

**Monitoring Following Guardianship Proceedings
(as of statutory revisions December 31, 2007)**

<u>State</u>	<u>Accounting Frequency</u>	<u>Status Report</u>	<u>Status Frequency</u>	<u>Court Review</u>	<u>Post-Hearing Investigator</u>	<u>Sanctions</u>
UGPPA	420(a) Annually unless court otherwise directs	317(a) Current condition, living arrangement, services provide, opinion on adequacy of care, summary of visits and activities on ward's behalf, extent to which ward participated in decision making, whether institutional care plan is in best interest, plans for future care, recommendation on need for changes in scope of guardianship	317(a) 30 days after appointment and at least annually or whenever ordered by court	317(c), 420(d) Shall establish system for monitoring including filing and review of annual reports and plans	317(b), 420(c) May appoint a visitor to review a report or plan, interview person or conservator, or other investigation	<i>Not stated</i>
Alabama: Code	26-2A-147 at least every 3 years, at removal or resignation	26-2A-108 26-2A-78(b)(5) report condition of ward and estate	26-2A-108 26-2A-78(b)(5) as ordered by court or required by court rule	<i>Not stated</i>	<i>Not stated</i>	26-2A-110(a) removal if best interest
Alaska: Stat.	13.26.255 as court may direct, on removal or resignation	13.26.118 status, condition, living arrangement, activities, address & contacts, services, actions 13.26.117 guardianship implementation report 90 days after appointment	13.26.118 (a) after 1 st 90 days, then yearly, additional report if ordered, significant change, resign, removed, terminated, ward requests Every 3 years visitor prepares report	<i>Not stated</i>	13.26.118 visitor to evaluate ward every 3 years	13.26.235 removal for good cause
Arizona: Rev. Stat. Ann.	14-5419 (A) annually	14-5315(C) major changes, be continued, summary of service, last doctor, # and last date of visit, changes in condition	14-5315 (A) annually	<i>Not stated</i>	14-5308(B) as directed by the ct., additional investigations by ct.-appointed investigator to determine if necessary to continue appt.	14-5307(A) removal if best interest
Arkansas:	28-65-320(a)	28-65-322	28-65-322	<i>Not stated</i>	<i>Not stated</i>	28-65-108(b)

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Code Ann.	annually	mental, physical, social status, living situation, need to continue	annually			denial of fee 28-65-320(f) denied fee if fail to file accounting
California: Prob. Code	2620(a) 1 yr. from appt., then biennially	<i>Repealed</i>	<i>Repealed</i>	1850(a)(1), (2) court shall review 6 months after appointment, 1 year after, then annually	1851(a) Court Investigator shall visit, inform that under conservatorship, report if wish to terminate, if conservatee acting in best interest, if still need conservatorship	2620.2(c) If fail to timely file accounting, ct. must punish or remove, order funds to ct. supervised account, appoint temporary guardian, appoint attorney for ward, or extend time. 2650(a)-(b) removal if fail to perform duties or report
Colorado: Rev. Stat. Ann.	15-14-317 within 6 months of appointment and annually thereafter	15-14-317(1) ward's condition, location, services provided, visit/activity summary, plan adequacy, future plan, continued need	15-14-317 within 6 months of appointment and annually thereafter	15-14-317(3) court shall establish system of review	15-14-317(2) may appoint visitor to review, interview and investigate	15-14-112(2) removal if best interests or for other good cause
Connecticut: Gen. Stat. Ann.	45a-655(a), (c) Inventory within 2 months; may require annual accounting	45a-656(c) Condition, efforts to encourage independence, whether least restrictive	45a-656(c) At least annually	45a-660(c) After 1 year; not less than 3 years thereafter; review written medical evidence	<i>Not stated</i>	<i>Not stated</i>
Delaware: Code Ann. tit. 12	12 3941 & 3943 end of 1 st year, then as court requires but not more often than biennially unless special occasion	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>	12 3908(a) 12 3944 contempt, imprisonment, removal for failure to account
District of Columbia:	21-2065(d)(1)-(2) at least yearly or	21-2047(a)(5) ward's condition	21-2047(a)(5) at least semi-annually or	<i>Not stated</i>	<i>Not stated</i>	21-2049 21-2061

