



**National Master Guardian
Certification Application Process**



National Master Guardianship Certification Application Process

Revised February 23, 2010



Guardians of the person and estate can now be designated as a National Master Guardian (NMG) by the Center for Guardianship Certification. This certification can be obtained by meeting certain qualification requirements and passing an examination.

The following is an explanation of the qualifications, the certification examination, and the fees for certification and instruction on completing the application process:

Qualifications

A. A National Master Guardian is expected to have comprehensive understanding of issues pertaining to both guardianships of the person and of the estate. The prerequisites for the National Master Guardian certification include National Certified Guardian status from the CGC, professional guardianship experience, submission of a complete application and a passing score on a qualifying examination, as defined below.

1. National Certified Guardian in good standing at time of submission of application.
2. Graduate degree from an accredited college or university with three (3) years of full-time professional guardianship experience OR Bachelor's degree (to include a Registered Nurse) from an accredited college or university with five (5) years of full-time professional guardianship experience OR twelve (12) years full-time experience in the field of guardianship as defined below.
3. Professional guardianship experience is defined to include all of the following:
 - a) Serving in a position of making decisions (i) as a court-appointed guardian, (ii) as agent for a court-appointed guardian or (iii) in a supervisory capacity over a court-appointed guardian. In all three circumstances, the guardian must be serving two or more wards unrelated to each other; and
 - b) Spending an average of at least 16 hours per week making decisions as set forth in (a) above during at least three (3) of the last five (5) years including the most recent year.
 - c) Demonstrating experience in at least six of following, including #1:
 1. High degree of competence in managing complex issues.
 2. Manage significant financial estates.
 3. Conduct or arrange for comprehensive assessment of ward's needs.
 4. Provide consultation on a wide range of guardianship issues.
 5. Provide supervision and case oversight to less experienced guardians or staff in a guardianship program.
 6. Plan, implement, control, direct, fund a professional guardianship program.
 7. Have experience with more than one disability group.
 8. Provide training and mentoring to less experienced guardians.
 9. Provide educational opportunities by presenting topics related to guardianship.
 10. Provide consultation regarding medical procedures including use of psychotropic medications and evaluation of behavioral programs.
 11. Advance the profession through policy development, legislative action, advocacy or community outreach.
 12. Provide consultation or make decisions on end of life issues and other complex or controversial issues.
 13. Actively advocate for limited guardianship, alternatives to guardianship and restoration of wards.



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4. A complete application will include:

- a) Application form.
- b) Four (4) professional letters of recommendation on the approved CGC recommendation form.
- c) Confidentiality waiver.
- d) Proof of employment and education.
- e) Appropriate fees.

B. The applicant shall make a satisfactory showing of competency in guardianship by successfully completing an examination administered by The Center. Notification of examination results shall be mailed to the applicant within 60 days.

The Examination

The National Master Guardian examination is a comprehensive test consisting of a multiple-choice section administered in a three-hour morning session and an essay section administered in a three-hour afternoon session. The exam assesses the candidate’s knowledge of best practices in guardianship of the person and estate within the following categories of knowledge relative to guardianship.

- 1. Professional role includes concepts of decisions making.
- 2. Courts and legal processes.
- 3. Professional business practice issues includes quality assurance and business practice.
- 4. Guardianship planning process includes knowledge of ward, visits, living arrangements and placement.
- 5. Medical, end of life and complex issues.
- 6. Financial management and accountability, includes benefits.
- 7. Limitations, modification and termination of guardianship includes death issues.

It is important for the candidate to remember that this is a national certification and that answers should address best practices, not state or local practices. The essay portion of the examination is designed to assess the candidate’s ability to identify the various issues presented in the scenarios.

Fee Schedule for National Master Guardian Certification

Non-refundable application fee	\$150.00
Exam fee	\$325.00
Certification renewal application fee	\$225.00
Late fee	\$ 50.00
Replacement Certificate/ID card	\$15.00
Re-test Exam fee	\$100.00

Applicants may postpone sitting for the examination without penalty, provided such notice is received fifteen working days prior to the initial examination date.

Unsuccessful candidates may retake the examination for a fee. Notice of intention to retake the examination must be received no later than thirty days prior to the examination date.



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The certification is valid for three years. You may become re-certified before the end of three years without the taking of an examination. **Proof of thirty hours of approved continuing education received during this three-year period, a completed re-certification application and a \$225.00 payment is required to maintain the National Master Guardian Certification.**

All fees connected with the certification program are subject to change without notice.

