

Guardianship Program Rules

706 Changes in Designated Guardians

706.1 Pursuant to General Rule of Court (GR) 23, a certified agency must have at least two individual certified professional guardians designated as having final decision-making authority for incapacitated persons or their estates (“designated guardians.”)

706.2 If the agency adds an additional designated CPG, the agency must provide the AOC with an Acceptance of Designated CPG form within 30 days of the addition. Failure to do so may result in disciplinary action. (Adopted 1-9-12)

706.3 If a change in circumstances results in an agency having only one designated guardian, the agency shall notify the Board within five (5) calendar days of the change of circumstances. The agency shall have sixty (60) calendar days from the date the agency is no longer in compliance with GR 23 to add a designated guardian to the agency. During that sixty- calendar-day period, the agency must file a copy of its board minutes or a board resolution designating an additional guardian as a person with decision-making authority for incapacitated persons or their estates with the Certified Professional Guardian Board. If the agency fails to meet the requirements of GR 23 and these regulations regarding the required number of designated guardians, the Board may decertify the agency. The Board shall send the agency written notice that the Board intends to decertify the agency at least fifteen (15) calendar days before the Board takes action.

706.4 If a change in circumstances results in an agency no longer having any designated guardians, the agency shall notify the Board within five (5) calendar days of the change of circumstances. The AOC shall send the agency a notice of noncompliance by mail. The notice shall state that the Board will decertify the agency unless within fifteen (15) calendar days the agency files proof with the Board that the agency has at least one designated guardian. Said proof shall be in the form of board minutes or a board resolution designating a certified professional guardian with decision-making authority for incapacitated persons or their estates. If the agency files proof with the Board that it has one designated guardian, then Regulation 706.3 shall apply. The sixty-day period referenced in Regulation 706.3 shall be deemed to have commenced on the same date as the fifteen–day period in this regulation. If the agency does not file proof within the fifteen-day period in this regulation that the agency has at least one designated guardian, then the Board may decertify the agency.

706.5 If a change in circumstances results in an agency having no designated guardians, the agency shall within ten (10) calendar days notify any Superior Court that has appointed the agency as guardian in a case that is still an active guardianship case. The agency shall file a notice in each active guardianship case stating that the agency has no designated certified professional guardian with final decision-making authority for incapacitated persons or their estates. In the notice, the agency shall describe a plan to correct this situation or to transition the guardianships to qualified guardians or

agencies. The agency shall file a copy of this notice with the Board. If the agency fails to file this notice with the court or the Board, the Board may decertify the agency.

706.6 The Board may decertify an agency for its failure to file any notice required under Regulation 706. The Board shall send the agency notice at least fifteen (15) calendar days before the Board intends to take such action.

706.7 When an agency is decertified, the Board shall notify the superior courts of the state.