

Guardianships and Conservatorships



"Henry! Our party's total chaos! No one knows when to eat, where to stand, what to....
Oh, thank God! Here comes a border collie!"

Requirements and Best Practices

Idaho Institute for Court Management
Break-out Session

October 29, 2013 2:45-4:15

Definitions

- Guardian- *a person appointed by the court or a will who has responsibilities of a parent over another.*
- Conservator-*a person appointed by the court or a will to manage the estate of another.*
- Ward-*the person for whom a guardian or conservator is appointed.*
- Interested Person-*anyone who petitions the court and has an interest in the proceedings.*

More Definitions

- *Developmental Disability-a chronic disability which appears before age 22 and (a) is attributable to an impairments (b) results in substantial functional limitation in major life activities and (c) requires special care or treatment which is lifelong or extended.*
- *Estate-All of the ward's property*
- *Evaluation Committee-an IDHW committee designated to evaluate a person to determine if he or she has a developmental disability.*

Guardianship of Minors



- ❖ *Appointment*
 - ❖ *By Will*
 - ❖ *By Petition*
- ❖ *Requirements*
 - ❖ *Notice*
 - ❖ *Attorney or Guardian ad Litem*
 - ❖ *Appoint if best interests of the child and requirements are met*
- ❖ *Clerk Practices*

Guardianship for Incapacitated Persons

❖ Appointment

- ❖ Testamentary appointment
- ❖ Court appointment



❖ Requirements

- ❖ Notice
- ❖ Appointment of visitors, attorney and GAL
- ❖ Appoint if person is incapacitated and necessary

❖ Clerk Practices

Conservatorships for Incapacitated Persons and Minors

- Appointment by petition
- Requirements
 - May appoint GAL, attorney, visitor and/or physician
 - Appoint if person is unable to manage affairs and property will be wasted or funds are needed for support
- Bond
- Clerk Practices



Guardianships and Conservatorships For Individuals with Developmental Disabilities

- Appointment by will or petition
- Requirements
 - Shall appoint an attorney, shall authorize evaluation committee.
 - Grant petition if person has developmental disability and cannot manage affairs.
 - Partial vs. Full
- Clerk Practices



Reporting Requirements

Guardian's:

- 30-day Report
- Annual Status Report



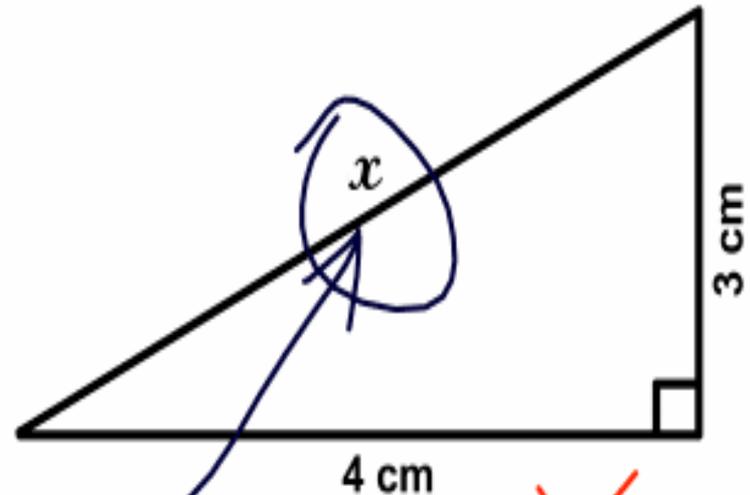
Conservator's:

- 90-day Financial Plan
- 90-day Inventory
- Annual Accounting
- Final Accounting

Other Matters

- Minor's Compromise
- Board of Community Guardians
- Background Checks
- Online Training

3. Find x .



Here it is ~~X~~ O

Complaint Process

- Form
- Procedures
 - ✓ May only accept complaints using standard form
 - ✓ Review complaint for completeness
 - ✓ Notify complainant of receipt and GAL, if any.
 - ✓ Give to assigned judge for action
 - ✓ Unless the person complaining is the ward, then you do not need to notify complainant of outcome.



Additional Questions for the Panel

- Hon. David Epis-Elmore County Magistrate Judge, judgeepis@elmorecounty.org
- Kasey Kliegl-Twin Falls County Clerk, kkliegl@co.twin-falls.id.us
- Nanci Thaemert-
Guardianship/Conservatorship Manager, nthaemert@idcourts.net