INSTRUCTIONS FOR APPLICATION

The application for National Master Guardian Certification is attached. Below are the instructions to complete the application:

1. Please print legibly or type.
2. Please answer all questions for information fully, including names, dates, addresses and zip codes. If requested information is not applicable, please state so.
3. If additional space is needed, please use plain white paper and number your responses thereon to correspond to the question number on the application, which required the additional information.
4. Please fill out the application, National Master Guardian Declaration and Agreement, and Confidentiality Waiver completely and sign all three.
5. A sample of the Confidential Statement of Recommendation is included in the packet for your information. The Center for Guardianship Certification will send this form to each of the four individuals you annotate on your application.
6. Include the following with your application packet:
 - a) Resume
 - b) Proof of current employment
 - c) Proof of education
 - d) List of continuing education courses taken during the last two years. Please include program sponsor, dates, locations, and the number of hours completed.
 - e) Narrative of how your experience qualifies you as a National Master Guardian. Your narrative should specifically address your experience relative to "1" below and at least five (5) additional indicators from the following list:
 1. High degree of competence in managing complex issues.
 2. Manage significant financial estates.
 3. Conduct or arrange for comprehensive assessment of ward's needs.
 4. Provide consultation on a wide range of guardianship issues.
 5. Provide supervision and case oversight to less experienced guardians or staff in a guardianship program.
 6. Plan, implement, control, direct, fund a professional guardianship program.
 7. Have experience with more than one disability group.
 8. Provide training and mentoring to less experienced guardians.
 9. Provide educational opportunities by presenting topics related to guardianship.
 10. Provide consultation regarding medical procedures including use of psychotropic medications and evaluation of behavioral programs.
 11. Advance the profession through policy development, legislative action, advocacy or community outreach.



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12. Provide consultation or make decisions on end of life issues and other complex or controversial issues.
 13. Actively advocate for limited guardianship, alternatives to guardianship and restoration of wards.
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7. A notary public must verify and sign the application, National Master Guardian Declaration and Agreement, and Confidentiality Waiver.
 8. The appropriate fee(s) must accompany this application.
 9. Mail the packet to the Center for Guardianship Certification, PO Box 5704, Harrisburg, PA 17110.

Please read and review the CGC Rules and Regulations regarding Certification and Re-Certification of National Master Guardians before completing this application.



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APPLICATION FOR CERTIFICATION AS A NATIONAL MASTER GUARDIAN
(\$150.00 non-refundable application fee and a \$325.00 exam fee)
(\$100 re-test exam fee)

Exam Location _____ Exam Date _____

Full Name: _____ Date Certified as a National Certified Guardian _____
(as you wish it to appear on your certificate)

Business/Firm Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Work Telephone Number: _____ Fax Number: _____

Home Telephone Number: _____ E-mail Address: _____

Do you have special needs requiring CGC attention? Yes No

Please make check payable to the Center for Guardianship Certification.

Check # _____ for \$ _____ is enclosed.

MasterCard/Visa/Discover#: _____ Exp. Date: _____

Three-Digit Security Code: _____ Signature: _____

**APPLICATION DEADLINE IS 60 BUSINESS DAYS PRIOR TO SCHEDULED
EXAM DATE!**

Return Application and Appropriate Fees to:

*Center for Guardianship Certification
PO Box 5704, Harrisburg, PA 17110
(717) 238-4689 ♦ Fax: (717) 238-9985
www.guardianshipcert.org*



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1. Education:

Graduate Degree: _____ Year Awarded: _____

-College/University: _____ City/State: _____

Bachelor's Degree: _____ Year Awarded: _____

-College/University: _____ City/State: _____

Nursing Education: _____ Year Awarded: _____

-School: _____ City/State: _____

2. List four (4) individuals who can provide a letter of recommendation relevant to your professional guardianship practice:

a) Name: _____

b) Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Fax: _____

Fax: _____

Email: _____

Email: _____

c) Name: _____

d) Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Fax: _____

Fax: _____

Email: _____

Email: _____

3. Have you ever been convicted or pled guilty or no contest to a felony? Yes No



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4. Have you ever been found civilly liable for an action of fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion? Yes No

If yes, attach an explanation indicating the offense along with the name and location of the court, case number, findings and disposition.

5. Have you ever been suspended or relieved of responsibilities as a guardian or conservator by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion? Yes No

If yes, attach an explanation.

