciaries.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>20 Pa. Cons. Stat. Ann. §§ 5112-13.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>20 Pa. Cons. Stat. Ann. §§ 5142, 552.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No *

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

At least annually, for guardians of the estate, and at the court's discretion, for guardians of minor wards. Within 60 days of the death of the incapacitated person or an adjudication of capacity and modification of existing orders, the guardian shall file a final report with the court.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text *or* require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

The guardian of the person files: contact information, the ward's major medical problems, the ward's living arrangements, social, medical, psychological, or other support services, opinion as to whether guardianship should continue, and guardian's visitation frequency with ward.

Citations:

20 Pa. Cons. Stat. Ann. §§ 5142, 5521.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

Removal after notice and a hearing, for guardian's failure to perform a legal duty (i.e., file appropriate reports) upon motion of any interested person or by the court sua sponte.

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>20 Pa. Cons. Stat. Ann. § 3182.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Guardian gets removed for mismanaging the estate, is likely to become insolvent, has failed to perform any legal duty, has become incapacitated, has removed from the Commonwealth or has ceased to have a known place of residence therein without furnishing such security or additional security as the court shall direct, has been charged with manslaughter or homicide, or if the interests of the estate are likely to be jeopardized by his continuance as guardian.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: <i>20 Pa. Cons. Stat. Ann. § 3182.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>GUARDIANSHIP IN PENNSYLVANIA</i>	<i>Prepared by the Disability Rights Network of Pennsylvania</i>
	<i>http://www.drnpa.org/File/publications/guardianship-in-pennsylvania--march-2010-.pdf</i>
<i>Pennsylvania Handbook For Guardians of Incapacitated Persons</i>	<i>Prepared by the Erie County Bar Association's Orphans' Court Committee</i>
	<i>https://www.eriecountygov.org/media/6354/GuardianHandbook.pdf</i>
<i>Guardianship in Pennsylvania</i>	<i>Nursing Home Transition Technical Assistance Guide March 2007</i>
	<i>https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Puerto Rico</i>	State Abbreviation (Postal Code): <i>PR</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Puerto Rico frequently uses the word "tutor" in place of "guardian."</i> <i>A person can not be a guardian if, they are under a guardianship or convicted of any felony or misdemeanor that implies moral depravity.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>If guardian is not nominated by ward or in the will of parents, the court will choose someone who is known to be honest and decent.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A person can not be a guardian if, they are under a guardianship; convicted of any felony or misdemeanor that implies moral depravation; legally removed from a guardianship due to a failure to carry out their obligations; not residing in Puerto Rico.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>P.R. Laws Ann. 31, § 731; 741.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>P.R. Laws Ann. tit. 31, § 802.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A guardian must file an accounting annually.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe these special filing rules:</p> <p><i>A veteran's guardian must file an accounting annually but it must be sent to the VA.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting must be accompanied by "vouchers." "The only expenses which need not be vouched for are those petty expenses for which a careful father of a family does not generally ask a receipt."</i></p>
<p>Citations:</p> <p><i>P.R. Laws Ann. tit. 31, § 801; 805.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>At the beginning of every year, the court will note in the official registry whether or not the guardian filed an accounting. This registry is examined annually, and a determination is made then as to whether the court needs to protect the ward's interests.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>P.R. Laws Ann. tit. 31, § 804; 824; 825.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>If the ward's assets, due to the guardian negligence, is not earning interest the guardian is liable for legal interest. Guardians can be removed if they act in any way that could have disqualified them from becoming a guardian under § 741.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>The guardian can be liable for the legal interest on the ward's estate. A court can also remove a guardian for misconduct or failure to fulfill obligations.</i>
What are the procedures for imposition of civil sanctions or removal? <i>At a hearing, the court will remove the guardian from care of the ward.</i>
Citations: <i>P.R. Laws Ann. tit. 31, § 742; 787.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Application/Petition for Appointment</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Inventory</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Acceptance of Appointment</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Other: _____</td> <td style="border: none;"><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Guide to Puerto Rico Guardianship laws</i>	http://children-laws.laws.com/legal-guardianship/puerto-rico-guardianship-law

