

NEW RULE

Idaho Court Administrative Rule 54.4. Visitor Reports

A. The visitor must visit and interview the person proposed to be under guardianship at the person's residence. The visitor must also interview the petitioner and any proposed guardian or conservator. It is preferable that the interviews be conducted separately.

B. In preparing reports, the visitor must consider all available information concerning any proposed guardian, conservator, and individual who resides in or frequents the person's proposed residence, including, but not limited to, information available to the visitor pursuant to Idaho Code Section 15-5-311.

C. The visitor must file a report with the court, signed under oath or affirmation, which includes the following information:

1. The person's impairments and how those impairments may affect the person's understanding or capacity to make or communicate decisions;
2. The person's functional limitations and how they have exposed or may expose the person to substantial harm in the following areas:
 - a) Ability to provide for food, clothing, shelter, health care, or safety; and
 - b) Ability to manage his or her property or financial affairs;
3. Acts, occurrences, or statements, within the past twelve months, related to the person's inability to provide for personal needs or to manage property;
4. Whether the acts, occurrences, or statements were done or made:
 - a) Voluntarily;
 - b) With consideration of the risk and consequences and a clear understanding of the potential outcome;
 - c) With relevant information necessary to make the decision;
 - d) With an understanding that the person is free to choose or refuse any alternative available; and,
 - e) As a result of a temporary or reversible condition.
5. Need for care or treatment, and residential requirements;

6. Approval or disapproval by the person concerning the proposed guardianship or conservatorship or its terms, or the proposed guardian or conservator;
7. The financial status of the person, including any public benefits or services;
8. The person's understanding of his or her financial status;
9. Whether the person understands the nature of the proceedings and if he or she is able to and wishes to attend the hearing;
10. Whether a convicted felon resides in or frequents the person's current or proposed residence;
11. Identity of people:
 - a) with significant interest in the welfare of the person;
 - b) who should be informed of the proceedings;
 - c) who currently assist the person on a regular basis; or
 - d) who may be available to assist the person on a regular basis.
12. Qualifications of the proposed guardian or conservator and the nature and quality of their relationship with the person;
13. The purpose and need for the guardianship or conservatorship;
14. Recommendations:
 - a) Whether a guardianship or conservatorship is necessary and why less intrusive alternatives are not appropriate;
 - b) What alternatives to guardianship or conservatorship have been explored or tried;
 - c) If a limited guardianship or conservatorship is recommended:
 - i) the specific limitations on the guardian's or conservator's authority; and,
 - ii) how the guardian or conservator will engage and involve the person in decision-making;
 - d) If a full guardianship or conservatorship is recommended:

i) why a limited guardianship or limited conservatorship is not appropriate; and,

ii) how the guardian or conservator will engage and involve the person in decision-making;

e) The appropriateness of the proposed guardian or conservator;

f) The appropriateness of the proposed guardian's care plan or conservator's financial plan;

g) The appropriateness of requiring a bond by the proposed conservator, taking into account the financial status of the proposed conservator;

h) The level of post-appointment case monitoring based upon the results of the Differentiated Case Management tool;

i) The need to reassess periodically for modification or restoration of rights.

D. Unless the court decides otherwise, the visitor must provide copies of any filed reports to:

1. Guardian ad Litem;

2. Petitioner;

3. Proposed guardian or conservator;

4. Any attorney of record; and

5. Person proposed to be under guardianship or conservatorship.