

Instructions for reporting on monitoring the guardian's annual reports

(1) Visitor's Report on Monitoring Guardian's Annual Reports

- Print the protected person's name, the judge's name and case number on the blank lines. (This information can be found on many documents in the case file.)
- When are the reports next due?
 - A parent appointed as guardian of an adult child does not have to file reports. You will be assigned only to cases in which the guardian is required to file reports.
 - The inventory is intended to provide a snapshot of the protected person's estate at the time the guardian is appointed. The inventory is filed only once, but there may be amendments filed as the guardian develops a clearer picture of the protected person's estate. Sometimes later-discovered property is declared for the first time in an annual financial report.
 - Unless the court has appointed a conservator, the guardian must file an inventory of the protected person's property no more than 90 days after the order appointing the guardian. The date the judge signed the order will be next to the judge's signature.
 - The guardian must file a care report about the protected person's circumstances on or before each anniversary of the order appointing the guardian. Unless the court has appointed a conservator, the guardian must also file a financial report about the protected person's estate on or before each anniversary of the order appointing the guardian. The date the judge signed the order will be next to the judge's signature. If the court has approved of the guardian filing the annual reports on a different schedule, the file will have an order indicating that date.
- Has the report been filed?
 - The courts have forms for the inventory, the care report and the financial report, but the guardian is permitted to prepare a report without using the forms. So reports may look very different from case to case and even from year to year in the same case. Look for documents titled "inventory," or "annual report" or "status report" or "annual accounting" or something similar. If the protected person's estate is limited to a federal or state program requiring an annual accounting, the guardian may file a copy of that accounting as the financial report. If you are not certain ask the judicial assistant.
- Is the report complete?
 - Inventory

- The inventory should include a summary and a more detailed description of the protected person's:
 - real estate;
 - stocks and bonds;
 - money owed (to the protected person);
 - miscellaneous property;
 - debts and encumbrances (owed by the protected person); and
 - cash and cash accounts
- The property should be described and a value declared.
- Annual Care Report
 - The content of the care report is the most variable, because the circumstances of individuals are so different.
 - The care report might describe the frequency with which the guardian visits the protected person, the protected person's educational and social activities, the protected person's residential circumstances, and the people with whom the protected person is living. If the protected person's residence changes, the guardian is required to report this to the court.
 - The care report might describe the protected person's care providers and treatment received during the year, the protected person's ability to take care of the activities of daily living (ADLs) and the instrumental activities of daily living (IADLs), and changes in the protected person's circumstances.
- Annual Financial Report
 - The financial report should include a summary and a more detailed description of the protected person's:
 - real estate;
 - stocks and bonds;
 - money owed (to the protected person);
 - miscellaneous property;
 - debts and encumbrances (owed by the protected person); and
 - cash and cash accounts
 - The property should be described and a value declared.
 - It is required that the guardian include the most recent real property tax statement and, for a cash or investment account, the most recent statement from the financial institution.
 - The report should describe and declare a value for income and other property received during the reporting period. And the report should

describe and declare a value for payments made on the protected person's behalf. Receipts and payments might include changing the nature of property: for example, selling real estate for cash; or using cash to buy stocks or bonds.

Are there any obvious problems?

- Inventory
 - Is the arithmetic correct? Do the values declared for each asset add up to the value declared for the whole. Do the values declared for each debt add up to the value declared for the whole? Does the total for all assets minus the total for all debts equal the value declared as the net value?
- Annual Care Report
 - Problems with a protected person's well-being may not be obvious. Look for indicators of abuse or neglect:
 - The guardian is not visiting or actively overseeing the care for the protected person.
 - Indications that the protected person is isolated from others.
 - History of doctor shopping.
 - Repeated injuries that are unexplained or that have inconsistent or implausible explanations.
 - Descriptions that are defensive about the guardian.
 - Descriptions that are aggressive toward the protected person or blame the protected person.
 - Remember: Indicators do not necessarily mean that abuse or neglect are probable. Report honestly your perception of the reports. If the judge wants a more detailed inquiry, s/he will order one.
- Annual Financial Report
 - If this is the first annual report, the beginning balance in the report should equal the ending balance in the inventory. If this is the second or subsequent annual report, the beginning balance in the report should equal the ending balance in the previous report.
 - The value declared for cash accounts should equal the money in all of the protected person's bank accounts.
 - Is the arithmetic correct? Do the values declared for each receipt add up to the value declared for the whole. Do the values declared for each payment add up to the value declared for the whole? Does total for all

receipts minus the total for all payments equal the value declared as the total?

- Look for indicators of financial exploitation:
 - Compare the financial report with the care report for that year. Is there a substantial or unusual financial transaction that is not supported by the care report? For example, a payment for hip surgery when the care report does not indicate that the protected person had surgery. Or a payment for assisted living, when the care report indicates that the protected person lives at home.
 - There is a change in spending patterns.
 - Payments that are extraordinarily high for the nature of the goods or services.
 - The guardian pays him or herself for goods or services.
 - The guardian switches banks.
- Remember: Indicators do not necessarily mean that financial exploitation is probable. Report honestly your perception of the reports. If the judge wants a more detailed inquiry, s/he will order one.

Has the report been served on all interested persons who have not waived service?

- The original petition asking that a guardian be appointed should have been served on all interested persons. A “proof of service” document should have been filed for each interested person on whom the petition was served. The petition may have been served several months to several years earlier, so the addresses shown on the “proof of service” documents for interested persons may no longer be correct, but each person who received the petition should also have received the inventory and the annual reports, unless a person has waived service of the reports.
- Compare the list of people who received the petition with the list of people who received the inventory or annual report. Also compare the list of people who received this year’s annual report with those who received reports in prior years. If anyone is missing from this year’s report, look in the file to see whether there is a document waiving service.

Is the court’s contact information for the guardian and protected person correct?

- There may be indications that the contact information on file with the court is no longer correct. For example, if a letter, email or telephone call to the guardian does not go through, that is an indication that the information is no longer current.

- Date and sign the form and give it to the judicial assistant.
- The judicial assistant may give you further instructions to respond to any problems.

(2) Private information

- Your report is a private record, which means that it must not be accessed by the public. Protect it from being seen or taken by an unauthorized person.

(3) Attending the hearing

- Hearings usually are open to the public, so you may attend even if you are not required to do so. If you are subpoenaed to testify, you must attend the hearing.