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Dear Guardian / Conservator,

Enclosed for your convenience is a copy of the **West Virginia Guardian and Conservator Training Manual**. Reading of this manual satisfies your mandated requirement for education upon being appointed Guardian and/or Conservator. Upon completion of reading this manual please detach the **Affidavit Certifying Completion of Mandated Education** on the last page of the manual, complete and deliver to our office. This education requirement must be completed within 30 days of the courts determination that there is a protected person. Generally this finding is made at the scheduled hearing.

Though it is not a requirement prior to your hearing date we have found many guardians and conservators prefer to have the education requirement completed ahead of time which is why we are including the manual for your convenience.

If you prefer to review the manual in a web based format you may visit the following website :

<http://www.courtswv.gov/public-resources/guardian-conservator/tableOfContents.html>

The Circuit Clerk's Office is **not** permitted to answer legal questions about the fulfillment of duties as a guardian/conservator. We are happy to help you with any questions you may have about the filing of documents in your case file.

Thank you,

Leta Gullette-Comer, Clerk

**WEST VIRGINIA**  
**GUARDIAN AND CONSERVATOR**  
**TRAINING MANUAL**

**For**

**Court-Appointed Guardians and Conservators**  
**under W. Va. Code §§ 44A-1-1, et. seq.**



This training manual was prepared by the:

**West Virginia Supreme Court of Appeals  
Administrative Office  
Division of Mental Hygiene and Treatment Court Services**

*The West Virginia Supreme Court of Appeals is required by law, W.Va . Code § 44A-1-10(c), to coordinate the education program for guardians and conservators under the West Virginia Guardianship and Conservatorship Act. This training manual is part of that education program.*

*In addition, the West Virginia Supreme Court provides an online education program by link from its public website at <http://www.state.wv.us/wvsca>.*

This training manual may be copied and distributed.

June 2010

## PREFACE

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The *West Virginia Guardian and Conservator Training Manual* is designed to provide education to an individual who is undertaking the responsibilities of being appointed by the court to serve as a guardian or conservator, or both. The information contained in the *Training Manual* is presented as general educational information to help guardians and conservators in their new responsibilities, but is not and should not be considered legal advice. To resolve specific issues or problems, a guardian or conservator should seek advice from an attorney. This training manual cannot be cited or relied upon in actual legal proceedings. You are cautioned to always check the most current applicable statutes, rules and case law for use in actual legal proceedings.

We invite you to share the *West Virginia Guardian and Conservator Training Manual* with others and to make copies as needed for educational purposes.

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## CHAPTER 1

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### SO YOU'VE BEEN SELECTED FOR APPOINTMENT... WHAT NEXT?



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#### FILING AFFIDAVIT OF MANDATORY EDUCATION

Unless the court has entered an Order indicating that you do not have to complete mandatory education because you have already completed the same within the last 3 years, you are required to complete educational training within 30 days of the date the court determines that there is a protected person.

If you are unable to access the online tutorial by link from the West Virginia Supreme Court public Web site at <http://www.state.wv.us/wvscg>, then you may read and study this Training Manual to fulfill the education requirement. After completion of this training, you will need to file an affidavit with the court, certifying that you have completed the required mandatory education.

To obtain a copy of the affidavit, see your local clerk of the circuit court for the proper form. This form is also available on the Court website. The affidavit must be notarized before filing.

#### POSTING BOND

If you are a guardian, you should check the court Order of Appointment to determine whether you are required to post a bond. Not all guardians are required to post a bond; it depends upon the circumstances of the case on whether the judge will order a bond posted. NO bond is required of the Department of Health and Human Resources.

If you are a conservator, you are required to post a bond unless you are excused by court order as a:

- Banking Institution
- Nonbanking subsidiary of a bank holding company
- Nonbanking subsidiary of a bank or entity jointly owned by federally insured depository institutions

No bond is required of a sheriff appointed as conservator.

Outside of these listed exceptions, ALL conservators are required by law to post a bond. The type and amount of bond you must post will be indicated in your court Order. Read it carefully.

If you are required to post a bond, proof of bonding must be submitted to the court within 30 days of entry of the Order regarding the bond. If you cannot obtain a bond in the type or



amount ordered, you must go back to court to ask the court to change or reduce the required bond. **YOUR APPOINTMENT WILL NOT BE MADE OR BECOME EFFECTIVE IF YOU DO NOT POST THE REQUIRED BOND.**

### **TAKING THE OATH OF OFFICE**

Your appointment as a guardian or conservator will only become effective after you have subscribed to and filed an oath promising to faithfully perform the duties of the office in accordance with the law. You should go to the office of the Clerk of the Circuit Court to be administered your oath of office.

### **REQUIRED NOTIFICATIONS YOU MUST MAKE AFTER APPOINTMENT**

Within 14 days of the date the Order of Appointment is entered, you must mail a copy of the Order of Appointment, together with the statement of the right to appeal for modification or termination (which is attached to the Order) to the protected person and all individuals and entities that received notice of the original petition.

### **REIMBURSEMENT OF FILING FEES**

Fees actually paid in the guardianship and/or conservatorship court case for filing the petition (currently \$110) and other papers, for service of process, and for copies of court documents and transcripts must be reimbursed by law to the person filing the petition from the protected person's estate if funds are available and if a guardian or conservator is appointed in the case.

### **PAYING THE PROTECTED PERSON'S APPOINTED COUNSEL**



Unless the court finds the protected person's estate devoid of funds, a reasonable rate of compensation is required to be paid from the estate to counsel appointed for the protected person.

The conservator will be presented a bill for payment from the protected person's counsel. Counsel is required to inform the court of his or her hourly rate at the outset of the case and seek approval of his or her fee from the court.

### **SET UP A FILE**

Get organized and set up a file in which you keep copies of all matters concerning the protected person and your guardianship and/or conservatorship. Start by having on file all Orders, authorizations and directions of the Circuit Court regarding the protected person. Read the Orders, authorizations and directions thoroughly and do not exceed the authority granted by them.



Add a copy to the file of any item concerning the protected person or your guardianship and/or conservatorship as they occur. Getting organized now will aid both the protected person and you should any claims be made against either of you in the future. Later, be sure to add copies of all reports and accountings you must file.

## **CHAPTER 1 SELF TEST**

1. **After completing this education training, what must you file with the circuit clerk?**
  - A. An affidavit signed before a notary that you have completed the mandatory education
  - B. A letter to the court that you have completed the mandatory education
  - C. A copy of your answers to the Chapter questions of this training
  
2. **If you are unable to obtain the type or amount of bond the court ordered you to obtain, what must you do?**
  - A. Forget about the bond
  - B. Get whatever bond you can closest to the type or amount ordered
  - C. Take the bond issue back to the court to ask for a change in the bond
  
3. **Where must you go to take your oath of office?**
  - A. The office of the circuit clerk
  - B. To a notary public
  - C. To the Sheriff
  
4. **How many days do you have to mail a copy of your Order of Appointment and Statement of the right to appeal to the protected person and all individuals and entities that received notice of the original petition?**
  - A. 30
  - B. 15
  - C. 14
  
5. **Can the person who filed the original petition to appoint a guardian or conservator be reimbursed from the protected person's estate for the cost of filing?**
  - A. Yes, if the person has kept a receipt
  - B. Yes, if funds are available to pay the costs in the protected person's estate
  - C. No, the cost of filing is not reimbursable
  
6. **What expenses in addition to filing fees can be reimbursed to the person filing the petition?**
  - A. None, no other expenses are reimbursable
  - B. Filing fees for other papers, service of process costs, and cost of copies of court documents and transcripts
  - C. Any expenses for which receipts have been kept

- 7. The attorney appointed to represent the protected person in the court action to appoint a guardian or conservator is required to be paid from the protected person's estate unless the court makes what finding?**
- A. The estate would have to sell personal property to pay the fee
  - B. The estate is devoid of funds
  - C. There is no exception; the estate must always pay the fee
- 8. Who must approve the amount of the fee charged by the protected person's attorney before it can be paid?**
- A. The conservator
  - B. The guardian if no conservator was appointed
  - C. The court
- 9. When is the attorney representing the protected person required to inform the court of his or her hourly rate?**
- A. At the onset of the guardianship or conservatorship case
  - B. At the end of the guardianship or conservatorship case
  - C. Never, it is to be agreed upon between the protected person and the attorney
- 10. It is highly recommended that you do the following when starting your duties as a guardian or conservator:**
- A. Get organized by creating and keeping up to date a file in which to keep copies of all matters concerning the protected person and your guardianship or conservatorship
  - B. Keep records in a number of places and disorganized so that later claims that you are unable to fulfill the appointment duties can be substantiated and you can be removed from the position as you will not be able to find needed documentation
  - C. All of the above answers

See pages 48–49 in Chapter 7 of this manual for the answers.

