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Guide to Filing and Distributing Guardian and Conservator's Reports

Welcome to the New Mexico Court's guide to filing and distributing Guardian's and Conservator's Reports. Both guardians and conservators are required to file reports. It isn't complicated, but it's very important to follow the court's rules and procedures.

Don't forget to make a note of when your report is due. The court will not send you a reminder or a blank form to fill out. You may be personally fined \$25 a day for every day that you are late filing the report.

FILING AND DISTRIBUTING REPORTS

Once you finish filling out a report, you must:

- Make copies of the report and provide it to everyone the judge has ordered. This is called "distributing the report"; and
- File the original report with the court, either in person or by mail.

Regardless of the type of report you're filing, here are the key points to remember:

1. CERTIFICATE OF SERVICE

It's important to remember to complete the certificate of service on the last page of the report. Don't forget that you must also let the judge know *how* you are providing each individual with a copy of the report by checking the appropriate box within the report.

2. ORIGINAL SIGNATURE. The original report must be single-sided and include an original signature. Electronic signatures, faxed, or photocopies of a signature are not allowed.

3. COPIES AND COURTHOUSE RULES. It's a good idea to know what the court's rules and requirements are before you go to the courthouse. For instance, if you are filing the report in person at the courthouse, please make sure to take the original and as many copies as you need to send to everyone listed in the judge's *Order of Persons Entitled to Notice and Access to Court Records*. Remember to keep at least one copy of the report for your own records, and that only the original report must be single-sided, while copies of the report can be double-sided. Although some courts will make copies for you, not all courts have this ability. If the court makes copies for you, they will charge you for each page they copy. It may be cheaper for you to make copies somewhere other than at the court. Please keep in mind that district courts do not accept personal checks or credit cards—they only accept cash.

4. GIVE A COPY TO THE PROTECTED PERSON. It's important to remember that you must provide the protected person with a copy of the report. Whether you feel they can read or understand it doesn't matter; the law requires that they get a copy. Make sure that the report stays confidential, especially if the protected person lives in a facility.

5. DISTRIBUTE THE REPORT. At the hearing when the judge appointed you guardian or conservator, the judge also made a decision as to who should receive a copy of the reports you file. The judge identified these individuals in a document called, *Order of Persons Entitled to Notice and Access to Court Records*, Form 4-993. You must send a copy of the report to all of

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the individuals listed in the Order. You can do this by hand-delivering, mailing, e-mailing, or faxing copies of the report promptly to all of those people. Every report has confidential information, so make sure that emails and faxes are not accessible to others who are not supposed to see it.

It's important to note that the Guardian ad Litem—or the GAL—and Visitor's duties end when the judge appoints a guardian or conservator. Attorneys involved in the case, such as the petitioning attorney, are often not involved in the case after the judge appoints a guardian or conservator. You should *not* send copies of the report to these individuals unless specifically ordered by the judge.

If the judge never issued an *Order of Persons Entitled to Notice and Access to Court Records*, please write the judge and ask for further instructions on who you should send copies of the report to.

MAILING THE REPORT TO THE COURT

You may also mail reports to the court. Don't forget to include one singled-sided, signed original report and one copy for your own records. Make sure to include a self-addressed stamped envelope with enough postage so the court can mail your copy back to you. After you receive your copy from the court, you must immediately make copies and send one to each individual listed in the *Order of Persons Entitled to Notice and Access to Court Records*.

GETTING A REPLACEMENT COPY OF THE REPORT

If you lose your copy of the report, or if you realize that you never got a copy of the report, you can always get a copy from the court at a later date. The court will need to verify you are the guardian or conservator, so make sure to take a photo ID with you. Also, take cash with you so you can pay for the copies, as the court does not take credit cards or personal checks.

Remember, you are not alone. If you have a question about your responsibilities as guardian or conservator, you may ask the judge for direction, especially if a difficult problem arises. The court thanks you for taking on the responsibility of caring for a protected person and doing your best to ensure their well-being, safety, and dignity.