

PRO-SE PACKET

GUARDIANSHIP -- MINOR PERSON

FAMILY COURT OF THE FIRST CIRCUIT

This packet describes the steps necessary to establish a guardianship of a minor under the new Act 161 of 2004, which was effective as of January 1, 2005. Please note that this packet does NOT address the situation in which a guardian was previously appointed by a will or other written document. Information is provided on preparing documents and presenting them for filing. Samples of the basic forms are also included.

We strongly recommend that you seek the services of an attorney. The Lawyer Referral Service (537-9140) of the Hawai'i State Bar Association may be able to provide names of attorneys, but they do not have information on any fees charged by the attorneys. The Volunteer Legal Services (528-7046) and the Legal Aid Society of Hawai'i (536-4302) offer assistance to people with low incomes who meet their financial criteria. Presently, Legal Aid's "Courthouse Assistance Program" office is on the fourth floor of the Kapolei Court Complex, 4675 Kapolei Parkway, in Kapolei and is open every weekday morning. You may also consult the yellow pages of the telephone book for attorneys who specialize in family law.

Should you decide to proceed on your own without the assistance of an attorney, you may wish to review Sections 560:1-401 and 560:5-201 to 560:5-210 of the Hawai'i Revised Statutes pertaining to Guardians of Minors. You are responsible for ensuring that your documents comply with Rule 3 of the Rules of the Circuit Court, applicable Hawai'i Family Court Rules, applicable sections of the Hawai'i Revised Statutes, as well as any memoranda issued by the Family Court.

Copies of these statutes, rules and memoranda are available at the Hawai'i Supreme Court Law Library - 417 South King Street, behind the King Kamehameha statue). Court rules and statutes are also available on-line at www.courts.state.hi.us (rules) and www.capitol.hawaii.gov (statutes).

OVERVIEW OF DOCUMENTS IN THIS PACKET

This packet includes the following forms. Should you wish to have more than one person serve as co-guardians, you will need to amend pertinent portions of the documents to show that this is a co-guardianship case.

- 1) "**Petition for Appointment of a Guardian of a Minor**" states the factual

and legal basis for the appointment of a guardian and asks the court to issue an Order Appointing Guardian with [] Limited [] Unlimited Authority.

2) "**Notice of Hearing**" is attached to the Petition. Court personnel will schedule the hearing and fill in the blank spaces for the date and time of hearing (see the instructions on page 3).

3) "**List of Exhibits**" - this cover sheet organizes supporting documents that are submitted at the time of filing the Petition.

4) "**Waiver of Notice and Consent to Guardianship**" informs the court that a person, who is otherwise entitled to notice, agrees to have the guardianship proceedings take place without his or her involvement. This document may be filed to support the Petition for Appointment of Guardian. The proposed guardian is always expected to attend the hearing, unless previously excused by the court.

This form allows interested parties to be able to waive the requirement that they be given at least 14-days advance notice of the hearing on the Petition. It also has a check off box if the interested party wants to waive notice of any future hearings.

5) "**Order Appointing Guardian with [] Limited [] Unlimited Authority**" - contains the Judge's findings and states, among other things, the conditions under which the guardian shall serve and the events that will terminate the guardianship.

HOW TO PREPARE DOCUMENTS FOR FILING

Typing If you use the attached forms, please type in the information. Also, please adjust or delete phrases (noted on the attached forms, in parentheses) to fit the information in your case. If you prefer to type your own documents on your computer, then all documents must be typed in black ink using 12 point pica size print. A 10 point elite size print is not acceptable. On the first page of each new document, the name of the Court (for example, "Family Court of the First Circuit") shall be centered and be not less than 3" from the top of the page. Top and bottom margins of the other pages must be 1". The left and right-hand margins shall not be less than 1".

Signature Documents must be dated and **signed in legible, dark ink.**

Terms: The "Petitioner" is the person requesting the guardianship. The minor or any person interested in the minor's welfare may submit the petition. The Petition requests that someone be appointed as the "Guardian."

Case name and number:

All documents filed in the same case record must have the same case name (the name of the Respondent noted in the case caption on the left hand side of the caption on the first page. These documents should also have the same "FC-G" (for example, FC-G No. 06-1-0002) case number in the right-hand side of the caption on the first page of the document.

Name

Be sure to print the Petitioner's name, address and phone number on the upper left-hand corner of the first page of each document. A daytime or cell phone number is important so that the Court can call and notify you that your documents are ready to be picked up for filing. You are responsible for filing your documents. The Court cannot file the documents for you.

