

Guardianship and Conservatorship Program Regulations

511 SUPREME COURT REVIEW

511.1. Notification of Filing: Upon the filing of the Board's recommendation of suspension or decertification and of the record, the Supreme Court Clerk shall mail written notice to the professional guardian and conservator and counsel.

511.2 Review on the Record: The Supreme Court shall review any Board recommendation for suspension or decertification after consideration of the transmitted record. No oral argument or evidence will be heard by the Supreme Court. The Supreme Court may adopt, modify, or reverse the Board's recommendation by written order. The AOC shall mail a copy of the Supreme Court's order to all parties, counsel, and the Board. Costs, if any, of transcription and preparation of the record for Supreme Court review shall be paid by the Board.

511.3 Finality: The court's order in a disciplinary proceeding is final when filed unless the court specifically provides otherwise.

511.4 Decertified or Suspended Professional Guardian and Conservators

511.4.1 Referral to Court: The Supreme Court's order decertifying or suspending a professional guardian and conservator shall include provisions providing for the immediate referral of the matter to the superior court of each county.

511.4.2 Agencies: If the Board has recommended decertification or suspension of a professional guardian and conservator to the Supreme Court, the employer agency, if any, shall, upon notice of the Board's recommendation, promptly appear before the Board to determine how the decertification or suspension shall affect continuation of the agency's certification. Continuing certification of an agency affected by the suspension or decertification of a professional guardian and conservator shall be determined by the Board. The Board's primary concern shall be the best interests of the individual subject to guardianship or conservatorship. This provision does not supplant the exclusive jurisdiction of the superior court of each county over guardianship and conservatorship cases.

511.4.3 Notice to Interested Parties: Within ten (10) days of decertification or suspension, the professional guardian and conservator shall notify all parties entitled to notice in any active or pending guardianship or conservatorship matters of the professional guardian and conservator's decertification or suspension and the anticipated effect on the individual.

511.4.4 Immediate Cessation of Professional Guardian and Conservator Status: After entry of the order of decertification or suspension, the decertified or suspended professional guardian and conservator shall not accept any new appointments or engage in work as a professional guardian and conservator in any matter, except to assist in the orderly transfer of cases.

511.4.5 Affidavit of Compliance: Within ten (10) days of the effective date of the decertification or suspension order, the decertified or suspended professional guardian and conservator shall file with the AOC:

a) An affidavit attesting to full compliance with the provisions of the order, and with these regulations, including current mailing address.

b) A copy of the notification letter sent to all parties entitled to notice, together with a list of the names and addresses of all persons to whom the notice was sent.

511.4.6 Records Maintained: Proof of compliance with these regulations shall be a condition precedent to any petition for reinstatement.

511.5 DECERTIFIED OR SUSPENDED PROFESSIONAL GUARDIAN AND CONSERVATORS

1. Referral to Superior Court: Upon receipt of the Supreme Court's order decertifying or suspending a professional guardian, the AOC shall notify all superior court presiding judges, court administrators, and county clerks, the Social Security Administration, the Veteran's Administration and the Department of Social and Health Services.

2. Agencies: If the Board has recommended revocation of certification or suspension of a professional guardian and conservator to the Supreme Court, the employer agency, if any, shall, upon notice of the Supreme Court order contact AOC to determine how the revocation of certification or suspension shall affect continuation of the agency's certification. Continuing certification of an agency affected by the suspension or revocation of certification of a professional guardian and conservator shall be determined by the Board. The Board's primary concern shall be the best interests of the individuals subject to guardianship and conservatorship. Notice to Interested Parties: Within ten (10) days of revocation of certification or suspension, the professional guardian and conservator shall notify all parties entitled to notice in any active or pending guardianship and conservatorship matters of the professional guardian and conservator's revocation of certification or suspension and the anticipated effect on the individual subject to guardianship and/or conservatorship.

3. Immediate Cessation of Professional Guardian and Conservator Status: After entry of the Order of Revocation of Certification or suspension, the decertified or suspended professional guardian shall not accept any new appointments or engage in work as a professional guardian and conservator in any matter, except to assist in the orderly transfer of cases.