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Rhode Island</i>	State Abbreviation (Postal Code): <i>RI</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>Any person can file a petition for appointment of a guardian</i> <i>A person will not be appointed as a guardian with a criminal record</i> <i>The court can remove a guardian for failure to file an accounting, sickness or failure to fulfill guardianship obligations.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>To be appointed as a guardian a person must have, no criminal record, the capacity to manage the financial resources involved, the ability to meet the unique needs of the individual case, and the ability to meet the requirements of the law.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>No person convicted of a felony offense involving a charge of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, burglary, breaking and entering, or any other offense involving fraud or theft shall be qualified for appointment as a conservator.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>R.I. Gen. Laws. Ann. 33-15-6; 33-15-44.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input checked="" type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>The court will not appoint someone to be a guardian if they have a criminal record, but it is unclear from the statute whether the person self-certifies to having a clear record or whether the court performs a criminal background check.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input checked="" type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any): <i>It is unclear whether the court does the credit check or whether the proposed guardian self-certifies to being financially capable of performing the required duties.</i>
Citations: <i>R.I. Gen. Laws. Ann. 33-15-6.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>R.I. Gen. Laws. Ann. 33-15-19.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>An accounting must be done every year.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>In addition to the normal accounting done by a guardian, a veteran's guardian must file an account of all money they received from the ward.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting must be done in the same format as an administrator or executor would do.</i></p>
<p>Citations:</p> <p><i>R.I. Gen. Laws. Ann. 33-15-19; 33-15-26; 33-15.1-29.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If the guardian fails to file an accounting he will be accountable for the full value of the estate and no longer be compensated for his services.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>R.I. Gen. Laws, Ann. 33-15-26.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A court can remove a guardian for failure to file an accounting, failure to fulfill obligations or no longer being able to fulfill obligations. A court can remove a minor's guardian because they are insane, sick, neglectful of their duties, wasting the minor's estate or incapable of fulfilling their obligations.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>The statute authorizes removal for misconduct or malfeasance.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Upon request from ward or interested person court will consider removal of guardian.</i>
Citations: <i>R.I. Gen. Laws, Ann. 33-15-18; 33-15-26.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input checked="" type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input checked="" type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input checked="" type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>Rhode Island Guardianship Forms</i>	<i>http://sos.ri.gov/library/probate/</i>
<i>Rhode Island's Guardianship Handbook</i>	<i>http://www.ridlc.org/publications/Guardianship_and_Alternatives_To_Guardianship_Booklet.pdf</i>
<i>Information about Rhode Island Conservatorship and Guardianship</i>	<i>http://www.connellylaw.com/Blog/2013/September/Rhode-Island-Conservatorships-Guardianships.aspx</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>South Carolina</i>	State Abbreviation (Postal Code): <i>SC</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>There are few requirements to be a guardian, the person must only be "competent." There is neither mandatory guardian training, nor a list of discretionary factors a court might use to disqualify a guardian. The reason a court should remove a guardian is merely "good cause," meaning the legislature has left a great deal of policy definition to the common law.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Any competent person or a suitable institution may be appointed guardian of an incapacitated person</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>Because any "competent person" may be appointed as a guardian, it follows that any incompetent (or incapacitated) person may not.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>The statute does list the order of priority regarding who should be appointed: (1) somebody nominated by the ward, (2) the ward's attorney, (3) the ward's spouse, (4) the ward's adult child, (5) the ward's parent, (6) the next closest relative, (7) a person nominated by the person who is caring for the ward or paying benefits to him.</i>
Citations: <i>S.C. Code Ann. § 62-5-311.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>S.C. Code Ann. § 62-5-418.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Every conservator shall account to the court for his administration of the trust annually and upon his resignation or removal.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>S.C. Code Ann. § 62-5-419.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>In connection with an account, the court may require a conservator to submit to a physical check of the estate in his control, to be made in a manner the court may specify. The court may remove a conservator for good cause, upon notice and hearing.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>S.C. Code Ann. §§ 62-5-415, 62-5-419.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>"good cause"</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>A guardian can be held individually monetarily liable for money damages flowing from guardian misconduct, be removed, or have his power's limited.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Notice and hearing</i>
Citations: <i>S.C. Code Ann. §§ 62-5-426, 62-5-429.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Guardianship in South Carolina Frequently Asked Questions from a Ward</i>	<i>http://www.judicial.state.sc.us/selfHelp/FAQsFromAWard.pdf</i>
<i>South Carolina Judicial Department</i>	<i>(see above)</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>South Dakota</i>	State Abbreviation (Postal Code): <i>SD</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/23/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>1) An Interested person petitions for appointment of guardian/conservator for the protected person 2) A court representative will then evaluate the protected person for competency and financial resources. 3) A guardian or conservator will then be appointed and may be required to put up a bond 4) The guardian or conservator can be removed by the court. 5) South Dakota does not provide any mechanism by which it reports to other states that a guardian/conservator was removed because of misconduct.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The guardian must be capable of providing an active and suitable program of guardianship.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>No individual or entity, other than bank, can be a guardian if its only interest is that of a creditor.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>In making an appointment, the court shall consider the proposed guardian's or conservator's geographic location, familial or other relationship with the protected person, ability to carry out the powers and duties of the office, commitment to promoting the protected person's welfare, any potential conflicts of interest, and the recommendations of the spouse, the parents or other interested relatives, whether made by will or otherwise.</i>
Citations: <i>S.D. Codified Laws 29A-5-110, 304.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>S.D. Codified Laws 29A-5-407.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A conservator must file a financial accounting annually, when the court orders, when conservator resigns/removed or when the conservatorship is terminated. Court can waive the financial requirement or change the frequency of filing for good cause.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The financial accounting report must include, a list of distributions, disbursements or receipts made during the time conservator was in control, "listing of the estate", services provided to protected person, "significant action" taken by conservator during reporting period, recommendation on need of continuing guardianship, compensation requested by conservator, and any other information requested by court.</i></p>
<p>Citations:</p> <p><i>S.D. Codified Laws 29A-5-408.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If a conservator does not comply with applicable filing requirements they can be removed, but only if an interested person files a motion requesting such action.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>S.D. Codified Laws 29A-5-504.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardian or conservator can be removed from the position for, material misrepresentation or mistake when securing the position, illness which affects fitness for office, conviction for a crime which reflects on fitness for office, wastes financial resources of estate, neglects care of protected person, significant adverse interest to protected person, fails to file accountings, acts in a manner that threatens personal or financial security of person, fails to file bond or becomes incapable of discharging duties.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>A conservator is personally liable for "obligations arising from ownership or control of the estate or for torts committed in the course of administration of the estate." Statute allows an interested person to recover from the bond conservator obtained prior to the conservatorship.</i>
What are the procedures for imposition of civil sanctions or removal? <i>An interest person must file a petition for removal. It is unclear from the statute the procedure for the imposition of civil sanctions.</i>
Citations: <i>S.D. Codified Laws 29A-5-415, 504, 112.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>South Dakota website containing guardian/conservator forms.</i>	<i>http://dhs.sd.gov/gdn/forms.aspx</i>
<i>South Dakota application for guardianship</i>	http://dhs.sd.gov/gdn/GDNCONSERVAPP.pdf
<i>South Dakota guardianship handbook</i>	<i>http://dhs.sd.gov/gdn/Representative%20Handbook2011.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Tennessee</i>	State Abbreviation (Postal Code): <i>TN</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>Tennessee has a number of protections for incapacitated persons pre-appointment of guardians, but few post-appointment. The statute requires a court representative to evaluate the finances of the proposed guardian and the competency of the incapacitated person.</i></p> <p><i>Tennessee requires the proposed guardian to create an estate management plan that must be approved by the court. On the other hand, other than the clerk's audit of the annual financial review, there are few checks on the guardian, post-appointment.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
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- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>For a minor, the court will choose a guardian who would best serve the welfare of the child. For disabled adults, a guardian will be appointed if they have the "knowledge of the circumstances necessitating the appointment of a guardian."</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Tenn. Code. Ann. 34-1-102, 34-2-102.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any): <i>The court ordered representative, guardian ad litem, must evaluate the proposed guardian's finances.</i>
Citations: <i>Tenn. Code. Ann. 34- 1-107, 34-3-104.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Tenn. Code. Ann. 34-1-110.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The rule, generally, is that the guardian will file accountings annually but that can be changed if the cost of accounting would exceed 25% of the income produced by the property or the guardian does not hold property of the protected person.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>In addition to the general accounting requirements, guardians of veterans must file accounting of any money received from the VA. The financial accounting will also be sent to the VA for auditing and review.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text or require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting must include, itemized expenditures made during the covered period, protected person's bank statements, copies of protected person's U.S. and Tenn. income tax returns and a statement from surety that guardian's bond is still effective. These requirements do not apply if a financial institution is the conservator.</i></p>
<p>Citations:</p> <p><i>Tenn. Code. Ann. 34-1-111, 34-5-111.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>Thirty days after the accounting should have been filed, the fiduciary will be summoned to court and required to show cause why it should not be held in contempt. If the fiduciary does not show up to court the fiduciary may be charged the difference between the value of the estate at the beginning of the year versus the present value.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Guardians of veterans have their accounting reviewed by the veterans administration. The court clerk examines every accounting and makes a report to the judge.</i>
Citations: <i>Tenn. Code. Ann. 34-1-131, 34-5-111.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>The court in its discretion may remove the fiduciary for any abuse, mismanagement, neglect or failure to perform fiduciary duties.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal? <i>Upon a petition from a interested person or clerk the court can remove the guardian.</i>
Citations: <i>Tenn. Code. Ann. 34-1-123.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these referral requirements: <i>If the court believes that the misconduct is serious enough it may report the guardian to the district attorney's office for criminal proceedings under the theft statute (Tenn. Code. Ann. 39-14-101).</i>
Citations: <i>Tenn. Code. Ann. 34-1-109.</i>

