

# In the Supreme Court of the State of Idaho

IN RE: ADOPTION OF NEW IDAHO COURT )  
ADMINISTRATIVE RULES 54.2 and 54.3 )  
\_\_\_\_\_ )

ORDER

The Court having reviewed recommendations by the Guardianship and Conservatorship Committee to amend the Idaho Court Administrative Rules, and the Court having approved the recommended amendments;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That NEW Idaho Court Administrative Rule 54.2, and the same is hereby, adopted as follows:

**Rule 54.2. Guardianship Reports.**

A. All guardians shall file with the court a report within 30 days following the anniversary of the appointment and:

1. At least annually thereafter;
2. When the court orders additional reports to be filed;
3. When the guardian resigns or is removed; and
4. When the guardianship is terminated unless the court determines that there is no need.

B. The guardian shall provide copies of any report filed by the guardian as ordered by the court.

C. A report shall be under oath or affirmation and shall state:

1. The address of the guardian and person under guardianship;
2. The current mental, physical, and social condition of the person under guardianship,

including family contact;

3. The living arrangements during the reporting period;
4. The medical, educational, vocational and other professional services provided to the person under guardianship and the guardian's opinion as to the adequacy of care for the person under guardianship;
5. A summary of the guardian's visits with and activities on behalf of the person under guardianship;
6. If the person under guardianship is institutionalized, whether the guardian agrees with the current treatment plan;
7. A description of any significant changes in the capacity of the person under guardianship to meet essential requirements for physical health or safety;
8. A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;
9. Any other information requested by the court or useful in the opinion of the guardian.

2. 1. That NEW Idaho Court Administrative Rule 54.3, and the same is hereby, adopted as follows:

**Rule 54.3. Conservator Reports.**

A. All conservators shall file with the Court:

1. An inventory within 90 days of appointment;
2. An accounting within 30 days of the anniversary date of the conservator's appointment and at least annually thereafter;
3. An accounting with any petition for resignation or termination of appointment of the conservator;
4. A final accounting within 30 days of the removal of the conservator; and
5. Any additional reports ordered by the court.

B. The conservator shall provide copies of any report filed by the conservator as ordered by the court.

C. Every report submitted by a conservator shall cover a specific time period stated in the report. The report shall cover the person under conservatorship's entire estate under the control of the

conservator. Supporting documentation for items in the report shall accompany the report unless:

1. It is voluminous or expensive to provide;
2. It contains sensitive or private information; or
3. Other good reasons exist for not providing it.

The report shall state:

- (i) The reasons for not providing the supporting documentation;
- (ii) That it is held by, or is reasonably available to, the conservator;
- (iii) And that it will be produced upon request.

D. An inventory shall contain:

1. The address of the conservator and person under conservatorship;
2. A description and fair market value of all assets or categories of assets at the date of appointment;
3. The method of determining fair market value of each item or category;
4. Encumbrances, which shall be specifically identified, including:
  - (i) The asset secured by the encumbrance;
  - (ii) The amount of the encumbrance at the date of appointment;
  - (iii) The holder of the encumbrance;
  - (iv) The relationship of the holder to the person under conservatorship, if known to the conservator;
  - (v) The relationship of the holder to the conservator; and
  - (vi) Any other relevant information.

E. An accounting shall contain:

1. The address of the conservator and person under conservatorship;
2. A detailed listing of everything of value received by the person under conservatorship, which may be reported in categories, including the source of the item, its fair market value and method of determining the fair market value;
3. A detailed listing of all payments made for the person under conservatorship, which may be reported in categories including:
  - (i) The amount;

- (ii) To whom the payment was made;
  - (iii) The method or frequency of making each payment if not indicated by the item or category;
  - (iv) The consideration for each payment if not indicated by the item or category;
  - (v) The relationship of the recipient of each payment to the person under conservatorship if known to the conservator;
  - (vi) The conservator's relationship to the recipient of each payment;
  - (vii) The time period covered by each payment if relevant; and
  - (viii) Any other information relevant to each payment.
4. A listing of the net assets of the estate of the person under conservatorship at the end of the reporting period; and
5. Any other information relevant to the actions of the conservator during the reporting period.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective July 1, 2014.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

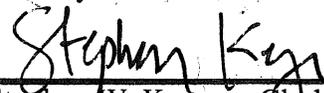
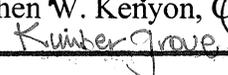
DATED this 4 day of April 2014.

By Order of the Supreme Court

  
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 Roger S. Burdick, Chief Justice

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court 4/4/13

  
 \_\_\_\_\_ Clerk  
 Stephen W. Kenyon, Clerk  
 By:  \_\_\_\_\_ Deputy