Copies

You need to make enough copies of each original document. Each person who is required to receive notice (see section entitled "Service of Documents") must have a copy. Be sure to keep a copy for yourself.

Filing:

All documents must be **filed** with the Legal Documents Branch which is located on the first floor of the Kapolei Court Complex, 4675 Kapolei Parkway, or the first floor of the Kaahumanu Hale. "**Filed**" means that the original documents (the original document with original signatures; not copies) has an original file-stamped (date and time) and the name of the Documents Filing Clerk on the upper right-hand corner of the first page of the document. This "**filed**" original is kept by the Family Court as part of the guardianship case record.

Conforming copies:

All copies must be "conformed." "Conforming" means that any changes the Court made to your original documents and added to your copies, so that the text of the copies are identical to the original document. For example, if a date and time for a court hearing are added to the Notice of Hearing, you must add this same date and time to ALL copies of the Notice of Hearing. This ensures that all persons receiving the Notice of Hearing will have the same information.

PRESENTING DOCUMENTS FOR INITIAL FILING

To get a hearing date, after completing all of the necessary forms, present the original copy plus the necessary number of copies to one of the clerks at the counter in the Judicial Services Branch, 4th Floor of the Kapolei Court Complex. You must leave the documents for processing and you will be contacted--by telephone--to pick up the

documents. Again, we emphasize the importance of including your daytime or cellular phone number on documents turned in to the Court.

When you pick up the documents, you will notice that the date and time of the hearing has been filled in on the original copy only of the Notice of Hearing. You must conform the copies (i.e., fill in this same information on all of the other copies you submitted). You may do this by writing in or stamping the information that the Court added to the original document. Be sure that the information is exactly the same as on the original. As an alternative, you may photocopy the documents after you pick them up from the Court. It is critical that you include the date and time of the hearing on all copies of the Notice of Hearing.

To file the documents, present the original and all copies to a Legal Documents Receiving Clerk on the first floor of the Kapolei Court Complex or the Kaahumanu Hale. Submit as many copies as you need to give to the persons who must receive notice (see HRS section 560:5-205), including the one for yourself. A \$175.00 filing fee is required to file the Petition. Filing fees may be paid in person by cash, cashier's check or money order. Please make all cashier's checks or money orders payable to "Chief Clerk, First Circuit Court". The Court does NOT accept personal checks.

If you are paying by cashier's check or money order, the Documents Receiving Clerk will accept your cashier's check or money order, assign a case number, and file your documents and return copies to you. A receipt will be mailed to the filing party within 48 hours to confirm the payment.

If you are paying in cash, the Documents Receiving Clerk will assign a case number and direct you to the Cashier's Section to pay the filing fee and surcharge. After you have paid your fees, return to the Legal Documents Branch counter to have the documents filed.

It is preferable that certified copies of your documents be served on the parties. The Documents Receiving Clerk will certify as many copies as requested at the time of filing of your documents. There is an additional charge should you request certified copies at a later date.

SERVICE OF THE DOCUMENTS

You must serve copies of the "**Petition for Guardianship**" and the "**Notice of Hearing**" on all parties entitled to notice under HRS § 560:5-205 by the appropriate method of service as described in that section, in HRS § 560:1-401, and in Rule 4 of the Hawai'i Family Court Rules.

Pursuant to HRS §§ 560:5-205, 560:5-113, and 560:1-401, the following persons **must** be served with a copy of the Petition and Notice of Hearing at least 14 days prior to the hearing. Service on all of the persons listed below may be made by certified, registered or first class mail (HRS § 560:1-401(a)(1)):

- A) Minor- if minor is 14 years or older and is not the petitioner;
- B) any person alleged to have been minor's custodian during the 60 days prior to the Petition being filed;
- C) legal mother (whose parental rights have not been terminated);
- D) legal father (whose parental rights have not been terminated);
*"Legal Father" is a man who was married to mother at minor's birth; who adopted the minor; for whom paternity of the minor was established; or whose name is included on subject's Hawaii birth certificate and the child was born on July 11, 1999 or later.
- E) the adult nearest in kinship to legal mother that can be found, if legal mother is deceased, but legal father is not deceased ("adult" is someone who is 18 years of age or older)
- F) the adult nearest in kinship to legal father that can be found, if legal father is deceased, but legal mother is not deceased
- G) each adult sibling of the minor who can be found, if both parents are deceased
- H) each adult nearest in kinship to legal mother and to legal father that can be found, if both parents are deceased and no adult sibling of minor can be found ;
- I) any person nominated as guardian by the minor, if minor is 14 years or older;
- J) any appointee of a parent whose appointment has not been prevented or terminated under HRS § 560:5-203.
- K) minor's guardian or conservator currently acting for the minor in Hawai'i or elsewhere, if any.

For each person listed in #A-K, you must submit at least **one** of the following:

- 1) written proof of service;
- 2) a signed waiver of notice and consent to guardianship;
- 3) a statement of mailing attaching the Post Office receipt and completed returned receipt indicating that the person received the document by mail; or
- 4) a sworn statement that has been filed or stated on the record at the hearing, if the person listed is deceased.

If you do not have at least **one** of the documents noted above (#1-4) for **each** person listed in #A-K, if applicable, that person must be present at the hearing. If you received prior approval from the court to serve notice by publication, it should be coordinated so that the last day of the publication is at least 10 days prior to the hearing (HRS § 560:1-401(a)(3)).

You DO NOT have to serve non-legal biological parents.

At the court hearing, you must be able to prove that:

- √ the proposed guardian(s) is/are qualified (HRS § 560:5-205(b));
- √ minor resides or is present in the First Circuit (Oahu) at the time the proceeding is commenced (HRS § 560:5-108(a))
- √ the best interests of the minor are served by the appointment of the proposed guardian(s) (HRS § 560:5-204 and 206;
- √ the minor's parents consent, or all parental rights have been terminated, or the parents are unwilling or unable to exercise their parental rights (HRS § 560:5-204(b));
- √ all notices were personally served or mailed at least 14 days prior to hearing (HRS §§ 560:5-205 and 560:1-401);
- √ the minor is an unemancipated individual under 18 years of age (HRS § 560:5-102 (definition of "minor")).

If you are seeking to waive notice to a person closest in kinship, you must prove the requirements of HRS § 560:5-205(a)(3)--that all reasonable efforts were made to identify and locate the person and those efforts were unsuccessful. And, that the person has not demonstrated a reasonable degree of interest or concern in the minor child.

These requirements are mandated by HRS §§ 560:5-204 and 560:5-205. If they are not met, your case will be dismissed. You may file birth, death or marriage certificates or proof of divorce, but they are not required.

LIMITED GUARDIANSHIP

In the interest of developing self-reliance of the minor, or for other good cause shown, the Court, with exceptions, may limit the powers of the guardian. Under other circumstances, the Court may grant additional powers or withdraw powers previously granted.

APPOINTMENT OF A GUARDIAN AD LITEM

The Court may appoint a Guardian Ad Litem for the minor to assist the Court by meeting with the minor and investigating the need for a guardianship. You may have to pay for these services.

APPOINTMENT OF AN ATTORNEY FOR THE MINOR

The Court may also appoint an attorney to represent the minor, if the interests of the minor are or may be inadequately represented. You may have to pay for these services.

AFTER THE HEARING

If the Court appoints a guardian, the petitioner prepares an **Order Appointing Guardian with [] Limited [] Unlimited Authority** and submit the order to the Court for the Judge's signature within ten (10) days of the hearing unless otherwise requested. After the Order has been signed, the Court will advise you to pick up the document or they may mail it back to you if you had provided them with a stamped, self-addressed envelope. You will be responsible for filing the document in the Legal Documents Branch. The court will not file the documents for you.

ANNUAL REPORTS:

The Court may require the Guardian to submit a written report to the Court on the condition of the ward and an account of the money and other assets in the Guardian's possession or subject to the Guardian's control. The Court may require that the written report be submitted annually and address the following: (1) The current mental, physical, and social condition of the ward; (2) The living arrangements for all addresses of the ward during the reporting period; (3) The medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of the ward's care; (4) A summary of the guardian's visits with the ward and activities on the ward's behalf and the extent to which the ward has participated in decision-making; (5) If the ward is institutionalized, whether the guardian considers the current plan for care, treatment, or habilitation to be in the ward's best interest; (6) Plans for future care; and (7) A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship.

CONFIDENTIALITY

Court hearings and records are confidential.