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Code Ann.	on court order		on court order			removal if best interest
Florida: Stat. Ann.	744.367 (1)-(3) 744.3678(1) yearly 744.365 verified inventory	744.367(1) 744.3675(1) annual plan, condition, address, plans for care & services, whether living arrangement best suited to needs, report of physician, restoration of rights 744.362 initial report due in 60 days 744.363 initial plan	744.367(1) yearly 744.3678(5) waived if only SS benefits and rep payee	744.3215(1) (a)- (b) 744.368 clerk to review personal reports within 30 days and property reports with 90 days. Clerk report when not timely filed 744.369 court review report within 60 days of clerk's report on initial and 15 days on annual 744.372 court review appropriateness and extent	744.107(2) Court monitor investigates and report findings inquiry from interested person or from court on own; court may take action	744.3685 fines, contempt for failure to report 744.474 removal
Georgia: Code Ann.	53-7-180(2) yearly 29-5-22 inventory 2nd month (takes into account estate plan) 29-5-30(c) file updated plan with annual return 29-5-60 file verified return with updated plan	29-4-22 ward's general condition, changes, living situation, expenditure of funds, alterations	29-4-22 60 days after appointment, then yearly	29-5-60(c) court carefully examine each return	<i>Not stated</i>	29-4-52(a) revoke, suspend, add security, reduce, deny compensation or other 29-4-53 cause of action for breach of fiduciary duty, damage, compel performance, enjoin, redress, constructive trust

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Hawaii: Rev. Stat.	560:5-420 annually	560:5-317(a) condition, living arrangement, services, visit and activities, plan in best interest, future plan for care, need to continue or change powers	560:5-317(a) at least yearly	<i>Not stated</i>	560:5-317(b), -420(c) may appoint kokua kanawai to review report and investigate	
Idaho: Code	15-5-419(2) Yearly with specific content	15-5-419(a) ward's status	15-5-419(a) yearly	<i>Not stated</i>	<i>Not stated</i>	15-5-307(a) remove if best interest 15-5-419(b) removal, fines, recovery of assets, surcharge, judgment
Illinois: 75/5 Ill. Comp Stat.	5/13-5(h) GAL can do accounting on death if PG and large estate	5/11a-17(b) mental, physical status; living arrangements, services received 5/13-5(g) report of public guardian	5/11a-17(b) if court directs	<i>Not stated</i>	5/11a-20(b) on request, court may appoint GAL to investigate	5/11a-15 removal
Indiana: Code Ann.	29-3-9-6(a)(1) 29-3-9-5(a) after 1 st 90 days, then biennially	29-3-9-6(c) condition & circumstances	29-3-8-1(b) as ordered by court	29-3-9-8 29-3-9-6(e) accounting not final until approved by court after notice and hearing	29-3-9-11 Div. of Family & Children when ordered	29-3-12-4 (a) removal
Iowa: Code Ann.	633.670(a),(b)(1) after 1 st 60 days, then yearly	633.669(2) condition, activities, living arrangements, services, visits, need to continue	633.669(1) after 60 days, then yearly	633.669(5) reports reviewed and approve by district judge or referee 633.674 court settle each account by allowing or disallowing	<i>Not stated</i>	<i>Not stated</i>

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Kansas: Rev. Stat. Ann.	59-3083 annually, other times as court may specify; & upon change of address or residence, significant change in health, impairment, or assets	59-3083(a) form prescribed by court rule	59-3083 annually, other times as court may specify; & upon change of address or residence, significant change in health, impairment, or assets	59-3084(a) court shall review report upon filing	59-3084(b) & 59-3085(b) court may set hearing	59-3084 (c) & 59-3085 (c) Modify powers; require filing of amended plan 59-3089 order to show cause for failure to fulfill duties; removal
Kentucky: Rev. Stat. Ann.	387.710 60 days after appointment, then biennially; informal biennial report if less than \$2500	387.670(1) condition, address, services received, visits, need to continue	357.670(1) annually	387.670(3) court to review report and take necessary actions	<i>Not stated</i>	384.080 Recovery of damages on bond 387.090(1) removal for failure to discharge duties or to account
Louisiana: Civ. Code Ann.; Code of Civ. Pro.; Rev. Stat. Ann.	CCP 4569(A) annually RS13:3443(A)	CCP 4569(A) condition of interdict	CCP 4569(A) annually	<i>Not stated</i>	CCP 4551; CC 393 shall appoint undercurator CCP 4565 shall appoint undercurator to review accounts & reports	RS9:1025 removal if not adequately performing duties and in best interest
Maine: Me. Rev. Stat. Ann. tit. 18	18-A 5-419(a) as specified by court	18-A 5-312(a)(5) ward's condition	18-A 5-312(a)(5) as required	18-A 5-312(a)(5) review report 18-A 5-419(c) court may appoint visitor to review reports	18-A 5-419(c) 18-A 5-312(a)(5) may appoint visitor to review, determine care needs	18-A 5-415 remove conservator for good cause 18-A 5-307 remove guardian if best interest

