Crisis / Event

Examples:

- Parent with Alzheimer's disease
- Head injury
- Adult child with mental retardation with elderly parents

Consultation

With a social worker, attorney, physician or agency

Petition Filed

- Often with doctor's letter about condition requiring guardianship
- Reasons for proposed guardianship
- Name of proposed guardian

Petition Served

Usually personally on the alleged incapacitated person

People who may be involved in the proceeding:

Court Investigator

- Explains rights and process
- Interviews alleged incapacitated person, proposed guardian and others

Guardian Ad Litem

Represents the best interest of the alleged incapacitated person: reports to the court

Attorney/Court Appointed Attorney

Represents the alleged incapacitated person

Court Hearing

- Proposed ward may or may not be present
- Witnesses called
- Evidence of disability presented
- Formal: taped or court reporter
- May be contested by proposed ward or by competing proposed guardians

Dismissed

No order for guardianship

Order of Guardianship

- Can be temporary, limited or permanent
- Can require periodic reporting or review (In addition to Annual Report of Guardian and Annual Accounting)

Guardianship of Person

- A person with responsibility for the health, well-being and personal needs of the ward
- Makes such decisions as to where the ward will live, who will provide care and the services the ward will receive

and/or

Conservatorship (Guardianship of Property)

A person appointed to manage the financial affairs of the ward; paying bills, managing investments, handling property within the limits prescribed by the court

Mechanisms used to monitor guardianships:

Court Visitors

Visit ward, speak with guardian and other parties and report back to the court in writing on status of ward's care

Annual Report of Guardian

Court Examiners

Review cases to make sure annual reports are filed as ordered/required

Annual Accounting

Court Accountants

Audit/Review annual accountings and report questionable information to the court