6. Are you bonded in accordance with state statutes and local practice? Yes No

If no, explain: _____

7. Have you ever been found liable in a subrogation action by an insurance or bonding agent? Yes No

If yes, attach an explanation

8. To this application, attach the following:

- a) Resume.
- b) Proof of current employment.
- c) Proof of education.
- d) List of continuing education courses taken during the last two years. Please include program sponsor, dates, locations, and the number of hours completed.
- e) Application fee.

9. Provide a narrative explanation of how your experience qualifies you as a National Master Guardian (no more than two pages). Your narrative should specifically address your experience relative to "a" below and at least five (5) additional indicators from the following list:

High degree of competence in managing complex issues.

- a) Manage significant financial estates.
- b) Conduct or arrange for comprehensive assessment of ward's needs.
- c) Provide consultation on a wide range of guardianship issues.
- d) Provide supervision and case oversight to less experienced guardians or staff in a guardianship program.
- e) Plan, implement, control, direct, fund a professional guardianship program.
- f) Have experience with more than one disability group.
- g) Provide training and mentoring to less experienced guardians.
- h) Provide educational opportunities by presenting topics related to guardianship, psychotropic medications and evaluation of behavioral programs.



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- i) Provide consultation regarding medical procedures including use of psychotropic medications and evaluation of behavioral programs.
- j) Advance the profession through policy development, legislative action, advocacy or community outreach.
- k) Provide consultation or make decisions on end of life issues and other complex or controversial issues.
- l) Actively advocate for limited guardianship, alternatives to guardianship and restoration of wards.

10. I certify that the information provided in this application is true and correct to the best of my knowledge and belief. I understand and agree that I have a continuing obligation to advise the Center for Guardianship Certification if there is a change in any of the information in this application.

11. I certify that I have served in a position of making decisions as a court appointed guardian or as agent for the court appointed guardian for two or more unrelated wards for a period of:

3 or 5 years (circle one)

12. I certify that I have served as a guardian spending an average of at least 16 hours per week practicing guardianship during at least three (3) of the last five (5) years including the most recent year.

Signature

Date

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me this ____ day of _____, 20____,

by _____.

Notary Public

My commission expires: _____



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I affirm that I have carefully read and voluntarily agree to be bound by the Terms and Conditions of Certification listed below. Furthermore, I declare under penalty of perjury that the representations contained in this Declaration are true and complete.

Candidate Name

Date

Telephone Number

Address

Upon certification, the applicant and the CGC Board will be bound by the terms and conditions contained in this document.

I understand that permission to use the certification marks National Master Guardian is valid for a period of three years. At the end of such period, if the certification is not renewed, the certification expires and any right to use the marks will terminate. If I fail to comply with requirements to renew my certification, I agree to cease use of the marks immediately. I understand that the CGC Board may relinquish any rights I may have in the use of its marks if I fail to maintain a current certification status.

I have read and understand the NGA Model Code of Ethics, as well as the CGC Rules and Regulations Regarding Certification and Re-Certification of National Master Guardians. I agree to adhere to the provisions of those documents as they presently exist and as they may be amended from time to time.

I further understand and agree that the CGC Board has the absolute and unrestricted right to revoke any rights I may have to use its marks National Master Guardian if it finds that I have failed to comply with the NGA Model Code of Ethics, and the CGC Rules and Regulations Regarding Certification and Re-Certification of National Master Guardians.

In consideration of the certification granted hereby, I further agree that neither the CGC Board nor its directors, officers, employees and others acting on its behalf shall be liable to me for any actions taken or omitted to be taken in any official capacity or in the scope of employment, except to the extent that such actions or omissions constitute willful misconduct or gross negligence, and I hereby release the CGC Board and the other persons identified above from any liability for such actions or omissions.

CGC will take every precaution to ensure the exam is secure from the testing location to the CGC offices. CGC utilizes courier or overnight services to send the exams and, due to this process, an exam may be lost or destroyed prior to grading. In the unlikely event this occurs, it will be the responsibility of the candidate to retake the exam at no additional fee.

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I affirm that I have read carefully and understand the items set forth in this statement, including the release of liability and the items described herein. I further affirm that my statements are true and complete to the best of my knowledge and freely given.

Candidate Signature

Date

State of: _____ County of : _____

The foregoing Declaration and Agreement was acknowledged before me this _____ day of _____, 20__ by _____, who is personally known to me or has produced appropriate identification.

