

Model Order for Guardianship and/or Conservatorship

State of:
County of:
Court:
File Number:
Date:
In the Matter of:
Judge:

This is a matter is before the court on a petition for an adjudication that Respondent [RESPONDENT NAME] is a person in need of protection and appointment of a [GUARDIAN/CONSERVATOR/GUARDIAN AND CONSERVATOR]. The court has read the petition and held a hearing to determine whether the court should enter the order requested in the petition.

HEARING.

A hearing was held on: _____

At the hearing, respondent was:

- present, in person
- present, through the use of audio-visual technology
- not present and there was clear and convincing evidence that respondent refused to attend the hearing
- not present and there was clear and convincing evidence that it was (1) either impossible or impracticable for respondent to attend, and (2) that respondent would have no ability to participate in the hearing

At the hearing, respondent was:

- represented by the following counsel: _____
- not represented by counsel

VENUE, JURISDICTION, and NOTICE.

This court finds that it has jurisdiction over Respondent and over this issue, that this court is a proper venue, and that notice was properly served.

RESPONDENT'S ABILITIES AND NEEDS.

This court reviewed the following evidence with regard to the Respondent's abilities and needs:

[LIST]

Based on this evidence, this Court finds that Respondent:

- is not a person needing protection within the meaning of this state's laws and therefore denies the petition.
- is a person needing protection because Respondent is unable to receive and evaluate information or make or communicate decisions to such an extent that the individual lacks the ability to meet essential requirements for physical health, safety, or self-care, even with support from one or more individuals of the person's choosing and even with technological assistance.

Specifically, this Court finds that:

[PROVIDE A DETAILED EXPLANATION OF THE PERSON'S FUNCTIONAL ABILITIES AND LIMITATIONS AND THE EVIDENCE AS TO THOSE ABILITIES AND LIMITATIONS]

APPOINTMENT.

This court appoints [NAME OF GUARDIAN AND/OR CONSERVATOR] to serve as [GUARDIAN AND/OR CONSERVATOR] and directs issuance of orders of guardianship.

LIMITATIONS AND POWERS.

This guardianship is:

___ Limited, and the appointee is granted the following powers:
___ make decisions about the respondent's custody and residence
___ make decisions about the respondent's training and education
___ consent to medical or other professional care, counsel, treatment, or service
___ institute and maintain proceedings to compel another person to support respondent
___ institute and maintain proceedings to protect respondent's property
___ apply for, receive, and manage the respondent's money and property
___ apply for, receive, and manage the respondent's money and property with the exception of: _____ [specify particular property or accounts or a monthly amount of income]
___ other: _____

___ Plenary, meaning that the appointee is granted all powers permissible under state law except those required specific court authorization unless that authorization is granted below. [Under this state's law, a plenary guardian does not have the authority to _____.]

In addition to the powers granted above, the appointee may:
[List any powers to be granted that require specific court authorization such as the power to move the protected person outside the state or consent to adoption]:

The appointee is bound to exercise all granted powers in accordance with his/her fiduciary duty to the protected person. Among other things, the appointee is required exercise authority only as necessitated by the limitations of the protected person; encourage the protected person to develop maximum self-reliance and independence including by participating in decisions to the extent feasible; in all actions taken on behalf of the protected person, consider the best interest of the person as well as the d person's expressed interests to the extent known to the appointee or reasonably ascertainable by the appointee.

BOND.

___ Before the issuance of letters, the appointee must file a bond in the amount of: \$___

___ Before the issuance of letters, the appointee must: _____

___ This Court finds that no bond or other or special arrangement is necessary to protect the interests of the protected person.

INVENTORY AND PLAN.

If the appointee is appointed as a Conservator, the appointee is instructed to:

- Within 60 days after appointment, file with this court a plan for protecting, managing, expending, and distributing the assets of the protected person’s estate.
- Within 60 days after appointment, file with this court a detailed inventory of the estate subject to the conservatorship, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

NOTIFICATION OF THE COURT.

The appointee shall immediately notify the court in writing of:

- Any change in his/own address.
- Any change in the protected person’s custodial dwelling or address.
- Any change in the protected person’s condition such that the protected person is capable of exercising rights previously removed.

NOTIFICATION OF THIRD PARTIES.

_____ The appointee shall notify the following people of any change in the protected person’s primary residence:

_____ The appointee shall provide copies of his/her annual report to the following people:

_____ The appointee shall provide copies of his/her inventory of the protected persons assets to the following people:

_____ The appointee shall notify the following people of the death of the protected person or a significant change in the protected person’s condition.

REVIEW.

The appointee shall file an annual report with this court.

_____ In addition the annual review, this matter is set for review within _____ days to determine:

- _____ Compliance with the inventory and plan
- _____ Possible changes in the protected person’s abilities
- _____ Other:

_____ No review beyond the annual review is required at this time.

COSTS.

Costs are:

- _____ Waived
- _____ Taxed to petitioner
- _____ Taxed to respondent

SIGNATURE.

Signed:

Date: