



Office for Victims of Crime  
**OVC**

Guardianship Review Protocol

# Well-Being Report Protocol

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Well-being reports may be referenced by many different names, but they all provide a way for the court to monitor the welfare of individuals under guardianship. The reports are filed by the guardian, typically on an annual basis, to provide “descriptive information on the respondent’s condition, the services and care being provided to the respondent, significant actions taken by the guardian and the expenses incurred by the guardian.”<sup>1</sup> This review protocol is meant to act as a screening document, to assist reviewers in flagging reports that need further action.

## State or Court Requirements for Review

Because each jurisdiction may have different laws, regulations, and processes for monitoring well-being reports, the first step is to get familiar with your jurisdiction’s requirements.

Questions	Action Steps
How often are well-being reports required to be submitted?	Well-being reports are required to be submitted every <u>        (year?)        </u> , and required to be reviewed by the court <u>        </u> (annually/as submitted/within 30 days/etc.).
What documents are required to be filed with the report?	Complete well-being reports require: <ul style="list-style-type: none"> <li>• Standard form, with all required signatures</li> <li>• Supplemental documentation (medical reports, proof of housing, proof of service, etc.)</li> <li>• _____</li> <li>• _____</li> <li>• _____</li> </ul>
Are reminders sent to the guardian? If so, how far in advance?	Send reminders <u>        </u> (one month/two weeks before due date, etc.) by <u>        </u> (mail/email/text).
After reviewing the report, what are your next steps?	When I finish reviewing the report, I do the following: <u>        </u>
What type of guardianship is this?	<input type="checkbox"/> Full <input type="checkbox"/> Limited
Is there also a conservator/ guardian of the estate?	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Review: Well-Being Reports

<sup>1</sup> Guardianship & Conservatorship Basics:

[https://www.eldersandcourts.org/guardianship\\_conservatorship/general-information/basics](https://www.eldersandcourts.org/guardianship_conservatorship/general-information/basics)

One of the most important steps in monitoring guardianship cases is reviewing the report content to understand the status of the person subject to guardianship. You should be sure to check for compliance, completeness, and concerns. When reviewing reports, flag any indications that the person is (or is at risk of) experiencing abuse or exploitation. “Red flags” may be obvious, such as when the guardian reports concerns about the person’s well-being. A careful review may catch “red flags” that the guardian missed or did not intend to raise.

Questions	Action Steps	Guidance
Was the report submitted on time?	If a report is missing, I should... _____ _____	Possible actions may include: <ul style="list-style-type: none"> <li>• Sending reminders</li> <li>• Issuing a show cause notice</li> <li>• Referring case to the judge</li> </ul>
<p>Does the well-being report include all the required basic or preliminary information?</p> <p>Is the report completely filled out with no unanswered questions/blanks?</p> <p>Is the report identical to the previous year’s report?</p>	<p>The well-being report includes:</p> <ul style="list-style-type: none"> <li>• _____</li> <li>• _____</li> <li>• _____</li> </ul> <p>The well-being report is missing:</p> <ul style="list-style-type: none"> <li>• _____</li> <li>• _____</li> </ul> <p>The report is identical:  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>	Examples: <ul style="list-style-type: none"> <li>• Names and contact information</li> <li>• Case/docket number</li> <li>• Current address</li> </ul>
<p>Does the well-being report speak to the mental, physical, and social condition of the person subject to guardianship?</p> <p>Is there evidence that the guardian has visited face-to-face?</p>	<p>Examples or indications:          _____          _____          _____</p> <p>The guardian has visited:  <input type="checkbox"/> Yes   <input type="checkbox"/> No   Unknown  <input type="checkbox"/> Remotely (with good cause)</p>	<ul style="list-style-type: none"> <li>• References to medical appointments</li> <li>• Examples of social activities</li> <li>• References to conversations with the person</li> <li>• References to conversations with facility staff (if appropriate)</li> <li>• Guardian has not had contact with person</li> </ul>
Are any changes in housing, services, activities, or health care anticipated in the coming year?	<p>Is it addressed?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>What changes are anticipated?          _____          _____          _____</p>	<ul style="list-style-type: none"> <li>• Discussion of coming year</li> </ul>

<p>Are there any concerning points in the report about the guardianship?</p>	<p>Red flags seen:</p> <ul style="list-style-type: none"> <li>• _____</li> <li>• _____</li> <li>• _____</li> </ul>	<p>Examples of red flags requiring action:</p> <ul style="list-style-type: none"> <li>• Evidence person has regained capacity and no longer needs guardianship</li> <li>• References to criminal convictions</li> <li>• Person is homeless</li> <li>• Missing/incomplete reports</li> <li>• Isolation</li> <li>• Abuse not reported to authorities</li> <li>• Not attending school or other expected activities</li> <li>• Guardian asks to be removed</li> </ul>
<p>Is this guardianship still appropriate?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> The person may no longer need this level of guardianship - a judicial officer should review to consider modification or termination</p>	<p>Possible indications that a guardianship may not be needed or could be more limited:</p> <ul style="list-style-type: none"> <li>• Increased ability to live independently</li> <li>• Increased ability to hold a job</li> <li>• Active participation in decisions</li> <li>• Managing own finances</li> <li>• Person asks for guardianship to be ended or reduced</li> <li>• Less restrictive alternatives are available</li> </ul>

Summary	
After reviewing the report, determine whether it is complete and does not require further review, or whether there are additional action steps that must be taken to address concerns about the person’s safety and wellbeing.	
Questions	Action Steps
<p>After reviewing the report, what are your next steps?</p> <p>Do you mark the review as complete or pass it to another reviewer?</p> <p>Are there high-level concerns that require additional action?</p> <p>What does the judge in your jurisdiction want to know?</p>	<p><input type="checkbox"/> I have an immediate concern for the safety or well-being of the person. _____</p> <p><input type="checkbox"/> I have a mild concern for the safety or well-being of the person. _____</p> <p><input type="checkbox"/> I have no concerns about the safety or well-being of the person.</p> <p><input type="checkbox"/> The guardianship may no longer be the least restrictive alternative (or may need to be adjusted in some way). _____</p> <p><input type="checkbox"/> I have insufficient information.</p> <p>Next steps: _____ _____ _____</p>