Pro Se Petitioner's Name:
Address:

Telephone Number:

Pro Se Petitioner

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

In the Matter of the) FC-G No. (leave blank)
Guardianship)
) PETITION FOR APPOINTMENT OF A
) GUARDIAN OF A MINOR; NOTICE
) OF HEARING
)
)
) A Minor.
)

PETITION FOR APPOINTMENT OF A GUARDIAN OF A MINOR

TO THE HONORABLE PRESIDING JUDGE OF THE FAMILY COURT:

Petitioner respectfully alleges as follows:

1. This petition is for the appointment of a Guardian of (full legal name) , hereinafter referred to as "Minor," who is a minor residing or present within the jurisdiction of this Court, pursuant to HRS §§ 560:5-106 and 560:5-108(a).

2. The following information concerns the above-named
Petitioner:

Name:

Residence and Current Address, if different:

Relationship to Minor:

**If Petitioner is also the proposed Guardian, then state reason
for appointment:**

3. The following information concerns the above-named
Minor:

Name:

Age:

Address:

4. The following person is suitable to be appointed
Guardian of the Minor:

Name:

Residence and Current Address (If different):

Age:

Relationship to Minor:

The proposed Guardian should be selected because: *(state reason.)*

5. The names and addresses of the individuals required by law, HRS §§ 560:1-401 and 5-205, to be notified of these proceedings are *(note if deceased, whereabouts unknown, or "none")*

- (a) **Minor**, if minor is at least 14 years old;
- (b) **Minor's custodian during the 60 days prior to the filing of this Petition;**
- (c) **Legal Mother** (whose parental rights have not been terminated);
- (d) **Legal Father** (whose parental rights have not been terminated);
- (e) if one parent is deceased but the other parent is still living, then the adult nearest in kinship to the deceased legal parent, who can be found.
- (f) if both parents are deceased, then each adult sibling of the Minor, who can be found.
- (g) if both parents are deceased and there are no adult siblings of the Minor, then each adult

nearest in kinship to each deceased parent,
who can be found.

(h) any person nominated as guardian by a Minor
who is at least 14 years old.

(i) any person appointed as guardian by a parent,
whose appointment has not been prevented or
terminated pursuant to HRS § 560:5-203;

(j) any current guardian or conservator of the
Minor.

6. The following interested person(s) (has/have) filed
with the Family Court or Circuit Court of the First Circuit,
pursuant to HRS § 560:5-116, a request for notice before entry of
any order in a guardianship or protective proceeding relating to
the above-named Minor (*Also note relationship to subject.*)

7. Petitioner has made inquiry of all reasonable
sources as to the names and addresses of persons in paragraphs 5
through 6, where applicable, and has not been able to obtain
information other than as alleged in said paragraphs.

8. Such appointment is necessary because:

[]or A limited guardianship is requested granting the limited guardian the following powers: (state powers to be granted to the limited guardian.)

9. The Petitioner further requests the appointment of a Guardian ad Litem for the Minor, if deemed necessary by the Court, pursuant to HRS § 560:5-115.

WHEREFORE, Petitioner prays that:

1. A time and place be set for hearing on the issue of incapacity hereof, and that due notice of the foregoing matter and of the time and place of hearing on this petition be given to all required persons.

2. The Court appoint a Guardian ad Litem for the Minor, if deemed necessary by the Court, pursuant to HRS §560:5-115.

3. The Court make the following findings:

(a) that this Court has jurisdiction in this matter;

(b) that the Minor (Full Legal Name of Minor) is a minor as defined in HRS § 560:5-102;

(c) (check appropriate box) that the appointment of a []limited []unlimited guardianship is necessary in order to provide continuing care and supervision of said Minor; and

(d) that (Name of Proposed Guardian), the nominee named in paragraph 4 above, is a fit and proper person to serve as guardian.

4. (Name of Proposed Guardian) be appointed guardian of the above-named Minor, to continue in office until such guardianship is terminated by order of this Court or by operation of law.

5. The guardian of the person of the above-named Minor shall serve without bond and without compensation.

PETITIONER DECLARES UNDER PENALTY OF PERJURY THAT PETITIONER HAS READ THIS PETITION FOR GUARDIANSHIP AND KNOWS AND UNDERSTANDS THE CONTENTS HEREOF; AND THAT THE STATEMENTS MADE HEREIN ARE TRUE OF PETITIONER'S OWN KNOWLEDGE EXCEPT AS TO MATTERS HEREIN STATED UPON INFORMATION AND BELIEF. AS TO THOSE MATTERS, PETITIONER BELIEVES THEM TO BE TRUE.

