

## **Monitoring of Plans & Reports Conservatorship & Guardianship**

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**CHECKLISTS** (Internal Forms are available on Judicialnet to assist with the review/approval)

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JDF 776: Conservator's Report Review Checklist (Court use only – sealed document)

JDF 778: Inventory with Financial Plan Review Checklist (Court use only – sealed document)

JDF 804: Monitoring Criteria Checklist (Court use only – sealed document)

### **STANDARD FORMS**

JDF 801: Delay Prevention Order

JDF 802: Order to Show Cause

JDF 882: Conservator's Financial Plan with Inventory and Motion for Approval

JDF 883: Order Regarding Conservator's Financial Plan

### **PLAN/REPORT EVENT CODES**

**FRPT:** Conservator's Financial Plan with Inventory

**CRPT:** Conservator's Report

**GRPT:** Guardian's Report

### **PLAN/REPORT REVIEW - RELATED EVENT CODES**

**FPRV:** -Conservator's Financial Plan with Inventory Reviewed - relate to **FRPT**

**CRRV:** Conservator's Report Reviewed – relate to **CRPT**

**GRRV:** Guardian's Report Reviewed – relate to **GRPT**

### **SCHEDULED EVENT CODES**

**REWV:** Review

**REVD:** Review Docket

**RRPT:** -Review Report (Initial/Annual Reports)

**HMON:** Monitoring Hearing

**SCAS:** -Show Cause Hearing

### **SCHEDULED EVENT STATUS CODES**

**HELD:** Held

**HCNT:** Held and Continued

### **SCHEDULED EVENTS - REVIEWS**

*All initial and annual reports should be scheduled for a 2:00 a.m. review<sup>1</sup> – scheduled event code **RRPT** – Review Report, using the due date contained in the order.*

*The purpose for the 2:00 a.m. review is to distinguish the review as a review of a report, rather than other scheduled reviews.<sup>1</sup>*

- **Conservator's Inventory with Financial Plan:** Enter scheduled event code **RRPT**, using the due date contained in the order.
- *Enter comments: Csv Fin Plan w/Inv due.*<sup>2</sup>
- **Conservator's Report:** Enter scheduled event code **RRPT**, using the due date contained in the order. Schedule another **RRPT** for the following year's Conservator's Report.
- The reason for entering two reviews is to help prevent cases from "slipping through the cracks".
- *Enter comments: Csv Rpt and the year (e.g. Csv Rpt 2017).*<sup>2</sup>
- **Conservatorships of Minors:** Enter an additional scheduled event **REVW** for the minor's 21st birthday for monitoring the filing of paperwork to terminate the conservatorship.
- *Enter comments: Minor's 21st birthday Petition to Terminate due.*<sup>2</sup>
- **Guardian's Initial Report:** Enter scheduled event code **RRPT** using the due date contained in the order.
- *Enter comments: Gdn Initial Rpt due.*<sup>2</sup>
- **Guardian's Annual Report:** Enter scheduled event code **RRPT** using the due date contained in the order. Schedule another **RRPT** for the following year's Guardian's Report.
- The reason for entering two reviews is to help prevent cases from "slipping through the cracks".
- *Enter comments: Gdn Rpt and the year (e.g. Gdn Rpt 2017).*<sup>2</sup>
- **Guardianships of Minors:** Enter an additional scheduled event **REVW** for the minor's 18th birthday so that the case can be terminated.
- *Enter comments: Minor's 18th birthday. Terminate case.*<sup>2</sup>

#### **FILING OF PLANS AND REPORTS**

- **FRPT** - Conservator's Financial Plan with Inventory
- **CRPT**- Conservator's Report
- **GRPT** - Guardian's Report

- Enter the correct event code for the report being filed (codes shown above). The security level is automatically set to **suppress**.
- Update scheduled event **RRPT** with **HELD**, to indicate that the review date was monitored and the plan or report was received.
- Enter new scheduled event **RRPT** for the report due the next year and the year after, so that there are two years scheduled. The reports are due on the due date as originally ordered, regardless of the actual filing date of any previous reports.
- If it is determined that the report is incomplete, inaccurate, missing the Certificate of Service, etc. and the court sends a Notice or Order requiring the conservator and/or guardian to file an Amended Report or Supplemental Report/Document:
  - Enter event **NOTC** for Notice or **ORDR** for Order. Enter comments: noting any concerns or deficiencies identified and/or the requirements set by the court.
  - Update scheduled event **RRPT** with **HCNT**, to indicate that the review date was monitored and the plan was received, however, further review is required.
  - Enter the new scheduled event **RRPT** per the Notice or Order.
  - Enter comments: for what the court is requiring (e.g., Amended Report, Completed Cert of Service, Supplemental Report/Document, etc.).
  - Continue the above process as many times as needed to ensure the court has a complete/accurate report. Once satisfied that the report filed is complete, follow the above instructions by updating the scheduled event **RRPT** with **HELD**, and enter scheduled event **RRPT** for the next year and year after.
- If a Supplemental Report/Supplemental Document is filed, enter event code **SRPT**. Relate it to the Report it is supplementing. The security level is automatically set to **suppress**.
  - Enter event code **SRPT** in jPOD; upload the scanned Supplemental Report/Document into jPOD, and relate this entry to the Report it is supplementing.
  - If more than one Supplemental Report/Document is filed, you will relate ALL Supplemental Reports/Documents to each other and to the Report, using the above instruction.
  - If e-filed, after accepting the document, you will need to go into jPOD to relate them.

#### **REVIEW OF CONSERVATOR'S FINANCIAL PLAN**

- A checklist – JDF 778 is available as a tool to help review the Financial Plan.