Notary Public

CONFIDENTIALITY WAIVER I specifically waive any right to review any Confidential Statements of Recommendation or other evaluations and recommendations made to the Center in relation to my application for National Master Guardian Certification, whether solicited by me or by the Center. In addition, I agree not to seek discovery of such recommendations and evaluations, formally or informally, in any legal proceeding or otherwise.

Signature of Applicant

Applicant's Name (type or print)

Date

SWORN TO and SUBSCRIBED before me this _____ day of _____, 20__

NOTARY PUBLIC
My commission expires:



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Narrative Example*

Name: Nancy Mae Guardian

Competence to manage complex issues: As someone who has served as a guardian for over twelve years, I am frequently called on to serve as guardian for the court's more challenging cases. Advocating for the ward's wishes and serving the ward's best interest is especially challenging when there is family conflict. My cases include clients for whom I must research medical alternatives or weigh difficult safety versus autonomy issues in deciding placement. I rely daily on my ability to sort through complicated factors to make a decision in a timely manner.

Ability to manage significant financial estates: Although the bulk of my work involves individuals with few assets, I have managed several estates with significant assets including one estate worth over half a million dollars. My estate work has included managing farmland, annuities, significant estate sales, and valuable real estate.

Conduct of comprehensive assessment: I have developed an assessment process for clients that includes collecting information from professionals in a variety of disciplines and from family members. The process results in, not only information about the scope of the need for guardianship, but also a plan that becomes a living document designed to grow through the course of the guardianship. I constantly refer to that plan and frequently change it as my client's circumstances change

Planning, implementing, directing and funding a professional guardianship program: As director of the county guardianship program, I have been responsible for creating and gaining approval for the budget, developing program eligibility guidelines, overseeing quality assurance, and personnel management. I supervise ten employees including six degreed case managers, an office manager, a bookkeeper, a quality assurance specialist and one clerical employee.

Experience with more than one disability group: I have 28 years work experience with my state's elderly and disabled population I have worked with women who have mental illnesses, persons with developmental disability, and older adults in both assisted living facilities and nursing homes.

Advancement of the profession through public policy and community outreach: I have been active in my state association since its inception and currently serve as its president elect. I have testified at legislative hearings on issues that affect the quality of guardianship service in the state and the availability of services for my clients.

Advocacy for limited guardianship and alternatives to guardianship: I consistently seek the most limited guardianship necessary to protect the client from harm while promoting independence. These guardianships require a more detailed assessment, but result in more successful outcomes for the client. I also have been successful in restoring rights to wards on 7 occasions.

*Of course use your own words to describe your qualifying experience as a professional guardian to sit for the NMG examination. CGC is providing this example, not as a template for you to copy, but to provide an illustration of the type of information and level of detail we would like to see in your Experience Narrative.



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GLOSSARY OF TERMS

Adjudication

The formal giving or pronouncing a judgment or decree in a cause; also the judgment given. The entry of a decree by a court in respect to the parties in a case.

Administrator/Executor

A person appointed by the court to administer (i.e., manage or take charge of) the assets and liabilities of a decedent. If the person performing these services is named by the decedent's will, he is designated as the executor of the estate.

Advance Directives

Written instructions, such as a living will or durable power of attorney for health care, which guides care when an individual is terminally ill or incapacitated and unable to communicate his/her desires.

Advocate

One who assists, defends, or pleads for another. One who renders legal advice and aid and pleads the cause of another before a court or a tribunal, a counselor.

Alleged Incapacitated Person or Person at Risk

Individual for whom a guardianship proceeding has been initiated.

Arms Length Relationship

A relationship between two agencies or organizations, or two divisions or departments within one agency, which ensures independent decision making on the part of both.

Attorney at law

A person admitted to practice law in his/her respective state and authorized to perform both civil and criminal legal functions for clients, including drafting of legal documents, giving of legal advice, and representing such before courts, administrative agencies, boards, etc.

Attorney for the Alleged Incapacitated Person

An attorney who represents the alleged incapacitated person. Such attorney shall represent the expressed wishes of the alleged incapacitated person.

Best Interest

That course of action, which maximizes what is best for a ward and which, includes consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the ward.

Capacity

Legal qualification, competency, power or fitness. Ability to understand the nature and effects of one's acts.



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Clerk of Court

Officer of the court who files pleadings, motions, judgments, etc., issues process, and keeps records of court proceedings. Functions and duties of clerks of court are usually specified by statute or court rules.

