Administrative Office of the Courts

FOR IMMEDIATE RELEASE

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COMMENT SOUGHT ON PROPOSED FORMS AND RULE FOR GUARDIANSHIP AND CONSERVATORSHIP CASES

SANTA FE – The New Mexico Supreme Court is accepting comment on proposed new forms and a rule to assist courts in overseeing guardians and conservators appointed for people who are incapacitated.

Several of the proposed forms, if adopted by the Court, will require additional information in reports that conservators and guardians must submit to district courts about a protected person's finances as well as the individual's physical and mental health. Other forms are for new bonding requirements imposed on conservators under recent amendments to the Uniform Probate Code to help safeguard a protected person's assets against financial mismanagement or fraud. The proposed rule would make use of the forms mandatory.

Changes in court procedural rules and forms are necessary to comply with and implement a new law that takes effect July 1.

The new rule and forms were recommended by the Ad Hoc Guardianship and Conservatorship Rules and Forms Committee, which was appointed by the Court to help carry out legislation (Senate Bill 19) approved by lawmakers earlier this year to improve the guardianship system.

Other provisions of the new law will open court hearings that are now closed and expand access to court records for family members and others who are entitled to notice of guardianship proceedings under the new statutory requirements. Proposed amendments to court rules and forms to carry out those provisions have previously been published for comment.

Court-appointed guardians make personal and health care decisions for individuals who are incapacitated. Conservators are appointed by a court to manage the financial and possibly the property affairs of an incapacitated person, including those who may have dementia, traumatic brain injuries, a developmental disability or mental illness.

The committee will review any comments received before submitting its final recommendations to the Supreme Court for consideration. Changes to procedural rules and forms must be approved by the Court before taking effect.

Comments can be submitted online https://supremecourt.nmcourts.gov/open-for-comment.aspx or in writing by mail, email or fax to:

Joey D. Moya, Clerk
New Mexico Supreme Court
P.O. Box 848
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nmsupremecourtclerk@nmcourts.gov
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Comments must be received by the Clerk by May 21, 2018 to be considered by the Court.

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