

Checklist – Court Appointed Court Visitors

Last Revised: 8/19/2024



When Meeting with Individual:

During the visit with the individual information should be provided in an accessible format. To the extent that the individual is able to understand:

- Personally serve the notice and petition. Read the notice and petition to the individual, unless they ask the visitor not to:
 - Explain the substance of the petition; nature, purpose, effect of proceeding, rights at the hearing, general powers and duties of the guardian or conservator as requested in the petition.
 - Ask what the individual's views are about the proposed guardian/conservator, the proposed powers & duties; and the scope & duration of the guardianship/conservatorship.
- Explain to the individual what can be expected during the guardianship or conservatorship process.
- Determine the individual's views about the proposed guardian or conservator, the proposed guardian or conservator's powers and duties, and the scope and duration of the proposed guardianship or conservatorship;
- Inform the individual of the right to employ and consult with a lawyer at the respondent's own expense and the right to request a court-appointed lawyer.
- Inform the individual that all costs and expenses of the proceeding, including individual's attorney's fees, will be paid from the individual's estate, and may be waived in some circumstances.
 - If the individual does not wish to have guardian or conservator appointed, the court visitor should make it clear that a court-appointed attorney may be appointed to represent their wishes and inform them of what they should discuss with their attorney regarding not having a guardian or conservator appointed.
- Explain what the individual will experience during their court visit and visit from their court-appointed attorney if it has not already occurred. Explain that their court appointed attorney can help them prepare for their upcoming court hearing and can give them advice about when and how to communicate with the judge.
- If the person does not wish to have guardianship or conservatorship granted, the court visitor should make it clear to them that the court-appointed attorney is on the case to represent their wishes and inform them of what they should discuss with their attorney regarding not having a guardian or conservator appointed.
- Provide the [Guardianship and Conservatorship Race Data Form](#) to the individual. Explain to the individual that completing the form is optional. Collecting this information will help the Court ensure that all people are treated fairly and equally, regardless of their race or ethnicity.

What to Include in the Report:

- Is a guardianship or conservatorship appropriate? Do the presumed benefits of guardianship or conservatorship outweigh the potential harms or costs?
- Are less restrictive means of intervention available? Are the individual's needs able to be met in any other way? Does it appear the petitioner has tried other ways?
- Should the powers and duties granted to the guardian or conservator be limited? If so, which powers and duties should be limited?
- If a conservator should be appointed, which assets should the conservator have authority over?
- Does the individual approve of the proposed guardian or conservator? Does the individual approve of the powers and duties proposed or the scope of the guardianship or conservatorship?
- Include what race and ethnicity the individual identifies with.
- What is the primary or preferred language (when English is secondary)?
- Is an official court interpreter needed for the individual?
- If the information is available, document which Less Restrictive Alternatives (LRAs) were meaningfully tried and ruled out (these should be stated in the petition)?
 - How long were they tried?
 - Why didn't they work?
- Recommendation as to whether the proposed guardian or conservator will work with the individual balancing quality of life and safety concerns.