Competent

Duly qualified; answering all requirements; having sufficient ability or authority; possessing the requisite natural or legal qualifications; able; adequate; suitable; sufficient; capable; legally fit.

Conflict of Interest

Situations in which an individual may receive financial or material gain or business advantage from a decision made on behalf of another or from information gained through responsibilities. Situations which create a public perception of a conflict of interest should be handled in the same manner as situations in which an actual conflict of interest exists. Full disclosure to interested parties may permit the individual to act in these matters.

Conservator/Conservatee

See Guardian.

Counsel

See Attorney.

Court

An organ of the government, belonging to the judicial department, whose function is the application of the laws to controversies brought before it and the public administration of justice.

Court Order

A legal document issued by the court and signed by a judge. Examples include appointment of a guardian; spelling out directions for the care of the ward and the estate; and authorization or denial of requests for action.

Court Required Reports

Reports which the guardian is required by statute or court order to submit to the court relative to the guardianship.

Court Visitor, Monitor, Investigator

A person appointed by the court to provide the court with information concerning a ward or a guardian.

Decisional Capacity

The ability to understand and appreciate the nature and consequences of a decision and to reach and communicate an informed decision in the matter.



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Dementia

A category of disorders characterized by the development of multiple cognitive deficits (including memory impairment) that are due to the direct physiological effects of a general medical condition, to the persisting effects of a substance or to multiple etiologies (e.g., the combined effects of cerebrovascular disease and Alzheimer's disease). (DSM-IV)

Developmental Disability

A severe, chronic disability of an individual 5 years of age or older that:

- A. is attributable to a mental or physical impairment or combination of mental and physical impairments;
- B. is manifested before the individual attains age 22;
- C. is likely to continue indefinitely;
- D. results in substantial functional limitations in three or more of the following areas of major life activity
 1. self-care;
 2. receptive and expressive language;
 3. learning;
 4. mobility;
 5. self-direction;
 6. capacity for independent living; and
 7. economic self-sufficiency; and
- E. reflects the individual's need for a combination and sequence of events of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated.

Direct Services

Includes medical and nursing care, speech therapy, occupational therapy, physical therapy, psychological therapy, counseling, residential services, legal representation, job training and other similar services.

Disabled Person

A person 18 years of age or older deemed by the Court to be lacking sufficient understanding or capacity to make or communicate responsible decisions concerning the care of his person or financial affairs. See also Ward.

Estate

Both real and personal, tangible and intangible, and includes anything that may be the subject of ownership.

Extraordinary Medical Situations

Include abortion, removal of life support, sterilization, experimental treatment and other controversial medical issues.



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Fiduciary

An individual, agency or organization that has agreed to undertake for another a special obligation of trust and confidence, having the duty to act primarily for another's benefit and subject to the standard of care imposed by law or contract.

Free Standing Entity

An agency or organization which is independent from all other agencies or organizations.

Functional Assessment

A diagnostic tool that measures the overall well-being of an individual and provides a picture of how well the person is able to function in a variety of multidimensional situations.

Guardian

An individual or organization named by order of the court to exercise any or all powers and rights over the person and/or the estate of an individual. Utilized here to include "Conservator".

Guardian

Guardian Ad Litem

A person appointed by the Court to make an impartial inquiry into a situation and report to the Court.

Corporate Guardian

A corporation authorized to exercise fiduciary or guardianship powers and includes a non-profit corporate guardian.

Designation of Guardian

A formal means of nominating a guardian prior to the time when a guardian is needed. Also Pre-need Guardian.

Emergency Guardian

See Temporary Guardian

Guardian of the Estate

A guardian who possesses any or all powers and rights with regard to the property of the individual.

Foreign Guardian

A guardian appointed within another state or country.



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Limited Guardian

A guardian who has been appointed by the court to exercise the legal rights and powers specifically designated by court order entered after the court has found that the ward lacks capacity to do some, but not all, of the tasks necessary to care for his person or property, or after the person voluntarily petitioned for appointment of a limited guardian. Also Partial Guardian.

Partial Guardian

A guardian who possesses fewer than all of the legal rights and powers of a plenary guardian.

Guardian of the Person

A guardian who possesses any or all powers and rights with regard to the personal affairs of the individual, including placement, medical, educational, rehabilitation, and social aspects of the care of the person.

Plenary Guardian

A person who has been appointed by the court to exercise all delegable legal rights and powers of the ward after the court has found the ward lacks the capacity to perform all of the tasks necessary to care for his person or property.

