

Guardianship and Conservatorship Program Regulations

211 Non Compliance Board Procedures

211.1 An active Guardian and Conservator who has not complied with the educational or reporting requirements of GR 23 and these regulations by April 1 of each year, may be decertified by the Board.

211.2 To effect such decertification, the Committee shall send to the non-complying Guardian and Conservator by certified mail, directed to the Guardian and Conservator's last known address as maintained on the records of the Administrative Office of the Courts, a written notice of non-compliance. The notice shall advise such active Guardian and Conservator of the pendency of decertification unless within 10 calendar days of receipt of such notice such active Guardian and Conservator completes and returns to the Committee a petition, to which supportive affidavit(s) showing undue hardship, infirmity, administrative error, or other good cause may be attached for extension of time for, or waiver of, compliance with the requirements of GR 23 and these regulations, or for a ruling by the Committee of substantial compliance with the requirements.

211.3 If such petition is not filed, such lack of action shall be deemed acquiescence by the active Guardian and Conservator in the finding of non-compliance. The Committee shall report such fact to the Board with the Committee's recommendations for decertification. The Board shall decertify the Guardian and Conservator.

211.4 If such petition is filed, the Committee may, at its discretion, approve the same without hearing or may enter into an agreement on terms with such active Guardian and Conservator as to time and other requirements for achieving compliance with GR 23 and these regulations.

211.5 If the Committee does not approve such petition or enter into such agreement, the affected Guardian and Conservator may request a hearing on the petition by filing a written request with the Board within ten calendar days of notice of the Committee's decision. The Chair of the Board shall appoint a three-member Review Panel to conduct the hearing. The Review Panel shall enter written findings of fact and a recommendation as to whether or not the petition should be granted. The findings and recommendation of the Review Panel shall be reported to the Board as set forth in the Disciplinary Regulations of the Board.

211.6 The Board shall review the decision of the Review Panel and the Board shall thereafter enter an order either granting or denying the Guardian and Conservator's petition. If the Board denies the petition, the Board shall decertify the Guardian and Conservator. A copy of the Board's decision shall be transmitted by certified mail to the active Guardian and Conservator affected at the address of such member on file with the AOC. Any such order shall be final. The members of the Review Panel shall not participate in the decision of the Board.