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Maryland: Code Ann., Est. & Trusts	Rule 10-206 annually, examined by trust clerk who reports to court	13-708(b)(7) residence, health status, guardian's plan, need for continuation	13-708(b)(7) annually	<i>Not stated</i>	14-404(a) review board reviews public guardianship annually, file review every 6 mon.	13-221 removal for good cause
Massachusetts: Gen. Laws ch.	205(1)(6) At least once a year	<i>Not stated</i>	<i>Not stated</i>	201 48 if embezzlement complaint, court may cite and examine suspect, including guardian or conservator	<i>Not stated</i>	
Michigan: Comp. Laws Ann.	700.5418 annually	700.5314(e) condition, improvement or deterioration, living arrangement, medical treatment, services, guardian visits, need for continuation	700.5314(e) annually	700.5309 court review 1 st then every 3 years	700.5310(4) court may send visitor to investigate if complaint	700.5310 removal
Minnesota: Stat. Ann.	524.5-420(a) annually	524.5-316(a) current condition; living arrangements; medical, educational, vocational services provided; adequacy of care; recommended changes in scope	524.5-316(a) at least annually	524.5-316(c) & 420(c) court will establish system to monitor and file	524.5-316(b) & 420(c) court may appoint visitor to review, interview, investigate	524.5-112(b) removal if best interest
Mississippi: Code Ann.	93-13-67 at least annually	93-13-121 account for guardian's acts and doings	93-13-121 at least annually	<i>Not stated</i>	<i>Not stated</i>	19-13-23 removal for sufficient cause
Missouri: Ann. Stat.	475.190(4) annually	475.082(2) address, number of contacts, date last seen by MD, need for continuation	475.082(2) annually	475.082(1) court review status of every ward annually	475.082(3) court may order mental status evaluation	475.082(5) removal if best interest

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Montana: Code Ann.	72-5-438(1) at least annually	72-5-321(2)(e) condition of ward	72-5-321(2)(e) Annually	<i>Not stated</i>	<i>Not stated</i>	72-5-414 removal for cause
Nebraska: Rev. Stat.	30-2648(a)(5) as court directs	30-2628(a)(5) condition of ward	30-2628(a)(5) annually	30-2628(a)(5) court shall receive comments on need to continue	30-2623(c) court may send visitor to guardian and ward before removal, resignation or termination	30-2623(a) removal if best interest
Nevada: Rev. Stat	159.177(1) annually	159.081 condition of ward; exercise of authority and performance of duties by guardian	159.081 annually	159.176 court must review every guardianship annually	<i>Not stated</i>	159.185 removal
New Hampshire: Rev. Stat. Ann.	464-A:36 annually	464-A:35(I) medical condition, medical procedures, care and treatment, services, living situation, guardian's plan, need for continuation	464-A:25(I)(c) annually unless court finds is not necessary	464-A:25(d) Review health care decision authority annually as part of court annual review of report	464-A:35 (II) court may send annual report to person it may designate to visit ward and if necessary request hearing	464-A:37 citation, show cause, fine, removal for failure to file report or account 464-A:39(I) removal if best interests
New Jersey: Stat. Ann.	3B:12-42 at intervals as ordered by the court	3B: 12-42(a) Mental, physical and social condition, living arrangement, services provided, visits, if plan in best interest, future care, recommendation of continuation	3B:12-42 at intervals as ordered by the court	<i>Not stated</i>	3B:12-42(b) Court may appoint individual to review report, interview ward and guardian, investigate	<i>Not stated</i>

