

## **Guardian or Conservator Complaint Procedures**

**Purpose:** The procedure that follows is intended to provide a standardized complaint resolution procedure for complaints against guardians or conservators appointed pursuant to Title 15, Chapter 5 of the Idaho Uniform Probate Code and Title 66, Chapter 4 of the Treatment and Care of the Developmentally Disabled. This procedure applies to all guardians or conservators, professional or otherwise, except where otherwise stated.

**Goal:** The goal of the complaint process is to protect the health, safety or assets of a person under guardianship or conservatorship and to streamline a process where information concerning a guardian or conservator's compliance with the statutory duties and responsibilities is addressed.

1. **Receiving Complaints:** The court will not accept or act upon a telephonic or in-person complaint, other than to inform the person of the location of the standardized form and to provide the address to which to deliver or mail a completed written complaint. When the court receives the completed standardized complaint form, it shall forthwith be routed to the assigned court clerk or administrative court staff to handle these matters in each county.

2. **Processing Procedures:**

a) The assigned court clerk shall, within three (3) working days of his/her receipt of the complaint send a letter of receipt to the complainant and, if applicable, the appointed Guardian ad Litem.

b) The assigned court clerk or administrative court staff shall review the complaint for information adequacy and if complete, send it to the assigned magistrate judge for review.

(1) If the complaint is incomplete and the complainant is not the ward, the assigned court clerk or administrative court staff may, but is not required to follow up with the complainant to request additional information. If the complainant is the ward, the assigned court clerk or administrative court staff shall follow up at least once with the ward and inform the ward the information is incomplete and allow for additional information.

c) Within twelve (12) working days of receipt of the complaint the magistrate judge has the ability, subject to Idaho Court Administrative Rule 54(a) to:

(1) Review the court file and take any action that is supported by the record, including ordering a status report, inventory, or accounting;

(2) Appoint a Guardian ad Litem;

- (3) Refer the communication to a court investigator, visitor, attorney, or Guardian ad Litem for further action;
- (4) Refer the matter to the appropriate law enforcement agency or prosecutor's office;
- (5) Refer the matter to the appropriate licensing agency;
- (6) Refer the matter to appropriate agencies, including but not limited to child or adult protective services;
- (7) Set a hearing regarding the communication, compel the guardian or conservator's attendance, and/or require a response from the guardian or conservator concerning the issues raised by the communication;
- (8) Decline to take further action on the communication.

d) Unless the complainant is the ward, the assigned court clerk has no duty to report back to the complainant any actions taken. If the complainant is the ward, the assigned court clerk or administrative court staff will advise the ward, appointed Guardian ad Litem, or attorney, either in writing or telephonically of actions taken, if any, by the assigned magistrate judge within ten (10) working days.