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>The clerk, in its discretion, "may prescribe" forms required to be used for inventory, receipts and expenditures. Tenn. Code. Ann. 34-1-130</i>								

B. Other State Resources	
Document/Organization	Web Address
<i>Tennessee Commission on Aging and Disability</i>	<i>http://www.tn.gov/comaging/guardianship.html</i>
<i>Tennessee Subsidized Permanent Guardianship Handbook</i>	<i>http://www.tn.gov/youth/dcsguide/policies/chap16/16.39.pdf</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Texas</i>	State Abbreviation (Postal Code): <i>TX</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state’s guardianship process and requirements:</p> <p><i>Interested person or ward files a petition for guardianship, included in the petition is the name of the potential guardian. The court examines the application to determine whether the proposed guardian has the appropriate credentials for the position, credentials include being certified by the state board.</i></p> <p><i>The guardian must file accountings every year or face removal and/or \$1,000 fine.</i></p> <p><i>The guardian can lose certification for misconduct.</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input checked="" type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>A certification is required before anyone can become a guardian. To obtain a certification the person must meet the standards set by the board. A certificate is only good for two years.</i>
Citations: <i>Tex. Estates Code Ann. 1104-251, Tex. Gov't Code Ann. 111.041, 111.042.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>A person cannot be a guardian unless they are certified.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A person cannot be a guardian for the following reasons: 1) bad conduct; which is presumed if the guardian was convicted for sexual offense, aggravated assault, abandoning or endangering a child, terroristic threat, or continuous violence against the family of the ward or incapacitated person; 2) guardian is a minor or incapacitated person; 3) guardian is incapable of properly managing estate, or 4) guardian is indebted to ward.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Tex. Estates Code Ann. 1104.251, 351, 352, 353, 354, 358.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>The clerk will get the proposed guardian's criminal record from the FBI or Department of Public Safety unless the guardian is certified.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Tex. Estates Code Ann. 1104.402.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Tex. Estates Code Ann. 1101.001.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A guardian must file an accounting annually unless good cause is shown.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The guardian must include a written report that shows each receipt and disbursement for: the support and maintenance of the ward and the education of the ward . The annual report must allow the court or interested person to understand the true condition of the estate, with respect to money, securities and other property.</i></p>
<p>Citations:</p> <p><i>Tex. Estates Code Ann. 1163.002.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If the guardian does not file a report the court can revoke the guardianship or fine the guardian \$1,000.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The judge reviews the report and approves it is satisfied.</i>
Citations: <i>Tex. Estates Code Ann. 1163.104, 15.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A court can remove a guardian if she: 1) neglects to recertify; 2) fails to renew bond; 3) absent from Texas for three months or more without court approval; 4) cannot be served notice because her whereabouts are unknown; 5) embezzled from the ward; 6) neglected duties; 7) fails to file an accounting; or 8) interferes with ward's progress.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>For failing to file an accounting a guardian can be fined \$1,000, guardianship revoked or both.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Any interested person or the court will order the guardian to file the accounting or show good cause why he did not file.</i>
Citations: <i>Tex. Estates Code Ann. 1163.151; 1203.051, 052.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Texas Guide to Adult Guardianship</i>	http://www.dads.state.tx.us/news_info/publications/brochures/pub395-guardianship.pdf
<i>Explanation of guardianship process</i>	http://texasguardianship.org/guardianship-information/guardianship-basics/guardianship-process-2/
<i>Guardianship Examination Board</i>	http://www.txcourts.gov/gcb/gcbhome.asp

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Utah</i>	State Abbreviation (Postal Code): <i>UT</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>A conservator must file annual financial reports. If the conservator does not file a report the court can fine the conservator \$5,000 and remove them from the position.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input checked="" type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>Only for incapacitated persons: If the ward did not nominate anyone and there are no family members who can be a guardian, the court must choose a specialized care professional. A specialized care professional must be certified by the National Certified Guardian or National Master Guardian organizations.</i>
Citations: <i>Utah Code Ann. 75-5-311.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Utah Code Ann. 75-5-418.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Statute applies only to conservators: For an estate in excess of \$50,000, excluding primary residence, a conservator must file an accounting report annually.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>For estate worth less than \$50,000 the conservator must fill out an informal annual report and mail it to the court.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The financial accounts must include the following material: 1) statement of assets and the beginning and end of the reporting year; 2) income ward received during year; 3) disbursements for the support of the ward; and 4) other expenses incurred by the estate.</i></p>
<p>Citations:</p> <p><i>Utah Code Ann. 75-5-417.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>The court may impose a \$5,000 fine for failure to file a financial accounting or substantial misstatements in report, the conservator is the ward's parent.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The court reviews the financial report.</i>
Citations: <i>Utah Code Ann. 75-5-417.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Failure to file a financial report, improper handling of the estate's property or making a substantial misstatement on filing may result in a \$5,000 fine.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Failure to file a financial report, improper handling of the estate's property or making a substantial misstatement on filing may result in a \$5,000 fine.</i>
What are the procedures for imposition of civil sanctions or removal? <i>The court may remove a conservator for good cause.</i>
Citations: <i>Utah Code Ann. 75-5-417, 415.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input checked="" type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input checked="" type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input checked="" type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes: <i>The forms for estate worth less than \$50,000 are generated on https://www.utcourts.gov/ocap/.</i>		