## CHAPTER 2



### GENERAL INFORMATION CONCERNING GUARDIANSHIP AND CONSERVATORSHIP

#### PROTECTED PERSON

The protected person is the person for whom a guardian or conservator is appointed. A protected person may also be a *missing person*.



A protected person is an adult, 18 or older, who has been found by a court, because of mental impairment, to be unable to receive and evaluate information effectively or to respond to people, events, and environments to such an extent that the individual lacks the capacity to:

- Meet the essential requirements for his or her health, care, safety, habilitation, or therapeutic needs without the assistance or protection of a guardian; or
- Manage property or financial affairs or to provide for his or her support or for the support of legal dependents without the assistance or protection of a conservator

#### GUARDIAN

A guardian is a person appointed by the court who is responsible for the personal affairs of a protected person. Guardian responsibilities include:

- Deciding where the protected person will live
- Providing meals, clothing and activities
- Providing daily care
- Arranging transportation
- Making health care decisions



In addition, the guardian has legal duties that must be fulfilled. This will be explained in more detail in Chapter 4.

#### Limited Guardian

A person may be appointed as a *limited guardian* and have only those responsibilities for the personal affairs that are specified in the Order of Appointment. This occurs when the court determines that a protected person needs a guardian for specified purposes, but is also capable of addressing some of the essential requirements for his or her health, care or safety. A limited guardian may also be appointed as a substitute decision-maker in certain circumstances.

## Temporary Guardian

Sometimes the court will appoint a *temporary guardian* if it finds that an immediate need exists. A temporary guardian has only those powers and duties specifically set forth in the Order of Appointment, and the appointment lasts only a limited time. The appointment of a temporary guardian will expire within 6 months unless it is terminated or extended for up to 6 months by the court or mental hygiene commissioner for good cause shown, following a hearing.

## CONSERVATOR



A conservator is a person appointed by the court who is responsible for managing the estate and financial affairs of a protected person. The "estate" includes anything that can be owned, such as real estate, personal property, stocks, bonds or other interests in property.

Conservator responsibilities include:

- Controlling the protected person's assets
- Paying bills
- Managing property

A person may be appointed as a *full, limited or temporary conservator*.

In addition, the conservator has legal duties that must be fulfilled. This will be explained in more detail in Chapter 5.

## CO-GUARDIANS AND CO-CONSERVATORS

If the court determined that it was in the best interests of the protected person, you and another may have been appointed to share the responsibilities and duties of appointment together.

Each co-guardian and co-conservator is responsible for fulfilling the responsibilities and legal duties placed upon a guardian or conservator. The fact that one co-guardian or co-conservator may not be fulfilling his or her duties and responsibilities does NOT relieve the other for also not acting as required by law.



## COMPENSATION



Any guardian or conservator is entitled to reasonable compensation as allowed by the court from the estate, including reimbursement of costs advanced. The frequency and amount of all compensation must be approved by the court.

You cannot pay yourself for your work as a guardian or conservator from the protected person's estate (checking account, etc.) unless you have a court order allowing you to do so.

## **ADVANCE DIRECTIVES**

If you believe an advance directive such as a living will, medical power of attorney or durable power of attorney was executed by the protected person when not competent, then you should consult an attorney about what legal action may be taken to dispute or invalidate the advance directive. You cannot revoke or amend a protected person's durable power of attorney without court approval.

## **REPORTS AND ACCOUNTINGS**



The reports of guardians and inventory and accountings of conservators that you are required to file are required by law to be examined semi-annually by a fiduciary commissioner or other person appointed by the court. These will be discussed in more detail in Chapters 4 and 5.

## **WHAT LAW GOVERNS THE PROCEDURE FOR APPOINTMENT OF A GUARDIAN OR CONSERVATOR OF AN ADULT?**

These procedures are found in § 44A-1-1 to § 44A-4-7 of the West Virginia Code. This is the court procedure you went through to be appointed.

## **CHAPTER 2 SELF TEST**

1. Which are guardian responsibilities?
  - A. Providing or arranging for daily care for the protected person
  - B. Making health care decisions for the protected person not already made by a valid advance directive
  - C. All of the above
  
2. Where does one look to determine the responsibilities of a limited guardian?
  - A. It depends upon what the protected person tells the limited guardian
  - B. One needs to consult with family, friends, or care givers of the protected person
  - C. One must look to the court order of appointment which specifies the responsibilities of the limited guardian
  
3. When does a temporary guardian's appointment expire?
  - A. Within 6 months of the appointment unless extended by court order; one must check the court order
  - B. It does not expire
  - C. It expires when the case goes back to court
  
