524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT ORDERS.

(a) A guardian shall report to the court in writing on the condition of the person subject to guardianship at least annually and whenever ordered by the court. A copy of the report must be provided to the person subject to guardianship and to interested persons of record with the court. A report must state or contain:

(1) the current mental, physical, and social condition of the person subject to guardianship;

(2) the living arrangements for all addresses of the person subject to guardianship during the reporting period;

(3) any restrictions placed on the right of the person subject to guardianship to communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, and the factual bases for those restrictions;

(4) the medical, educational, vocational, and other services provided to the person subject to guardianship and the guardian's opinion as to the adequacy of the care of the person subject to guardianship;

(5) a recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;

(6) an address or post office box and a telephone number where the guardian can be contacted; and

(7) if applicable, the amount of payment received as guardian for services rendered to the person subject to guardianship that the guardian received during the previous year that were not paid by county contract, and the guardian's current rates.

(b) A guardian shall report to the court in writing within 30 days of the occurrence of any of the events listed in this paragraph. The guardian must report any of the occurrences in this paragraph and follow the same reporting requirements in this paragraph for any employee of the guardian responsible for exercising powers and duties under the guardianship. A copy of the report must be provided to the person subject to guardianship and to interested persons of record with the court. A guardian shall report when:

(1) the guardian is removed for cause from serving as a guardian or conservator, and if so, the case number and court location;

(2) the guardian has a professional license from an agency listed under section 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing agency and license number, and the basis for denial, condition, suspension, revocation, or cancellation of the license;

(3) the guardian is found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(4) the guardian files for or receives protection under the bankruptcy laws, and if so, the case number and court location;

(5) a civil monetary judgment is entered against the guardian, and if so, the case number, court location, and outstanding amount owed;

(6) the guardian is convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and court location; or

(7) an order for protection or harassment restraining order is issued against the guardian, and if so, the case number and court location.

(c) A person subject to guardianship or interested person of record with the court may submit to the court a written statement disputing statements or conclusions regarding the condition of the person subject to guardianship or addressing any disciplinary or legal action that is contained in the guardian's reports and may petition the court for an order that is in the best interests of the person subject to guardianship or for other appropriate relief.

(d) Unless communication is prohibited by court order, a guardian shall communicate to all known interested persons as defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi):

(1) within one day of awareness of:

(i) a significant or unexpected change in health or medical condition requiring physician treatment or hospitalization of the person subject to guardianship;

(ii) a significant situation that requires action by ambulance, law enforcement, or fire department for the person subject to guardianship; or

(iii) the death of the person subject to guardianship, provided that the court shall also be notified of the death of the person subject to guardianship; and

(2) at least 14 days in advance of a permanent change in the primary dwelling of the person subject to guardianship or a permanent move to a nursing home, mental health facility, or other facility unless the move was by prior order of the court. Prior notice is not necessary for any change of primary dwelling due to accident, injury, illness, or other involuntary actions of the person subject to guardianship or guardian, but notice shall be provided to interested persons defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi), within seven days of such a move caused by involuntary actions of the person subject to guardianship or guardian.

(e) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section.

(f) The court may appoint a visitor to review a report, interview the person subject to guardianship or guardian, and make any other investigation the court directs.

(g) The court shall establish a system for monitoring guardianships, including the filing and review of annual reports. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause.

(h) If a guardian fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator.

(i) Any documents or information disclosing or pertaining to health information in the guardian's annual report shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

History: *2003 c 12 art 1 s 39; 2009 c 150 s 10; 2010 c 254 s 8; 2013 c 86 art 2 s 5; 2020 c 86 art 1 s 23*