B. Other State Resources	
Document/Organization	Web Address
<i>Utah Guardianship Responsibility Exam</i>	<i>https://www.utcourts.gov/howto/seniors/g_and_c.asp</i>
<i>Source to Generate Accounting Forms</i>	<i>https://www.utcourts.gov/ocap/</i>
<i>Utah Resource Guide for Guardianship</i>	<i>http://www.utcourts.gov/howto/family/gc/</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Vermont</i>	State Abbreviation (Postal Code): <i>VT</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>The ward or an interested person will petition the court for a guardianship</i> <i>The court will appoint a guardian only after a criminal background check as been completed or at least started</i> <i>A guardian can be removed for good cause</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The guardian must be emotionally, mentally, physically and financially suitable to become the permanent guardian.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A guardian not domiciled in Vermont cannot be named a guardian unless the guardian was named in a will or is a relative of the ward</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>VT. Stat. Ann. 14 §2603, 2664.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>The court can waive the background check requirement or appoint the guardian while waiting to receive the background check.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>VT. Stat. Ann. 14 §3067.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>VT. Stat. Ann. 14 § 2791.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The guardian must file an annual report with the appointing court within 30 days of the anniversary date of the appointment.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p> <p><i>VT. Stat. Ann. 14 §3076.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>The court can remove the guardian for failure to file a annual report.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>VT. Stat. Ann. 14 §3077.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>If a guardian for a minor neglects to render an account as required by the Vermont Rules of Probate Procedure or to appear, or to perform an order or decree of the probate division of the superior court, or absconds or becomes mentally disabled or otherwise incapable or unsuitable to discharge the trust, the probate division of the superior court may remove the guardian.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Probate court can remove a guardian with or without a hearing.</i>
Citations: <i>VT. Stat. Ann. 14 §3001.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>Vermont Adult and Minor Guardianship Information</i>	https://www.vermontjudiciary.org/gtc/Probate/guardianship.aspx
<i>Vermont Guardianship for Mentally Disabled</i>	http://www.ddas.vermont.gov/ddas-programs/programs-guardianship/programs-guardian-addl-webpages/programs-guardianship-pr

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Virginia</i>	State Abbreviation (Postal Code): <i>VA</i>
Completed By:	Date:
Reviewed By: <i>Gretchen</i>	Date: <i>2/12/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state’s guardianship process and requirements:</p> <p><i>Virginia's guardianship system has several unusual features. They are:</i></p> <ul style="list-style-type: none"> <i>* A "Commissioner of Accounts" (appointed by Circuit Court) has "general supervision" over all fiduciaries. Their powers include (along with Circuit court): appointment, and investigation of fiduciaries; imposition of some sanctions; maintaining lists of current guardians, removed guardians, and delinquent financial accountings; and reporting of attorney-fiduciaries to bar associations.</i> <i>* Virtually no requirements/standards for prospective guardians aside from general statements that they must be "suitable and competent."</i> <i>* IPs for whom SSA benefits are most/all of their estate and who already have rep payees, do not need conservators.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: N/A
Citations: N/A

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>Proposed guardian or conservator must be "suitable and competent." State law sets forth no other standards.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: N/A
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: N/A
Citations: <i>Va. Code Ann. §§ 64.2-1703, 2007(C)-(D)</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): N/A
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any): N/A
Citations: <i>Va. Code Ann. § 64.2-2011; see also Forms CC-1652/CC-1653.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any): N/A
Citations: N/A

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)? Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Va. Code Ann. § 64.2-1300</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Conservators and guardians of minors' estates must file initial accounting 6 months from date of qualification (appointment). Second (and subsequent) accountings are due annually.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>For small estates (i.e., those valued under \$15,000), after initial accounting, Commissioner of Accounts may permit fiduciaries for small estates to file subsequent accountings every 3 years. For fiduciaries acting on behalf of recipients of SSI/DI benefits, veteran's benefits or other federal benefits, no accountings required for such benefits paid to another representative payee who is otherwise required to account for them.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text or require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The Office of the Executive Secretary of the Supreme Court is required to provide each Circuit court clerk with forms for inventory and accounting forms and instructions. Contents shall include: personal estate under fiduciary's control; real estate; legal or equitable property interests that will pass to others upon IP's death; and periodic payments received by IP.</i></p>
<p>Citations:</p> <p><i>Va. Code Ann. §§ 64.2-1206, 1300(B), 1305(A)-(B), 1308, 1312, 1313, 2020</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If fiduciary fails to file timely and complete accounting (or inventory), the Commissioner of Accounts is required to (1) file list with court clerk biannually of fiduciaries whose accountings are overdue; or (2) issue a summons through sheriff. If fiduciary does not respond in 30 days, court may issue summons and, upon appearance, issue \$500 fine. If fiduciary stays delinquent, court may hold fiduciary in contempt. Commissioner of Accounts must also report attorney-fiduciaries to Virginia State Bar if accounting remains delinquent 30 days after summons.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification

Does state law provide for review or audit of financial accountings filed by guardians of the estate?

Yes No

* If yes, briefly describe these review/audit provisions:

Commissioner of Accounts files report on accountings with court clerk as soon as possible after submission. Interested parties have 15 days to file exceptions or objections to accounting. If no exceptions filed, the accounting is deemed final. If exceptions are filed, the Circuit reviews within 15 days and either (1) confirms accounting (whole or part) or (2) empanels jury to inquire into factual matters. Final accountings (and findings on exceptions) are recorded and indexed by Commissioner of Accounts.

Citations:

Va. Code Ann. §§ 64.2-1209 - 1214

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures

Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes No * (*If no, skip to Section III.C)

* If yes, briefly describe the grounds for sanction/removal:

Commissioner of Accounts (appointed by Circuit court) empowered to investigate applications (complaints) by interested parties regarding removal of fiduciary due to incapacity, misconduct, out-of-state move, "or for any other cause." Commissioner of Account reports results to the Circuit court and clerk of court. Circuit courts may remove guardians for "neglect or breach of trust."