Professional Guardian

An individual, agency, or organization that provides guardianship services to two (2) or more individuals and receives funding or compensation, other than reimbursement for out-of-pocket costs incurred in providing services, or acts at the direction of an entity that receives funding or compensation for services provided as a guardian.

Public Guardian

A guardian appointed by the court, who is deemed to be an officer of the court. This person may be appointed to guardianship over many incompetent or incapacitated persons. The appointee may be paid for services from public funds or from assets of the incapacitated person of concern, if such funds are available.

Stand-By Guardian

A person, agency or organization whose appointment as guardian shall become effective without further proceedings immediately upon the death, incapacity, resignation, or temporary absence or unavailability of the initially appointed guardian.

State Guardian

A branch of the government of the state which is appointed when no one else is willing or able to act as guardian for incapacitated residents of the state.



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Successor Guardian

A guardian who is appointed to act upon the death or resignation of a previous guardian.

Temporary Guardian

A guardian whose authority is temporary and usually only appointed in an emergency.

Incapacitated Person

Any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person. Also Incompetent Person.

Incapacity or Incompetency

A person's inability to make and then act upon personal and/or property decisions on his or her own behalf.

Indigent

One who is needy and poor, or one who has not sufficient property to furnish him a living nor anyone to support him to whom he is entitled to look for support.

Informed Consent

A person's agreement to allow something to happen that is based on a full disclosure of facts needed to make the decision intelligently; i.e., knowledge of risks involved, alternatives, etc.

Interested Person

Individuals who, according to state statute, have a right to notice regarding a guardianship cause of action. This may include parents, siblings, spouse, and residential provider.

Least Intrusive

A mechanism, course of action, or situation which allows the ward the greatest opportunity for autonomy with a minimum of intervention.

Least Restrictive

A mechanism, course of action, or environment which allows the ward to live, learn, and work in a setting which places as few limits as possible on the ward's rights and personal freedoms as is appropriate to meet the needs of the ward.

Letters of Office

Formal document issued by the court containing or attesting the grant of some power authority or right. Also Letters of Guardianship.



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Notice of Motion

A notice in writing, related to a specific case, stating that on a certain day, a motion will be made to the court for the purpose or object stated.

Oath of Office

A legal document signed by the guardian in which she/he pledges to carry out his/her legal obligations to the ward in a proper manner.

Parens Patriae

A legal principle meaning that the state or the government can act to determine what is in the best interests of an individual, even if the individual disagrees, on the basis of evidence of incapacitation or charges of personal or serious property mismanagement. Literally, the “father of the country”.

Petition

A formal, written application to a court requesting judicial action on a certain matter. For example, relative to guardianship, the document filed to initiate the process for adjudication of disability and appointment of a guardian.

Physician’s Report

A report required, in some states, in relationship to a guardianship proceeding which substantiates the need for a substitute decision maker. Also Examining Committee Report.

Prudent Person

A person who acts cautiously in the handling of assets. See Prudent Man Rule.

Prudent Man Rule

An investment standard. In some states, the law requires that a fiduciary, such as a trustee, may invest the trust’s or fund’s money only in a list of securities designated by the state. In other states, the trustee may invest in a security if it is one, which a prudent man of discretion and intelligence, who is seeking a reasonable income and preservation of capital, would buy.

Psychotropic Medications

Any medication prescribed for the management of behavior.

Representative Payee

An individual, agency, or organization named by a governmental agency to receive government benefits on behalf of, and for the benefit of, the beneficiary entitled to such benefits.

Social Services

Services provided to meet social needs, such as representative payee, case management, money management services and other similar services.



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Substituted Judgment

The principle of decision-making which requires implementation of the course of action which comports with the individual ward's or beneficiary's known wishes expressed prior to the appointment of the guardian or representative payee, provided the individual was once capable of developing views relevant to the matter at issue and reliable evidence of these views remains. Current opinions and desires of the ward or beneficiary shall be examined and are relevant to a determination of the ward's or beneficiary's views prior to appointment of the guardian or representative payee.

Surety Bond

Obligation of a guarantor to pay a second party upon default by a third party in the performance the third party owes to the second party.

Trustee

The person appointed, or required by law, to execute a trust, one in whom an estate, interest, or power is vested, under an express or implied agreement to administer or exercise it for the benefit or to the use of another.

Ward

A person for whom a guardian has been appointed. Utilized here to include Conservatee, Disabled Person and Protected Person.