DATED: Honolulu, Hawai'i _____

(signature)
Petitioner

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

In the Matter of the) FC-G No. (leave blank)
Guardianship)
)
of) NOTICE OF HEARING
)
)
(full legal name),)
)
)
A Minor.)
_____)

NOTICE OF HEARING

STATE OF HAWAI`I

TO: (List names and addresses of all parties in paragraphs
3 to 6 of the Petition.)

The petition for appointment of a guardian of the above-
named Minor will be heard in the Family Court, Kapolei Court
Complex, 3rd Floor, 4675 Kapolei Parkway, Kapolei, HI 96707-3272,
on (Month/Day), (Year),
at (Time) . m.

If you fail to appear at the hearing, or to file an
answer with the Office of the Deputy Chief Court Administrator of
the First Circuit, State of Hawai`i, located in the Kapolei Court
Complex, 1st Floor, 4675 Kapolei Parkway, Kapolei, Hawai`i,

before the date of the hearing, further action may be taken in this cause without further notice to you.

This Notice of Hearing shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the Family Court permits, in writing on the Notice of Hearing, personal delivery during those hours.

Failure to obey the Notice of Hearing may result in an entry of a default and default judgment against the person noticed.

DATED: Honolulu, Hawai`i, _____

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Clerk of the above-entitled Court

In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Court Administration office at phone number 954-8200, FAX # 954-8308 or TTY 539-4853, at least ten (10) working days prior to your hearing.

Instructions:

Submit a separate Statement of Mailing for each party served by mail.

(ATTACH POST OFFICE RECEIPT)

(ATTACH RETURN RECEIPT)

EXHIBIT 1

EXHIBIT 2

Pro Se Petitioner's Name:
Address:

Telephone Number:

Pro Se Petitioner

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

In the Matter of the)	FC-G No. <u>(case number)</u>
Guardianship)	
)	ORDER APPOINTING GUARDIAN
of)	WITH []LIMITED []UNLIMITED
)	AUTHORITY; EXHIBIT A
)	
<u>(full legal name),</u>)	HEARING DATE:
)	JUDGE:
A Minor.)	
<u>_____</u>)	

ORDER APPOINTING GUARDIAN WITH
[]LIMITED []UNLIMITED AUTHORITY

This matter came on for hearing on the above-mentioned date before the Honorable (Full Name of Judge), Judge of the Family Court of the First Circuit.

Following that hearing and after full consideration of all of the evidence, the Court found that:

1. This Court has jurisdiction and is the proper venue in this matter;

2. The material allegations of the petition for appointment of a guardian of the minor are true;

3. (Minor's name) is a minor as defined in HRS § 560:5-102;

4. The appointment of a guardian for the minor is in the Minor's best interest, and;

A. The Minor's legal mother legal father consented to the guardianship.

B. The parental rights of the legal mother legal father has/have been terminated or have been divested pursuant to HRS Chapter 587.

C. The Minor's legal mother legal father is/are unwilling or unable to exercise their parental rights.

5. (Name of the Proposed Guardian) is a qualified person to serve as Guardian.

6. The necessary persons have been properly served.

7. The Guardian shall have unlimited authority because:

or

[] The Guardian shall have limited authority.

NOW, THEREFOR,

IT IS HEREBY ORDERED that (Name of Proposed Guardian)
be and is hereby appointed Guardian of (Name of Minor) , to make
decisions regarding the Minor's support, care, education, health
and welfare, subject to the provisions in HRS §§ 560:5-207,
560:5-208, and 560:5-209. At all times, the Guardian shall act
in the Minor's best interests and exercise reasonable care,
diligence and prudence.

IT IS HEREBY ORDERED that the Guardian shall have the
following duties:

- 1) to become and remain personally acquainted with
the Minor and maintain sufficient contact with the
Minor to know his/her capacities, limitations,
needs, opportunities, and physical and mental
health;
- 2) take reasonable care of the Minor's personal
effects and bring protective proceedings if
necessary to protect the Minor's property;
- 3) expend any of the Minor's monies, received by the
Guardian, for the Minor's current needs for
support, care, education, health and welfare;

- 4) conserve any excess money of the Minor for the Minor's future needs; provided that if a conservator has been appointed for the Minor's estate, the Guardian shall pay the money to the conservator, at least quarterly, to be conserved for the Minor's future needs;
- 5) report the condition of the Minor and account for money and other assets in the Guardian's possession or subject to the Guardian's control, as ordered by the court on application of any interested person or as required by court rule; and
- 6) inform the court of any change in the Minor's current residence or address;