What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.

Issuance of summons; bond forfeiture; denial of compensation for services rendered; personal liability for costs of sanction proceedings (absent showing of good cause); civil contempt citation; removal.

What are the procedures for imposition of civil sanctions or removal?

None specified, aside from procedures noted relative to procedures for delinquent inventories or accountings, exceptions to report on accountings or investigations by Commissioner of Accounts.

Citations:

Va. Code Ann. §§ 64.2-1204, 1215, 1216, 1217, 1218, 1804

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these reporting requirements: <i>Commissioner of Accounts required to report attorney-fiduciaries to Virginia State Bar if such fiduciaries remain delinquent on filing inventory or accounting more than 30 days after summons issued.</i>
Citations: <i>Va. Code Ann. §§ 64.2-1215, 1216</i>

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements: <i>N/A</i>
Citations: <i>N/A</i>

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input checked="" type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input checked="" type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input checked="" type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes: <i>Part 6 of Inventory forms (Form CC-1671/1672) provides line items for periodic payments from federal agencies.</i>								

B. Other State Resources	
Document/Organization	Web Address
<i>Guardianship & Conservatorship in Virginia</i>	<i>http://www.vda.virginia.gov/pdfdocs/Guardbook.pdf</i>
<i>Virginia Dept. of Social Services-Adult and Family Services Manual-Chapter 7</i>	<i>http://www.dss.virginia.gov/files/division/dfs/as/as_intro_page/manuals/as/chap-7-guardianship.pdf</i>
<i>Virginia Guardianship Association</i>	<i>www.vgavirginia.org</i>
<i>Virginia Association of Area Agencies on Aging</i>	<i>http://www.vaaaa.org/</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>U.S. Virgin Islands</i>	State Abbreviation (Postal Code): <i>VI</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>An interested person, on behalf of the ward, files a petition to create a guardianship</i> <i>The guardian can be removed as a guardian for insanity or no longer being suitable for job</i> <i>There are requirements for guardians of veterans</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>V.I. Code Ann. 15 § 825.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input type="checkbox"/> • Yes, Some Cases <input checked="" type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>There is no accounting requirement other than for Veterans' guardians.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p> <p><i>The following rules apply to Veterans' guardians:</i></p> <p>1) <i>Annual accounting of all money received from VA</i></p> <p>2) <i>Annual accounting of all securities held by guardian for ward</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p>
<p>Citations:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>A Veterans' guardian can be removed for failure to file an accounting.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>Department of Veterans Affairs will audit.</i>
Citations: <i>V.I. Code Ann. 15 § 960.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Insanity or the guardian is otherwise incapable of discharging his trust.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>In relation to the sale of a ward's real estate, an interested person may recover damages from the guardian for any neglect or misconduct.</i>
What are the procedures for imposition of civil sanctions or removal? <i>A guardian can only be removed after notice and hearing.</i>
Citations: <i>V.I. Code Ann. 15 § 883, 926.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these referral requirements: <i>A court can charge a guardian with embezzlement.</i>
Citations: <i>V.I. Code Ann. 15 § 885.</i>

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Superior Court of the Virgins Islands FAQ</i>	<i>http://www.visuperiorcourt.org/faq/FAQ_family.aspx</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Washington</i>	State Abbreviation (Postal Code): <i>WA</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/20/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>A person cannot be a guardian unless they watched a training on guardianship or already have the requisite experience</i> <i>A guardian can be removed by the court for good cause.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are they: Private Professional Guardians <input checked="" type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians: <i>A professional guardian must be certified and the administrator of courts creates the requirements.</i>
Citations: <i>Wash. Rev. Code 11.88.020.</i>

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>A minor's guardian must be 21 or over and meet any other requirements established by the department.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>A person is disqualified from being an adult's guardian if they are: 1) under 18; 2) of unsound mind; 3) convicted of a felony or of a misdemeanor involving moral turpitude; 4) a nonresident of WA who has not yet appointed as resident agent to accept service; 5) a corporation not authorized to act as a fiduciary; or 5) a person whom court finds unsuitable.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Wash. Rev. Code 11.88.020; 13.36.030.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input checked="" type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>For minors: A background check must be completed for a proposed guardian who is not related to the child and who is not a professional guardian.</i> <i>A criminal background must be completed before a person can be appointed a guardian ad litem.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Wash. Rev. Code 11.88.090; 13.36.020.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any): <i>Proposed guardian must complete training video or webcast unless court waives the requirement for "good cause." "Good cause" is shown where proposed guardian, shows requisite knowledge to be guardian, has experience as a guardian or is monitored by state or local agencies.</i>
Citations: <i>Wash. Rev. Code 11.92.040.</i>

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Wash. Rev. Code 11.88.100.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input checked="" type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The guardian must not only file a yearly statement showing the monthly income of incapacitated person but must also file a report if the incapacitated person's assets increase to over \$3,000.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe these special filing rules:</p> <p><i>Every two years, a veteran's guardian must make an account of all monies paid to her. A guardian need file an accounting every 3 years if the estate is valued at not more than twice the homestead exemption.</i></p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting must include: 1) an inventory of estate property; 2) identification of all expenditures made and; 3) adjustments to estate to establish its present fair value</i></p>
<p>Citations:</p> <p><i>Wash. Rev. Code 11.88.100; 11.92.040; 73.36.100.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>Upon a special request from an interest party the court will inquiry why guardian failed to file an accounting.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>Wash. Rev. Code 11.92.040.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardianship can be terminated for good cause.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Any person may petition to remove the guardian. After an interested party's petition, the court direct the clerk to schedule a hearing , appoint a guardian ad litem to investigate the issues or deny the petition. The court will grant the removal petition if "it is in the best interests of the incapacitated person."</i>
Citations: <i>Wash. Rev. Code 11.88.120.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input checked="" type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input checked="" type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input checked="" type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input checked="" type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Washington guardianship forms</i>	<i>https://www.courts.wa.gov/forms/</i>
<i>FAQs about Washington Guardianship</i>	<i>http://www.altsa.dshs.wa.gov/pubinfo/legal/guardianship.htm</i>
<i>Guardianship Information</i>	<i>http://arcwa.org/library/guardianship</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>West Virginia</i>	State Abbreviation (Postal Code): <i>WV</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
<p>Please give a brief overview of the state's guardianship process and requirements:</p> <p><i>A petition for appointment may be filed only by a protected person, family member or department of health and human resources.</i></p> <p><i>A person is eligible to be a guardian once they have completed an education course mandated by WV. courts</i></p> <p><i>A person will be removed from being a guardian if they neglect or abuse the incapacitated person. The removed guardian will then be reported to the department of health and human resources or a county prosecutor</i></p>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>A guardian or conservator must have the "necessary education, ability and background to perform the duties of guardian." A person is not eligible for appointment as a guardian or conservator if they have an interest as a creditor.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria: <i>Factors courts consider when appointing an adult's guardian: 1) is proposed guardian the best qualified to act in the best interest of incapacitated person; 2) abilities to carry out duties; 3) criminal history of proposed guardian; 4) recommendations of incapacitated persons' family.</i>
Citations: <i>WV Minor Guardianship Procedure Rule 10; W. Va. Code Ann. 44A-1-8; 44A-2-10.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input checked="" type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any): <i>A person being considered for appointment as a guardian must provide information regarding any crime or traffic offense for which he or she was convicted for and the court may decide to order a background check.</i>
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>W. Va. Code Ann. 44A-1-8.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any): <i>A guardian or conservator must receive education material or complete mandated education training created by WV Supreme Court of Appeals.</i>
Citations: <i>W. Va. Code Ann. 44A-1-10.</i>

