

FILING REPORTS

The guardian must file reports including an Initial Inventory and an Initial Plan within sixty days of appointment. Then the guardian must file an Annual Accounting and Plan every year within ninety days of the anniversary of appointment. The Inventory and Accountings detail information about the ward's income and assets and expenditures made on behalf of the ward. The Plan explains the personal, social, and medical care given to, and planned for, the ward. If the guardian fails to file these reports in a timely manner he or she is subject to court sanctions and possibly removal.

Serving as a Monitor

Where a visit to the ward or further investigation indicated, the court may appoint the Elder Justice Center Staff to serve as monitor to guardianship cases. As monitor, the staff may investigate, seek information, examine documents, or interview anyone involved with the ward or his or her care. The monitor reports findings directly to the Court.



Elder Justice Center
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Elder Justice Center
Thirteenth Judicial Circuit
Administrative Office
of the Courts



Guardianship

Guardianship is a legal proceeding instituted to protect individuals who do not have the ability to care for themselves or their property.



Guardianship may pertain to the person, his or her property, or both.



INCAPACITY PROCEEDINGS

When a person is being considered for guardianship, an incapacity proceeding must be held. The individual is appointed his or her own



attorney and examined by a committee of three people. The Court then conducts a hearing, considers the evidence, and if proven, adjudicates the person incapacitated. If the person is found totally incapacitated most often a Plenary Guardian (of person, property, or both) is appointed. If the person is found to have some capacity then a Limited Guardianship is established. In that case, the guardian is given the authority to exercise only those rights removed by the court.



Types of Guardianship

The Guardian of the Property

is appointed to manage the ward's estate and is charged with the duty of protecting and preserving the ward's assets. The guardian has broad powers to make critical decisions for the ward. All decisions must be in the best interest of the ward.

The Guardian of the Person

has the responsibility for the physical, social, and spiritual



well-being of the ward. The guardian is to provide or coordinate appropriate services to assure the ward is being cared for in a humane and dignified manner. A guardian should always defer to the ward's preferences, particularly as to living environment and standard of living, to the extent reasonable. All decisions must consider the ward's physical, medical, and social needs, as well as their financial resources.

Elder Justice Center

The **Elder Justice Center** (EJC) assists the Court with the reviews of Inventories Accountings and Plans. A review of the Plan may include a file review, a visit to the ward, and an inquiry to the facility. A review of the Accounting may consist of a file review for reasonableness and appropriateness of expenditures. After its review the EJC makes a recommendation to the Court. The Court then either approves the report or disapproves and requires the guardian to file an amended report.



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