

Adult Guardianship: Rules of Superintendence 66.01 through 66.09

- ## Overview
- ✓ Common language
 - ✓ Local rules
 - ✓ Dignity and autonomy of ward
 - ✓ Responsibilities of courts
 - ✓ Education
 - ✓ Responsibilities of guardians to court and ward
 - ✓ Guardian's compensation

- ## Sup.R. 66.01: Definitions
- ✓ Best interest
 - ✓ Direct services
 - ✓ Guardian
 - ✓ Ward
 - ✓ Guardianship services

Sup.R. 66.01(A): Best Interest

- ✓ Maximizes best for ward
- ✓ Least intrusive
- ✓ Most normalizing, and
- ✓ Least restrictive course of action given needs of ward

Direct Services vs. Guardianship Services

Sup.R. 66.01(B): Direct Services

- ✓ Home and community-based care and institutionally-based care providers
- ✓ Not guardianship services

Sup.R. 66.01(E): Guardianship Services

- ✓ Duties normally assigned to guardians of adult wards

Sup.R. 66.02: Application of Rules

- ✓ Applies to all guardians of adult wards
- ✓ Possible exception family guardians related to the ward by blood or marriage

Sup.R. 66.03: Local Rule

- ✓ Emergency guardianship
- ✓ Complaints & Comments process
 - ▶ Complaint in writing
 - ▶ Designated person
 - ▶ Provide copy to guardian
 - ▶ Maintain record of disposition
 - ▶ Notify complainant of disposition
 - ▶ Determine manner to keep record

Sup.R. 66.04: Establishment of Guardianship

- ✓ Consider "limited" guardianship before "plenary" guardianship [Sup.R. 66.04(A)]
- ✓ Direct service providers cannot serve as guardians for wards for whom they provide direct services [Sup.R. 66.04(D)]

Sup.R. 66.05: Responsibilities of Courts

- ✓ Criminal background check
- ✓ Compliance with education
- ✓ Roster of guardians with 10+ wards

Sup.R. 66.06 & 66.07: Education

- ✓ 6-hour pre-appointment guardian fundamental course; possible exception for good cause for experienced guardians
- ✓ 3-hour annual continuing education course
- ✓ Provided by Judicial College or court-approved provider
- ✓ Duty to report
- ✓ Not eligible for new appointments, if fail to meet continuing education

Sup.R. 66.08: General Responsibilities of Guardians

- ✓ Inform the court if guardianship should be limited or terminated [Sup.R. 66.08(D)]
- ✓ Inform the court of ward's change of residence [Sup.R. 66.08(E)]
- ✓ Submit annual plan with guardian's goals for ward [Sup.R. 66.08(H)]

Sup.R. 66.08: General Responsibilities of Guardians

- ✓ Inform court if source of income has changed to solely a government source [Sup.R. 66.08(I)]
- ✓ Compensation subject to local rule and approved by court [Sup.R. 66.08(J) & Sup.R. 73]
- ✓ Be attentive to apparent or actual conflict of interest [Sup.R. 66.08(K)]

Sup.R. 66.09: Responsibilities of Guardian to Ward

- ✓ Least restrictive choices and decisions for ward
 - ▶ Least limiting on ward's rights, freedom, or environment [Sup.R. 66.09(C)]
- ✓ Person-centered planning
 - ▶ Balance ward's maximum independence and self-reliance with the ward's best interest [Sup.R. 66.09(D)]
- ✓ Meet quarterly with ward [Sup.R. 66.09(F)(2)(a)]

Sup.R. 66.09: Responsibilities of Guardian to Ward

- ✓ Foster ward's positive relationships and support network [Sup.R. 66.09(E)]
- ✓ Monitor and coordinate services among service providers and with the other guardian, if one has been appointed [Sup.R. 66.09(H)]
- ✓ Be informed of the ward's preferences and belief system regarding end of life decisions and extraordinary medical issues [Sup.R. 66.09(I) & Sup.R. 66.09(J)]

Sup.R. 66.09: Responsibilities of Guardian to Ward

- ✓ Exercise due diligence [Sup.R. 66.09(B)]
- ✓ Duty of confidentiality [Sup.R. 66.09(L)]
- ✓ Monitor and manage caseload [Sup.R. 66.09(K)]

Questions

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