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>W. Va. Code Ann. 44A-3-8.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>The guardian or conservator must file a accounting annually or when the court orders it.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The accounting must include: 1) a list of expenditures made during year; 2) services being provided to the protected person; 3) significant actions taken by conservator; 4) compensation received by conservator; and 5) any other information requested by conservator.</i></p>
<p>Citations:</p> <p><i>W. Va. Code Ann. § 44A-3-9; 11.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>A guardian or conservator who fails to file an accounting is guilty of a misdemeanor and will be fined not less than \$100 nor more than \$500.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The fiduciary commissioner or another person appointed by the court reviews the reports and accountings and may request additional information.</i>
Citations: <i>W. Va. Code Ann. 44A-3-11.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>Grounds for sanctions: 1) failure to file an accounting; 2) elder abuse. Grounds for removal: 1) acting under an order entered pursuant to material misrepresentation or mistake; 2) incapacity or illness including substance abuse; 3) is convicted of a crime which reflects upon his or her fitness to perform guardianship duties; 4) wastes or mismanages money of the estate; 5) neglects the care and custody of protected person; 6) interest is adverse to the protected person.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>A guardian or conservator who fails to file an accounting is guilty of a misdemeanor and will be fined not less than \$100 nor more than \$500.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Upon petition from interested person, court can remove guardian.</i>
Citations: <i>W. Va. Code Ann. 44A-4-4; 44A-3-11.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these referral requirements: <i>The parties, attorneys or mental hygiene commissioner must report elder abuse violations to Department of Health and Human Resources or county prosecutor.</i>
Citations: <i>W. Va. Code Ann. 44A-3-11.</i>

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)							
<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>West Virginia Guardianship Handbook</i>	http://www.wvdhhr.org/bcf/policy/social_services/guardianship/guardian%20and%20conservator%20handbook.pdf
<i>Key points of West Virginia's Guardianship</i>	http://www.fris.org/Resources/PDFs-ToolKitDisabilities/Section-C/C7.%20Guardianship%20and%20Conservatorship.pdf

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Wisconsin</i>	State Abbreviation (Postal Code): <i>WI</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/22/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>A guardian ad litem is appointed to represent the ward's interests at the guardianship appointment hearing.</i> <i>A person can be removed from his position as a guardian and fined \$10,000 for misconduct and malfeasance.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these qualification standards:
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations:

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations: <i>Wis. Stat. Ann. 54.15.</i>

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Wis. Stat. Ann. 54.60.</i>

B. Financial Accountings: Filing Requirements

Does state law provide for guardians of the estate to file financial accountings?

Yes, All Cases • Yes, Some Cases • Court Discretion • No *

(*If no, skip to Section III)

Does state law specify how frequently guardians of the estate must file financial accountings?

Yes No

* If yes, what is the **general rule** regarding the frequency of these accountings:

Semi-Annually • Annually • Every 2 Years • Every 3 Years • Other

Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):

Every guardian must file an accounting prior to April 15 each year.

Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes No

* If yes, briefly describe these special filing rules:

The court can waive accounting if the value of the ward's estate does not exceed \$50,000.

Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text *or* require use of state-approved form(s)? Yes No

* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):

The accounting must specify the amount of the ward's assets or income received and held or invested by the guardian, the nature and manner of the investment, and the guardian's receipts and expenditures during the preceding calendar year.

Citations:

Wis. Stat. Ann. 54.62.

C. Financial Accountings: Court Monitoring, Enforcement & Verification

If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes No

* If yes, briefly describe these enforcement mechanisms:

If a guardian failed to file an accounting, the court may, upon its own motion or upon petition by an interested person order the guardian to show cause why the guardian did not file an accounting. The court can issue a warrant, directed to the sheriff, ordering the guardian to be brought before the court to explain his failure. If failure to file was willful the court can fine the guardian a fine of up to \$250.

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>The account shall be examined as the court directs.</i>
Citations: <i>Wis. Stat. Ann. 54.62.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardian can be removed/sanctioned by the court for failure to file an accounting, committing fraud, abusing or neglecting the ward, engaging in self-dealing, failing to provide adequately for the personal needs of the ward, failing to act in the best interests of the ward, failing to disclose a conviction for a crime prior to appointment or failure to perform any duties of a guardian.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Wisconsin statute imposes several civil sanctions including a fine of up to \$ 250 for failing to file a accounting, removal as a guardian, denying compensation to the guardian or imposing a forfeiture of up \$10,000.</i>
What are the procedures for imposition of civil sanctions or removal? <i>Upon filing of a petition for review of the conduct of a guardian, the court shall hold a hearing in not less than, nor more than 60, days and shall order that the petitioner provide notice of the hearing to the ward.</i>
Citations: <i>Wis. Stat. Ann. 54.62; 54.68.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
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Form notes:		