4. What is included in the estate of a protected person?
  - A. Anything that can be owned
  - B. Real estate, personal property, stocks, bonds, and other interests in property
  - C. All of the above
  
5. Which are conservator responsibilities?
  - A. Paying bills of and for the protected person
  - B. Managing property and controlling assets of the protected person
  - C. All of the above
  
6. If one co-guardian or co-conservator does not do his or her duties as required by law, what must the other co-guardian or co-conservator do?
  - A. Wait until the other co-guardian or co-conservator wants to act
  - B. Act to fulfill the duties and responsibilities as a guardian or conservator as required by law even if the other co-guardian or co-conservator does nothing
  - C. Argue with the co-guardian or co-conservator until you get them to act

- 7. How does a guardian or conservator get paid for their work?**
- A. You ask the court to approve the frequency and amount of compensation that you want to be paid for your work
  - B. You simply have the guardian pay you for your work
  - C. You must have a written agreement with the guardians to be paid for your work
- 8. If you believe a protected person's durable power of attorney needs changed, how do you do this?**
- A. You simply have the protected person execute a new power of attorney
  - B. You tear up the old one and substitute a new one with your signature
  - C. You must take the request to have the power of attorney changed back to the court for approval
- 9. How often will the guardian reports or conservator accountings that you file be examined?**
- A. Semi-annually
  - B. Never
  - C. Once every 2 years
- 10. Where can you find additional information and state law on guardianship and conservatorship law?**
- A. You can read the law on adult guardianship and conservatorship in Chapter 44A of the West Virginia Code
  - B. You can go to a state law library and seek out assistance in looking up Chapter 44A of the West Virginia Code
  - C. Both of the above

See pages 49–50 in Chapter 7 of this manual for the answers.



## CHAPTER 3

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### WHAT I MUST NOT DO AS A GUARDIAN OR CONSERVATOR

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#### EMPLOYMENT OR AFFILIATION LIMITATIONS

A guardian or conservator is not permitted by law to be employed by or affiliated with any public agency, entity or facility that is providing substantial services or financial assistance to the protected person. For example, this means that you could not take a job as an employee of the elderly care home in which the protected person lives.

#### DO BUSINESS WITH OR PROFIT

No guardian or conservator nor any officer, agent, director, servant or employee of any guardian or conservator may do business with or in any way profit, either directly or indirectly, from the estate or income of any protected person.



The only exception to this is reasonable compensation as allowed by the court from the estate, including reimbursement for costs advanced by the guardian or conservator. See the section under "Compensation" in this manual, located in Chapter 2, for more information on allowed compensation.

#### MAKE LOANS TO SELF

The law strictly prohibits a conservator from making loans from the accounts of the protected person to a conservator or his or her spouse.

#### USE FUNDS FOR DEFENSE OF WRONGDOING

No guardian or conservator may use funds out of the estate in defense of an allegation of wrongdoing made on behalf of the protected person against the guardian or conservator. If you are accused of doing something wrong as a guardian or conservator, you cannot use the protected person's money or property to pay for your defense.



## **BE A CREDITOR**

A person who has an interest as a creditor of a protected person is not eligible for appointment as either a guardian or conservator. There are some limited exceptions in the law for banks and trust companies acting as conservators. Therefore, you may not loan money to the protected person. There is no prohibition, however, for giving gifts to the protected person.

## **FAIL TO FILE CONSERVATOR ACCOUNTINGS AND GUARDIAN REPORTS**

It is a criminal violation to knowingly fail to file conservator accountings and guardian reports. You can be fined between \$100 to \$500 per violation.

## **EMBEZZLED OR CONCEALED FUNDS**

As a guardian or conservator, you may be held personally liable for a breach of your fiduciary duty to the protected person and required to pay restitution for any embezzled or concealed funds. Embezzlement or concealment of funds may also result in criminal charges against you.

## **MISAPPROPRIATION OR MISUSE OF FUNDS OR ASSETS**

As a guardian or conservator, you have assumed various legal responsibilities for the protected person. If the protected person is unable to carry on the daily activities of life necessary to sustaining life and reasonable health because the protected person is of advanced age, physical, mental or other infirmity, he or she will be considered an "incapacitated adult" and you will be considered a "caregiver" for purposes of criminal action should you misappropriate or misuse the protected person's funds or assets. Significant criminal penalties attach for a caregiver's misappropriation or misuse of an incapacitated adult's funds or assets including:

- For intentional misappropriation or misuse of \$1000 or more in value, imprisonment in a state correctional facility for one to up to 10 years plus fines up to \$5000 will be imposed. If the value is less than \$1000, the fine is up to \$1000 plus up to one year in jail.
- If intentional intimidation, infliction or bodily injury or threats of bodily injury are used to willfully misappropriate or misuse funds or assets, imprisonment of not less than 3 years and not more than 15 years, plus fines will be imposed.

