STATE OF NEW HAMPSHIRE

PROBATE COURT

ADMINISTRATIVE ORDER 16

Criteria for Professional Guardian

Pursuant to RSA 464-A, the Probate Court Administrative Judge shall certify professional guardians who shall then be eligible for appointment as a guardian of the person, guardian of the estate or guardian of the person and estate of an incapacitated adult or a minor if requested by a petitioner.

A person seeking appointment as a professional guardian of an incapacitated adult shall submit an application to the Administrative Judge. Application forms are available from the Probate Court Administrative Office.

The requirements for certification as a professional guardian are:

1. Be a national certified guardian or national master guardian with the Center for Guardianship Certification (CGC) and maintain this registration as required by CGC or its successor organization.

2. Be a resident of the state of New Hampshire or have a resident agent.

3. Adhere to the *Standards of Practice* published by the National Guardianship Association (NGA) or its successor organization.
4. Adhere to the *Model Code of Ethics* published by the NGA.
5. Provide a bond that is acceptable to the probate court.
6. Carry malpractice insurance and provide proof of insurance on an annual basis to the administrative judge of the probate court.
7. Comply with all requirements of applicable statutes, regulations, and court rules and orders.
8. Disclose to the court any actual or potential conflicts of interest upon discovery of any such conflict.
9. Recognize the responsibility to provide necessary and appropriate quality guardianship services as dictated by the ward's needs.

10. Certify that he or she will maintain generally accepted standards of accounting, i.e. trust accounting, on all funds of all wards in their custody or under their control and further agree that the court or its designee may audit all accounts at any time.
11. Submit proposed fees and fee agreements for review and approval by the court. Fees and expenses charged, whether taken or not, must be reasonable, related only to guardianship duties, and are subject to review and approval by the court. If fees or expenses are disallowed, the guardian shall reimburse the ward's estate.
12. Adhere to the following billing and annual report requirements
    a. Provide billing records for time and expenses with the guardian's annual account to the court on forms approved by the court.
    b. The annual report and/or annual account shall include a report of cumulative fees paid to the guardian since the initial appointment as guardian, other than fees received from governmental sources.
    c. The annual report and/or annual account shall also include a report of fees received from all sources for guardianship services rendered, other than fees received from governmental sources.
13. Submit to a criminal background, and an abuse and neglect registry check annually or as requested by the administrative judge of the probate court. If arrested or convicted for any felony or misdemeanor during the term of guardianship, disclose this information promptly to the administrative judge of the probate court.
14. Consult with a national certified guardian or national master guardian who has been approved by the Probate Court Administrative Judge for at least the first two cases involving guardianship of the person and at least the first case involving guardianship of the estate.
15. Be approved by the Probate Court Administrative Judge.
16. Be subject to removal from the list of approved guardians for non-compliance with any of the criteria for professional guardians or for good cause as determined by the Probate Court Administrative Judge.

David D. King
Administrative Judge of Probate Court

History
Effective: August 28, 2009