B. Other State Resources	
Document/Organization	Web Address
<i>Wisconsin Guardianship Forms</i>	<i>https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&beg_date=&end_date=&StatuteCi</i>
<i>Wisconsin Department of Health Services: Common Guardianship Issues</i>	<i>http://www.dhs.wisconsin.gov/clientrights/guardianship.htm</i>
<i>Wisconsin Guardianship Association</i>	<i>http://www.wisconsin-guardianship-association.com/</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>Wyoming</i>	State Abbreviation (Postal Code): <i>WY</i>
Completed By:	Date:
Reviewed By: <i>Seth Nadler</i>	Date: <i>10/21/14</i>

Description of Guardianship Process
Please give a brief overview of the state's guardianship process and requirements: <i>A petition is filed for appointment of a guardian.</i> <i>Wyoming does not permit a current or future creditor of ward to be a guardian</i> <i>A guardian can be removed for not serving best interests of ward.</i>

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The court must appoint the person who is "best qualified and willing to serve as guardian."</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria: <i>The court may not appoint a person to be a guardian if the person proposed to act as guardian, is likely to become a creditor of the ward, has interests that may conflict with those of the ward or is employed by a person who would be disqualified.</i>
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: <i>Wyo. Stat. Ann. 3-2-107.</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Wyo. Stat. Ann. 3-3-602.</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>A conservator must file a report annually, 30 days after removal or when the court orders it.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>The statute requires that the following information to be included in the accounting: 1) The balance of funds on hand at the close of the previous accounting, and all amounts received from whatever source; 2) An itemized account of all disbursements made; 3) Changes in investments ; and 4) such other information necessary to show the condition of the affairs of the conservatorship.</i></p>
<p>Citations:</p> <p><i>Wyo. Stat. Ann. 3-3-901; 3-3-902.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p> <p><i>If a veteran's guardian does not file an accounting then the court can remove him or her from the position.</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these review/audit provisions:
Citations: <i>Wyo. Stat. Ann. 3-6-901.</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A guardian can be removed if they do not act in the best interests of the ward. A guardian can be sanctioned for embezzling.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe. <i>Removal</i>
What are the procedures for imposition of civil sanctions or removal? <i>Upon a determination by the court that the guardian is not acting in the best interests of the ward the court will remove the guardian</i>
Citations: <i>Wyo. Stat. Ann. 3-1-104; 3-3-1101.</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms								
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:								
<table border="0"> <tr> <td><input type="checkbox"/> Application/Petition for Appointment</td> <td><input type="checkbox"/> Inventory</td> </tr> <tr> <td><input type="checkbox"/> Acceptance of Appointment</td> <td><input type="checkbox"/> Financial Accounting (Initial)</td> </tr> <tr> <td><input type="checkbox"/> Certification by Guardian/Screening Form</td> <td><input type="checkbox"/> Financial Accounting (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Financial Accounting–Worksheets/Schedules</td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory	<input type="checkbox"/> Acceptance of Appointment	<input type="checkbox"/> Financial Accounting (Initial)	<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment	<input type="checkbox"/> Inventory							
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<input type="checkbox"/> Certification by Guardian/Screening Form	<input type="checkbox"/> Financial Accounting (Annual)							
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Financial Accounting–Worksheets/Schedules							
Form notes:								

B. Other State Resources	
Document/Organization	Web Address
<i>Wyoming Guardianship Corporation</i>	<i>http://www.wyomingguardianship.org/</i>
<i>Wyoming Center for Legal Aid: Common Questions about Guardianship</i>	<i>http://www.legalhelpwy.org/index.php/self-help/self-help-2/family-law/guardianships/adult-guardianship/common-questions/</i>
<i>Wyoming Center for Legal Aid: Guardianship Forms</i>	<i>http://www.legalhelpwy.org/index.php/self-help/self-help-2/family-law/guardianships/adult-guardianship/forms/</i>

C. Additional Comments

Submit Form

BACKGROUND INFORMATION

For ACUS Staff Use Only	
State: <i>UGPPA</i>	State Abbreviation (Postal Code):
Completed By:	Date: <i>6/30/14</i>
Reviewed By: <i>Seth Nadler</i>	Date:

Description of Guardianship Process

Please give a brief overview of the state's guardianship process and requirements:

A person becomes a guardian of a minor by parental appointment or upon appointment by the court. The guardianship status continues until terminated, without regard to the location of the guardian or minor ward. Parents can delegate their parental authority to a guardian or personally appoint one. The appointing parent may revoke or amend the appointment before confirmation by the court. Until the court has confirmed an appointee under Section 5-202, a minor who is the subject of an appointment by a parent and who has attained 14 years of age, the other parent, or a person other than a parent or guardian having care or custody of the minor may prevent or terminate the appointment at any time by filing a written objection in the court.

Definitions

Because guardianship terminology varies considerably across the country, for purposes of this worksheet, the following key terms are defined as follows:

- **“Guardian”** is an individual or organization appointed by a court to exercise some or all powers over the person and/or the estate of an individual determined by a court to lack capacity to make decisions on a temporary or permanent basis. *When the term “guardian” or “guardianship” is used in a worksheet question, it should be read broadly to cover both guardians of the person and of the estate.*
- **“Guardian of the Person”** is a guardian who possesses some or all powers with regard to the personal affairs of a person.
- **“Guardian of the Estate”** is a guardian who possesses some or all powers with regard to the finances or property of a person. (In many states, this type of guardian is referred to as a “conservator.”)
- **“Incapacitated Person”** is a person who has been determined by a court to lack capacity to make some or all personal and/or financial decisions and for whom a guardian has been appointed. (Some states may refer to such individuals as “wards” or “conservatees.”)

