

Video 3 How to Complete the Guardian's Report

Welcome to the New Mexico Court's guide to completing Guardian's Reports. Thank you for agreeing to serve as the guardian of a protected person. The court appreciates the commitment you have made.

In this video we'll discuss the three different types of Guardian's Reports and your duty to file these reports with the court.

WHAT ARE GUARDIAN'S REPORTS?

Your Guardian's Reports tell the judge how the protected person is doing and how you are performing your guardianship duties. Filing these reports is one of your most important responsibilities as a guardian.

There are three different types of reports that a guardian must file: the 90-day Report, the Annual Report, and the Final Report. Please note that, regardless of the type of report you're filing, you will use the Guardian's Report, Form 4-996. You simply check the appropriate box at the bottom of the first page to indicate which type of report it is.

The 90-day Report must be filed within 90 days of the date you were appointed. For example, if you were appointed as guardian on March 1st, it would be due by May 30th. You will only file the 90-day Report *one time* while you serve as guardian.

The Annual Report must be filed *every year*. It tells the court how the protected person is doing and how you are performing your guardianship duties. The law requires that you file the Annual Report within 30 days of the anniversary of your appointment. For example, if you were appointed as guardian on March 1st, it would be due no later than March 31st *every year*. If for some reason you cannot meet this deadline, be sure to notify the judge.

The Final Report is only filed *once*, when one of the following events occurs:

- The protected person dies;
- The judge has removed you as guardian;
- The judge has appointed someone else to serve as guardian; or
- The condition of the protected person improves and the judge terminates the guardianship.

Remember, for all reports, you always use the same Guardian's Report, Form 4-996. You simply check the appropriate box at the bottom of the first page to indicate which type of report it is.

It's a good idea to review the Guardian's Report forms immediately after you are appointed by the judge, so you know what information you need to collect and keep track of. Be aware that the law requires guardians to keep all records for seven years.

You are responsible for keeping track of when your reports are due and getting blank report forms from the court or online. The court will not send you a reminder letter or send you blank

Video 3 How to Complete the Guardian's Report

report forms. You can find the Guardianship Report at the New Mexico Court's website at AdultGuardianship.NMCourts.gov.

You can either download the Guardian's Report and complete it with Acrobat or Acrobat Reader, or print it and fill it out by hand. If a question requires a detailed answer, or if you don't have enough space for the information, you can attach additional sheets. If any item doesn't apply to your situation, make sure to enter "N/A" for "Not Applicable" rather than leaving it blank.

The court takes these reports seriously and expects the following from you:

- You must file your reports on time and completely answer all of the questions. Fill in all of the blanks.
- Use additional sheets of paper, if necessary, to fully answer the questions.
- Sign, file, and distribute the reports.
- Make any changes or address any problems that the judge asks you to.
- And, above all else, keep the information in these reports confidential.

If you fail to do any of these things, you will be asked to explain your failure to the judge, possibly at a hearing. You may also be personally fined \$25 a day for every day that you are late filing the report.

THE GUARDIAN'S REPORT

Let's take a look at how to fill out the Guardian's Report.

For the cover page, be sure to fill in all the blanks, including the judicial district, the case number, and the date you were appointed as guardian. Don't forget to check the box at the bottom of the first page indicating which report you are filing: 90-day, Annual, or Final.

The first four questions after the cover page only require answers if you are filing a Final Report. Remember, you will only file a Final Report if the protected person dies, the judge has removed you as guardian, the judge has appointed someone else to serve as guardian, or the condition of the protected person improves and the judge terminates the guardianship.

Section I asks for information about the protected person and focuses on where they live, their health, their providers, and what services and activities they are involved in. Don't forget that, if in this section, you're notifying the court that the protected person moved, you must also send a letter to the court updating the protected person's address.

The questions in Part A are only to be filled out if the protected person lives in a facility, such as an assisted living residence, group home, or nursing home. These questions deal with how the facility is treating the protected person, whether there are any restrictions on their communications or visiting, and how the protected person feels about being there. If you don't

Video 3 How to Complete the Guardian's Report

know these answers, it's your responsibility to get them. If the protected person is not living in a facility, skip to Part B.

Part B is only to be filled out if you did not answer Part A because the protected person is not living in a facility. Fill out Part B if the protected person is living in a home environment, whether this be their own home or that of a family member, a boarding home, or with a non-relative that is being paid for allowing the protected person to live in their home with them. These questions deal with the condition of the home where the protected person is living, how well they're being taken care of, whether there are any restrictions on their communications or visitation, and how the protected person feels about being there. If you don't know the answers to these questions, it's your responsibility to get them.

Section II has to do with the protected person's physical and mental health, and their healthcare providers.

Section III asks for information on the services the protected person receives and the activities they are involved in. Be sure to completely fill out this section and provide as much detail as possible.

Section IV requires you to report on how the protected person's finances are managed. If, in your role as guardian, you are responsible for any of the money that the protected person receives, you *must* account for how that money was spent throughout the year. You must fill out this section if money is paid to you as a representative payee for social security or disability payments, or if you received any money on behalf of the protected person, including money from a conservator.

Do not submit any supporting documents with the report, such as bank statements, but keep them organized so that you can show them to the judge if asked. The law requires that you keep the protected person's money in a separate account—not in yours—no matter how little money they have. You may open a joint account on behalf of the protected person with their name on the account. However, you must keep bank statements, financial records, and any other documents for seven years. You must be ready to show the documents to the judge upon request, or if the judge asks for an audit to be conducted. If you are also the conservator, you must file a Conservator's Report as well.

Section V deals with your activities as the guardian and your relationship with the protected person. This includes any major decisions you have made for the protected person in the last year, such as changing providers and services, or their residence; how often you have contact with the protected person; and any additional changes that you believe are necessary, such as increasing or decreasing your authority, bringing in a co-guardian, or getting a successor guardian. Note that if you want to change the guardianship, you must file a separate letter, motion, or petition with the court which explains exactly the change you recommend. Do not solely rely on the information you provide in the Annual Report to request these changes.

Section VI requires you to tell the court some of your personal information. If you are receiving any money for your services as guardian, you must list the dollar amount that you are being paid and who is paying your fee. The questions about your personal life inform the judge about

Video 3

How to Complete the Guardian's Report

whether you are still an appropriate guardian for the protected person. Telling the judge about things that are going on in your life will help them understand your situation and whether you are still able to make decisions for the protected person. Please be honest and thorough in this section.

At the end, sign the reports. When you do so, you are promising that the information in the report is true. If you are serving as co-guardian with another person, only one of you needs to sign—but both of you are responsible for what is reported. Make sure that you know what is in the report and that you agree with the co-guardian's answers.

Finally, remember to complete the “certificate of service” on the last page.

After you've completed and thoroughly reviewed a report, it's time to file it. To learn more, watch the *Guide to Filing and Distributing the Guardian's and Conservator's Reports*.