

Guardianship Program Rules

519 Suspension Pending Disciplinary Proceedings

519.1 Board may Suspend a Professional Guardian Pending Disciplinary Proceedings: After institution of a disciplinary proceeding where it appears that a continuation of certification by a professional guardian will result in substantial risk of injury to the public, or where the professional guardian has refused to cooperate in the disciplinary procedures, the SOPC may request that the Board suspend the professional guardian during the pendency of the disciplinary proceedings.

519.2 Petition and Notice to Answer: At the request of the SOPC, an attorney appointed by the Board Chair shall file a petition with the Board requesting that the Board suspend the professional guardian during the pendency of disciplinary proceedings. The petition to the Board under this rule shall set forth grounds for such suspension pending disciplinary proceedings. A copy of the complaint shall be attached to the petition. Documents or affidavits may support the petition. The Board shall issue an order to show cause requiring the professional guardian to appear before the Board on a date certain to show cause why the request for Suspension Pending Disciplinary Proceedings should not be granted.

519.3 Answer to Petition: The professional guardian's answer may contain facts relating only to the issue of substantial risk of injury to the public, shall be verified by the professional guardian, and may be supported by declarations, affidavits, and other documentary evidence.

519.4 Service of Answer: A copy of the answer shall be served on the Board's attorney at least five days before the scheduled show cause hearing. For good cause shown, the time for answer may be extended.

519.5 Costs: No costs shall be assessed for a hearing on a petition to suspend a professional guardian pending disciplinary proceedings.

519.6 Show Cause Hearing: The Board shall base its decision on all pleadings and other documents, affidavits and declarations filed by the parties, as well as oral argument of the parties. The Board shall issue an order suspending the certification of the professional guardian during the pendency of the disciplinary proceedings if it is persuaded by a preponderance of the evidence that the continued certification of the professional guardian presents a substantial risk of injury to the public or that the professional guardian has failed to cooperate in disciplinary proceedings.

519.7 Supreme Court Review: Either party may request review of the Board's order by the Supreme Court. The Supreme Court shall review the Board's order and the pleadings, documents, affidavits and declarations filed by the parties before the Board. The Supreme Court shall determine whether oral argument is granted. The Supreme

Court may adopt, modify or reverse the order of the Board. The AOC shall mail a copy of the Supreme Court's order to all parties.