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New Mexico: Stat. Ann.	45-5-314 annual, form in code, progress and condition, manner conservator carried out responsibilities, continued need, court cannot waive	45-5-314 form in code, progress and condition, health, medical and dental care, residence, education, employment, habilitation, manner guardian carried out duties, continued need	45-5-409(C) annual, court cannot waive filing, may require more frequently	<i>Not stated</i>	<i>Not stated</i>	45-5-314(C) 45-5-409(D) \$5/day reports are overdue
New York: Mental Hyg. Law	81.31(b)(7), (8) Accounting annually	81.30(a) # visits, steps taken to provide for needs 81.31(b) form in code contact information, major changes, date last doctor exam, doctor evaluation and functional level, appropriateness of residence, med treatment, plan for treatment, social condition, resume of activities, need to continue	81.30 initial report in 90 days 81.31 annually in May	81.32(a) court examiners must examine reports with 30 days of filing	81.32(b) examiner determines condition and care, finances, manner guardian carries out duties	81.32(c) demand filing, order to comply, deny compensation, remove
North Carolina: Gen. Stat.	35A-1264 annual	35A-1242(a) corporation or disinterested public agent file initial status report	35A-1242(a) initially within 6 months, 2 nd in 1 year, annually thereafter	35A-1243(d) court shall take appropriate action	35A-1243(a)-(b) designated agency shall certify to clerk that has reviewed, may send comments, petition clerk to order guardian to perform duties, modify terms, remove, or restore	35A-1244 clerk shall order show cause if guardian fails to file report or report incomplete

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North Dakota: Cent. Code	30.1-29-19 Annually and as court directs	30.1-28-12(8) If institutionalized, if continues to require guardianship, any powers to change	30.1-28-12(8) annually	<i>Not stated</i>	30.1-28-7(3) before removal, resignation or restoration, may send visitor	30.1-28-12.1 if fail to report or account, issue show cause, contempt
Ohio: Rev. Code Ann.	2111.14(A) file inventory within 3 months 2111.36 shall report on money expended in improving ward's real estate within 45 days	2111.49(A)(1) content in code, changes in condition, # of contacts, necessity to continue, adequacy of care, date last dr. exam, med. statement on need to continue	2111.49(A)(1) 2 years after letter issued and then biennially or as order	2111.49(A)(2) court shall review	2111.49(A)(2) court may direct investigator to verify	2111.49(B) shall take any action necessary, termination or modification. On request hearing shall be held to evaluate continued necessity
Oklahoma: Stat. Ann. tit. 30	30-4-303(A) annually	30-4-305 (person) 30-4-306 (property) forms in code change in mental condition or physical condition, change in capacity to meet essential requirements, services provided, actions taken, problems addressed, why continue, why no LRA	30-4-303(D) annually	30-4-307 may hold hearing and shall hold hearing if objection to report or court considering order change. Court shall examine changes to property and adjust bond	<i>Not stated</i>	30-4-801 guardian removed for abuse of fiduciary responsibilities, failure to perform, incapacity to perform, gross immorality, conflict of interest, property guardian's insolvency
Oregon: Rev. Stat.	125.325 annually	125.325 form in statute, services received, care giver, physical & mental condition, # contacts, major decisions, reasons to continue	125.325 within 30 days of each anniversary	<i>Not stated</i>	125.160 may appoint visitor any time after fiduciary appointed	125.225 removal if fail to use good business judgment (higher standard if professional), if place in mental or nursing facility without court approval

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Pennsylvania: Cons. Stat. Ann.	20-5531 whenever directed by court	20-5521(c)(1)(ii) contact, placement, major medical or mental problems, support services, need to continue, # contacts	20-5521(c)(1) at least annually	20-5512.2 may set date for review hearing in order establishing guardianship, or if petitioned, or major change, guardian fails to perform	<i>Not stated</i>	20-3182 grounds for removal of fiduciary
Rhode Island: Gen. Laws	33-15-26 annually	33-15-26.1(a) residence, condition, change in capacity, summary of actions taken	33-15-26.1(a) annually	33-15-26 33-15-26.1(b) probate court shall monitor each file, shall cite if late in filing	<i>Not stated</i>	33-15-26 accountable for full value of estate property if fail to comply with citation to report without sufficient excuse
South Carolina: Code. Ann.	62-5-419 annually	62-5-312(a)(5) condition of ward	62-5-312(a)(5) annually at least	<i>Not stated</i>	62-5-307(c) before removal of guardian, court shall send visitor	62-5-307 may remove if best interest of ward
South Dakota: Codified Laws	29A-5-408 annually	29A-5-403 services provided, recommendation for continuation, current mental, physical, social condition	29A-5-403 annually, court order, resign, remove	29A-5-403 any interested person may request hearing on report	<i>Not stated</i>	29A-5-504 removal for material mistake in petition, incapacity, substance abuse, conviction of relevant crime, waste, mismanagement, neglect, adverse interest, fails to file report