- A Motion for Approval of Financial Plan with Inventory is included in JDF 882. The Order Appointing Conservator lists those persons who must be sent copies of motions, plans, reports, etc. Verify that they are listed on the Certificate of Service.
- The conservator ~~may choose to~~ ~~must either~~ set the approval of the plan for a non-appearance hearing or for an appearance hearing.
- ~~If a~~ ~~For~~ non-appearance hearings, is requested, ~~form~~ JDF 712- should accompany the plan.
- Enter a new scheduled event **REVD**, scheduled at 8:00 a.m.
- *Enter comments: FP approval per Rule 8.8, C.R.P.P. <sup>2</sup>*
- For appearance hearings, set hearing and enter scheduled event **MONH** – Monitoring Hearing.
- Route plan to the person assigned to conduct such reviews.
- Upon completion of review of the Financial Plan and any Supplemental Reports/Documents as being complete, accurate, etc. (no further requirements of the conservator) enter event code **FPRV** - Financial Plan Reviewed and relate to **FRPT**.
- Enter event code **ORDR** - Order Regarding Conservator's Financial Plan JDF 883.
- If an additional hearing is necessary. Set hearing and enter scheduled event **MONH** - Monitoring Hearing.

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### **REVIEW OF CONSERVATOR'S/GUARDIAN'S REPORT**

- A checklist – JDF 776 is available as a tool to help review the Conservator's Report.
- Verify that all appropriate persons are listed on the Certificate of Service. The Order Appointing Conservator/Guardian lists all persons who must be sent copies of motions, plans, reports, etc.
- A conservator may file a motion requesting the court to “allow” an interim/final report of a conservator. If this motion is filed, the conservator must give notice and set for a non-appearance or appearance hearing.
- Enter scheduled event **REVD** - Non-appearance Rule 8.8.

Comment [Ic1]: Is this correct. Must a non-appearance or appearance hearing be set?

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- *Enter comments: Motn to allow report.* <sup>2</sup>
- For appearance hearings, set hearing and enter scheduled event **MONH** – Monitoring Hearing.
- If an objection is filed prior to the non-appearance hearing, the objector must set an appearance hearing within 14 days of filing the objection. If the objector is a self-represented litigant, assist the objector with setting the hearing based on local practice. Route the report to the person assigned to conduct such reviews.
- Upon completion of review of the Conservator's/Guardian's Report and any/all Supplemental Reports/Documents as being complete, accurate, etc. (no further requirements) enter **CRRV** – Conservator's Report Reviewed and **relate** it to the **CRPT** – Conservator's Report Filed; enter **GRRV** – Guardian's Report Reviewed and **relate** it to the **GRPT** – Guardian's Report Filed.
- If unusual issues are identified, the judge may require an appearance hearing and may appoint of a GAL, court visitor, or CPA, etc.

#### **EVENT CODE – ESTV - ENTERED FOR ALL COMPLETED PLANS/REPORTS**

- Once the court is satisfied that the Plan/Report (and any/all Supplement Report/Document) filed is complete, enter event code **ESTV**. See ESTV Instructions. This code **MUST** be entered as outlined in the ESTV Instructions.

#### **FAILURE TO FILE PLANS/REPORTS TIMELY**

**NOTE:** Prior to sending out a DPO, check to make sure the Plan/Report is not pending in Clerk Review, or waiting to be scanned and uploaded to jPOD.

- If the plan/report is ~~not~~**NOT** filed as ordered:
  - **Within 30 days of the plan/report being past due, -issue a Delay Prevention Order - JDF 801:**
  - **Requiring** the conservator/guardian to file the plan/report **within 30 days:**
  - Enter event code - **DPOP**.
- Update prior scheduled event **RRPT** with **HCNT** – Held and Continued.
- Enter new scheduled event **RRPT** with the extended due date. *Set this review for 3 a.m.*<sup>1</sup> *Enter comment: DPO follow-up, Conservator Plan/Report due.* <sup>2</sup>

#### **DELAY PREVENTION ORDER FOLLOW-UP**

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**Comment [Ic2]:** Note - this was added, as the language was in prior versions.

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- If following the issuance of the DPO, the court does not receive the required plan/reports; issue an Order to Show Cause JDF 802.
- Update prior scheduled event **RRPT** with **HELD**.
- Obtain hearing date and enter scheduled event **SCAS** with the show cause hearing date and time.
- The Order to Show Cause must be personally served. *This may be done by the sheriff's office or a private process server.*<sup>3</sup>
- If the DPO was returned undeliverable because we do not have the conservator's current address, skip the above steps and attempt to locate the conservator using Accurint or other locate methods available. If location of conservator cannot be obtained, refer the case to the Judicial Officer for appropriate action.
- After the show cause hearing, set any reviews based on Judge's order.

*Note:*

*1 It is suggested that each district have a review time for protective proceedings cases separate and apart from other established local review times so that these cases may be easily identified.*

*2 Scheduled event comments included in the procedure are suggested comments. Each district may establish comments for such purpose. The intent of the scheduled event comment is to notify the reviewer what -is being reviewed.*

*3 Some districts have decided to have the order to show cause served by mail, certified mail or restricted delivery due to budget constraints. Check with your judicial officer(s) to understand your local practice. In addition, some districts are setting a hearing for monitoring MONH and sending the conservator/guardian general notice of the hearing, instead of setting the show cause hearing. Check with your judicial officer(s) for his/her preference.*

*Some districts find it useful to establish a docket some years out such as 2050. Cases that have problems that are not easily resolved (e.g. missing fiduciary) would be set on the 2050 docket and that docket is periodically reviewed. The suggestion is quarterly at minimum. Other districts find it just as useful to set periodic reviews in those cases.*