IT IS HEREBY ORDERED THAT THE GUARDIAN SHALL HAVE:

limited authority as provided below:

unlimited authority

to make these decisions including but not limited to the authority to:

- 1) apply for and receive money for the Minor's support otherwise payable to the Minor's parent, Guardian or custodian under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;
- 2) if consistent with any court orders relating to custody, take custody of the Minor and establish that Minor's residence, provided that prior court approval is needed if the Minor is to live or be moved to a location outside of Hawai'i;
- 3) if there is no conservator, then the Guardian may initiate an action to compel a person to support the Minor or pay money for the Minor's benefit;
- 4) consent to medical or other care, treatment or service for the Minor;
- 5) consent to the marriage of the Minor; and
- 6) if reasonable under all of the circumstances, delegate to the Minor certain responsibilities for decisions affecting the Minor's well being.

IT IS HEREBY FURTHER ORDERED that the Guardian shall serve without bond, and with prior court approval, is entitled to reasonable compensation from the Minor's estate for services as Guardian and to reimbursement for room, board, and clothing

provided by the Guardian to the Minor. See Exhibit A

IT IS HEREBY FURTHER ORDERED that the Guardian shall be discharged upon the Minor's death, adoption, emancipation or attainment of the age of majority, or as ordered by the court, but termination does not affect the liability of the Guardian for prior acts, nor the Guardian's obligation to account for funds and assets of the Minor.

DATED: Honolulu, Hawaii _____

Judge of the above-entitled Court

§560:5-207 Duties of guardian. (a) Except as otherwise limited by the court, a guardian of a minor ward has the duties and responsibilities of a parent regarding the ward's support, care, education, health, and welfare. A guardian shall act at all times in the ward's best interest and exercise reasonable care, diligence, and prudence.

(b) A guardian shall:

- (1) Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities, and physical and mental health;
- (2) Take reasonable care of the ward's personal effects and bring a protective proceeding if necessary to protect other property of the ward;
- (3) Expend money of the ward that has been received by the guardian, for the ward's current needs for support, care, education, health, and welfare;
- (4) Conserve any excess money of the ward for the ward's future needs; provided that if a conservator has been appointed for the estate of the ward, the guardian shall pay the money at least quarterly to the conservator to be conserved for the ward's future needs;
- (5) Report the condition of the ward and account for money and other assets in the guardian's possession or subject to the guardian's control, as ordered by the court on application of any person interested in the ward's welfare or as required by the court rule; and
- (6) Inform the court of any change in the ward's custodial dwelling or address.

§560:5-208 Powers of guardian. (a) Except as otherwise limited by the court, a guardian of a minor ward has the powers of a parent regarding the ward's support, care, education, health, and welfare.

(b) A guardian may:

- (1) Apply for and receive money for the support of the ward otherwise payable to the ward's parent, guardian, or custodian under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;
- (2) If otherwise consistent with the terms of any order by a court of a competent jurisdiction relating to custody of the ward, take custody of the ward and establish the ward's place of custodial dwelling provided that a guardian may only establish or move the ward's custodial dwelling outside the State upon express authorization of the court;

EXHIBIT A

§560:5-208 Powers of guardian con't

- (3) If a conservator for the estate of a ward has not been appointed with existing authority, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the ward or to pay money for the benefit of the ward;
- (4) Consent to medical or other care, treatment, or service for the ward;
- (5) Consent to the marriage of the ward; and
- (6) If reasonable under all of the circumstances, delegate to the ward certain responsibilities for decisions affecting the ward's well-being.

(c) The court may specifically authorize the guardian to consent to the adoption of the ward.

§560:5-209 Rights and immunities of guardian; limitations. (a) A guardian shall be entitled to such reasonable compensation from the ward's estate for services as guardian and to reimbursement for room, board, and clothing provided to the ward, as is approved by order of the court.

- (b) A guardian is not:
- (1) Legally obligated to use the guardian's personal funds for the ward's expenses;
 - (2) Unless otherwise provided in the contract, individually liable on a contract properly entered into in the guardian's representative capacity in the exercise of the duties and powers as guardian unless the guardian fails to reveal the guardian's capacity and the identity of the ward in the contract;
 - (3) Personally liable to a third person for acts of the ward solely by reason of the relationship; and
 - (4) Personally liable for injury to the ward resulting from the negligence or act of a third party providing medical or other care, treatment, or service to the ward except to the extent that a parent would be liable under the circumstances.