

**IN THE MATTER OF:**

**CASE NUMBER:**

**PROBATE COURT GUIDELINES FOR REPORTS BY APPOINTED PHYSICIAN(S) & EXAMINER(S)**

GUARDIANSHIP

CONSERVATORSHIP

A petition has been filed with this Probate court for appointment of a Guardian and/or Conservator, as indicated above, for the captioned individual. The definitions of an "incapacitated person," "guardian," and "conservator" are given on your Order of Appointment (Form #533PC). These are important and should be reviewed by you.

Your role as a designated examiner is to help the Court to determine if the above captioned person is an incapacitated person. If so, does his or her condition require a guardian or a conservator or both? You have been appointed because you possess some knowledge of the individual from a past professional contact; you possess expertise in a desired area, or both. Your assistance is important to the person in question as well as the Court.

In reviewing your definitions, please note that the standard is incapacity or impairment of the person, and not incompetency. Section 62-5-408(4) of the conservatorship statutes provides: "An order made pursuant to this section determining that a basis for appointment of a conservator or other protective order exists, has no effect on the capacity of the protected person, except to the extent the order affects his estate or affairs." Section 62-5-304(A) of the guardianship statutes provides, "The court shall exercise the authority conferred in this part so as to encourage the development of maximum self-reliance and independence of the incapacitated person and make appointive and other orders only to the extent necessitated by the incapacitated person's mental and adaptive limitations or other conditions warranting the procedure." Degrees of impairment may exist, and the court may well need to consider a number of factors of circumstances.

After you conduct any examinations, interviews or tests that are appropriate, please submit your report to the above captioned Court in written form, unless directed by the Court otherwise. Please give a fact basis for all conclusions. Please state your professional title if not otherwise evident. Give any general background information, specific concerns or findings, or a prognosis where possible. If you do not anticipate having to appear and testify at a hearing and use your own narrative report, please submit your report in Affidavit form (Starting out with "Personally appeared before me, (your name), who, after being duly sworn, deposes and states the following: ...") and have your signature notarized by the notary public.

Please also answer the specific questions on Form #538PC, which should accompany these Guidelines. You may use the Form as your report, attach the Form to your written report, or may include the questions and your answers in your report.