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Tennessee: Code Ann.	34-1-111(a) annually, within 60 days of anniversary of appointment 34-1-115 at hearing submit property management plan for investments	34-1-111(c)(2) physical and mental condition; need for continuation	34-1-111(a) annually	34-1-131 clerk shall examine account and report to judge	<i>Not stated</i>	34-1-111(g) surcharged for failure to account 34-1-123 summons for abuse, mismanagement, may report to district attorney
Texas: Prob. Code Ann.	741(a) annually	743(b) living arrangement, guardian visits, physical and mental health, medical care and evaluation, activities, unmet needs, need for modification	743(b) annually	742(b) accounts must be approved by judge 743(e) status reports must be approved by judge 672(a) court to review each guardianship annually to determine need for continuation, modification, termination	648(b) court may appoint visitor at any time during pendency of guardianship 672(b)(2) visitor report may be used by judge in annual review 694A(c) Court must appoint investigator or GAL if ward applies for modification	651 attachment and imprisonment to enforce order 725 removal for failure to give bond 744 show cause, fine, removal for failure to report or account 761 removal for causes listed
Utah: Code Ann.	75-5-419 file on resignation, removal or as ordered	75-5-312(2)(e)(i) ward's condition	75-5-312(2)(e)(i) as required	<i>Not stated</i>	75-5-307(3) before removal, resignation, restoration, court may appoint visitor	75-5-307 remove if best interest 75-5-429 conservator liability if at fault
Vermont: Stat. Ann. tit. 14	14-3076(a) annual on anniversary date	14-3076(b) report on condition and progress, manner carried out duties, need to continue	14-3076(a) annually	14-3078 annual notice of right to file motion of termination	<i>Not stated</i>	14-3077 termination for failure to file annual report

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Virginia: Code Ann.	26-17.4(B) 37.2-1022(E) annually	37.2-1021(B) current condition, living arrangements, services, frequency of visits, if agree with current plan, need to continue	37.2-1021(A) annually with social services	37.2-1022(A) social services notifies clerk if 90 days delinquent	<i>Not stated</i>	<i>Not stated</i>
Washington: Rev. Code Ann.	11.92.040(2) annually within 90 day of anniversary date	11.92.043(2) services, medical and mental status, change in functional abilities, guardian activities, need for changes in scope, professionals who have assisted	11.92.043(2) annually	<i>Not stated</i>	<i>Not stated</i>	11.92.160 failure to file accounting 11.92.180 failure of duties results in a reduction in compensation
West Virginia: Code	44A-3-11(a)(1) semi-annually in 1 st year and in February thereafter	44A-3-2(a) current condition, living arrangements, services, visits, activities, if agree with current plan, need to continue	44A-3-11(a)(1) semi-annually in 1 st year and in February thereafter	44A-3-2(b) court may hold hearing on report	<i>Not stated</i>	44A-3-11 misdemeanor if knowingly violate reporting requirements at termination 44A-4-4 removal if misstatement in petition, incapacity, substance abuse, conviction of relevant crime, waste, mismanagement, neglect, adverse interest, fails to file report
Wisconsin: Stat. Ann	54.62 annually before April 15 54.62(9) at any time may require accounting at hearing	54.25(1)(a) Health condition, location, recommendations, if living in LRA	54.25(1)(a) Annually to court and county dept.	54.62(5) court promptly examine accounts	54.40(1) may appoint GAL	54.62(8) May order show cause, issue warrant, fine

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Wyoming: Stat. Ann.	3-3-901(a)(i) annually	3-2-109 residence, condition, information necessary to show condition of affairs	3-2-109 every 6 months	<i>Not stated</i>	<i>Not stated</i>	<i>Not stated</i>

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