SECTION I – GUARDIAN ELIGIBILITY

A. Certification & Licensure
Does state law require certification or licensure for any type of guardian? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are they: Private Professional Guardians <input type="checkbox"/> • Public Guardians <input type="checkbox"/> • Both <input type="checkbox"/> • Other <input type="checkbox"/>
* If yes, briefly describe these certification/licensure requirements and applicability to types of guardians:
Citations:

B. Qualification/Disqualification Standards
Does state law specify qualification standards for any prospective guardians? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these qualification standards: <i>The court, in considering the priority order of potential guardians (relatives), will appoint a guardian it feels is in the best interest of the potential ward, not necessarily in the order of priority. The court shall select the one it considers best qualified.</i>
Does state law specify any factors or criteria that automatically disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these mandatory disqualification criteria:
Does state law specify any factors or criteria that may—in the court’s discretion—disqualify a person or institution from serving as a guardian? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these discretionary disqualification criteria:
Citations: • <i>Unif.Probate Code § 5-310</i>

C. Criminal & Credit Histories
Does state law specify criminal history record checks for any prospective guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these criminal history record checks and exceptions (if any):
Does state law require prospective guardians to attest—through self-certification—to a clean criminal record? Yes <input type="checkbox"/> No <input type="checkbox"/>
Does state law specify credit/financial checks or reports for any prospective guardians? Yes <input type="checkbox"/> No <input type="checkbox"/>
* If yes, are such reports: Mandatory <input type="checkbox"/> • Discretionary <input type="checkbox"/> • Both <input type="checkbox"/>
* If yes, briefly describe these credit/financial history checks and exceptions (if any):
Citations:

D. Educating & Training
Does state law specify any mandatory education or training requirements that prospective guardians must meet prior to (or at) the time of appointment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these educational/training requirements and exceptions (if any):
Citations:

SECTION II – GUARDIANS OF THE ESTATE: FINANCIAL REPORTING REQUIREMENTS

A. Inventories
Does state law provide for newly appointed guardians of the estate to file inventories near the time of appointment (i.e., within 120 days)?
Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>
Citations: <i>Unif.Probate Code § 5-317; • Unif.Probate Code § 5-418; • Unif.Probate Code § 5-419</i>

B. Financial Accountings: Filing Requirements
<p>Does state law provide for guardians of the estate to file financial accountings?</p> <p style="text-align: center;">Yes, All Cases <input checked="" type="checkbox"/> • Yes, Some Cases <input type="checkbox"/> • Court Discretion <input type="checkbox"/> • No <input type="checkbox"/>*</p> <p style="text-align: center;">(*If no, skip to Section III)</p>
<p>Does state law specify how frequently guardians of the estate must file financial accountings?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>* If yes, what is the general rule regarding the frequency of these accountings:</p> <p style="text-align: center;">Semi-Annually <input type="checkbox"/> • Annually <input checked="" type="checkbox"/> • Every 2 Years <input type="checkbox"/> • Every 3 Years <input type="checkbox"/> • Other <input type="checkbox"/></p>
<p>Briefly describe the general rule regarding the frequency of accountings and exceptions (if any):</p> <p><i>Within 30 days after appointment, a guardian shall report to the court in writing on the condition of the ward and account for money and other assets in the guardian's possession or subject to the guardian's control. A guardian shall report at least annually thereafter and whenever ordered by the court.</i></p>
<p>Does state law provide special rules for frequency of financial accountings related to certain types of estates or Incapacitated Persons (e.g., small estates, veterans)? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these special filing rules:</p>
<p>Does state law prescribe the contents of financial accountings—that is, specify their contents in statutory text <i>or</i> require use of state-approved form(s)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe the content (or format) requirements for accountings and exceptions (if any):</p> <p><i>A report must state or contain: (1) a list of the assets of the estate under the conservator's control and a list of the receipts, disbursements, and distributions during the period for which the report is made; (2) a list of the services provided to the protected person; and (3) any recommended changes in the plan for the conservatorship as well as a recommendation as to the continued need for, and any recommended changes in, the conservatorship.</i></p>
<p>Citations:</p> <p>• <i>Unif.Probate Code § 5-317</i>; • <i>Unif.Probate Code § 5-420</i></p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
<p>If a guardian of the estate does not comply with applicable filing requirements for financial accountings, does state law specify enforcement mechanisms? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>* If yes, briefly describe these enforcement mechanisms:</p>

C. Financial Accountings: Court Monitoring, Enforcement & Verification
Does state law provide for review or audit of financial accountings filed by guardians of the estate? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* If yes, briefly describe these review/audit provisions: <i>(b) The court may appoint a [visitor] to review a report, interview the ward or guardian, and make any other investigation the court directs.</i> <i>(c) The court shall establish a system for monitoring guardianships, including the filing and review of annual reports.</i>
Citations: • <i>Unif.Probate Code § 5-317</i>

SECTION III – GUARDIANS: DISCIPLINARY ACTIONS

A. Sanctions & Removal: Grounds/Procedures
Does state law specify grounds for civil sanction or removal of guardians of the estate for misconduct, malfeasance, or failure to fulfill obligations? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> * (*If no, skip to Section III.C)
* If yes, briefly describe the grounds for sanction/removal: <i>A ward, protected person, or person interested in the welfare of a ward or protected person may petition for removal of a guardian or conservator on the ground that removal would be in the best interest of the ward or protected person or for other good cause. A guardian or conservator may petition for permission to resign. A petition for removal or permission to resign may include a request for appointment of a successor guardian or conservator.</i>
What types of civil sanctions does state law authorize for guardian misconduct, malfeasance, or failure to fulfill obligations? Briefly describe.
What are the procedures for imposition of civil sanctions or removal?
Citations: • <i>Unif.Probate Code § 5-112</i>

B. Sanctions & Removal: Reporting
Does state law provide for reporting of court-imposed sanctions or removal to any public agencies, licensing bodies, or other outside groups? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these reporting requirements:
Citations:

C. Criminal Referrals & Prosecutions
Does state law expressly require courts to refer allegations of abuse or serious misconduct against guardians to law enforcement or similar investigative bodies (e.g., district attorney, child or adult protective services) for investigation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
* If yes, briefly describe these referral requirements:
Citations:

SECTION IV – WRAP-UP: GUARDIANSHIP FORMS, RESOURCES & ADDITIONAL COMMENTS

A. State-Required Forms		
Does state law (or state-wide administrative order) specify use of state-approved or provided forms by guardians? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
* If yes, select below the types of forms provided for use by permanent guardians (of minors or adults) and attach pdf copies of these forms and any related schedules or worksheets:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____ </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules </td> </tr> </table>	<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules
<input type="checkbox"/> Application/Petition for Appointment <input type="checkbox"/> Acceptance of Appointment <input type="checkbox"/> Certification by Guardian/Screening Form <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inventory <input type="checkbox"/> Financial Accounting (Initial) <input type="checkbox"/> Financial Accounting (Annual) <input type="checkbox"/> Financial Accounting–Worksheets/Schedules	
Form notes:		

B. Other State Resources	
Document/Organization	Web Address

C. Additional Comments