## **ELDER NEGLECT**

You must not neglect, nor allow others to neglect the protected person.

As a guardian, you have assumed the legal responsibility for the protected person. If the protected person is unable to carry on the daily activities of life necessary to sustaining life and reasonable health because the protected person is of advanced age, physical, mental or other infirmity, he or she will be considered an "incapacitated adult" and you will be considered a "caregiver" for purposes of criminal action should you neglect or allow others to neglect the protected person. Significant criminal penalties attach for a caregiver's neglect of an incapacitated adult including:

- For intentional and malicious neglect that causes substantial physical pain, illness or any impairment of physical condition, imprisonment in a state correctional facility for not less than 2 and up to 10 years as well as fines will be imposed. If serious bodily injury is caused, the penalty raises to not less than 3 years and up to 15 years imprisonment in a state correctional facility plus fines. If death occurs, the penalty raises to not less than 5 years and up to 15 years imprisonment plus fines. This criminal penalty can be imposed against you if you knowingly permit another person to intentionally and maliciously neglect the person and it results in death of the person.
- Even if the neglect is not intentional or malicious, but unreasonable failure to provide care necessary to assure the person's physical safety or health, jail time up to one year plus fines will be imposed. This criminal penalty can also be imposed against you if you knowingly permit another person to neglect the incapacitated adult.

### **ELDER ABUSE**

Be on notice that parties, attorneys and mental hygiene commissioners are required by law to report alleged elder abuse violations to the Department of Health and county prosecutors for further investigation and action. Elder abuse can result in arrest and criminal conviction.



You must not abuse, nor allow others to abuse the protected person.

As a guardian, you have assumed the legal responsibility for the protected person. If the protected person is unable to carry on the daily activities of life necessary to sustaining life and reasonable health because the protected person is of advanced age, physical, mental or other infirmity, he or she will be considered an "incapacitated adult" and you will be considered a "caregiver" for purposes of criminal action should you abuse or allow others to abuse the protected person. Significant criminal penalties attach for a caregiver's abuse of an incapacitated adult including:

- For intentional and malicious abuse that causes substantial physical pain, illness or any impairment of physical condition, imprisonment in a state correctional facility for not less than 2 and up to 10 years as well as fines will be imposed. If serious bodily injury is caused, the penalty raises to not less than 3 years and up to 15 years imprisonment in a state correctional facility plus fines. If death occurs, the penalty raises to not less than 5 years and up to 40 years imprisonment. This criminal penalty can be imposed against you if you knowingly permit another person to intentionally and maliciously abuse the person and it results in death of the person.
- Even if the abuse is not intentional or malicious, jail time not less than 90 days and up to one year plus fines will be imposed. This criminal penalty can also be imposed against you if you knowingly permit another person to abuse the incapacitated adult.

### **CHAPTER 3 SELF TEST**

1. **True or false: A guardian or conservator can be employed by the elderly care home in which the protected person lives.**
2. **True or false: You are accused of not caring properly for the protected person and an interested party brings an action in court to remove you and appoint another. You can use funds belonging to the protected person to defend yourself in court.**
3. **True or false: You are in need of cash and want to borrow money from the protected person just until your next pay. You can do the same since it is a small amount and for a short period of time.**
4. **True or false: The protected person has little money. You are willing to loan the protected person a sum of money needed at an interest rate below what the local bank would charge. You can make this loan to the protected person.**
5. **True or false: The protected person has little money. You are willing to loan the protected person a sum of money, interest free, in order to pay bills that may result in loss of property if not paid, until the protected person can pay you back. You can do the same without violating the law.**
6. **True or false: The protected person has little money. You are willing to gift the protected person the sum of money needed. You can make this gift to the protected person.**
7. **True or false: The protected person has little money. There is not enough money to pay for the bills of the protected person. As the conservator or guardian you must pay the bills of the protected person from your own funds.**
8. **True or false: December 31 is a few days away. You have not filed your guardian report or conservator accounting for this year. You don't feel you will have time to do so before January of the next year. You can wait on completing and filing the same past the December 31 deadline.**
9. **True or false: Criminal charges are brought against you for embezzling the protected person's money. You can sell property of the protected person to hire an attorney in the criminal case.**

**10. True or false: You will be reported for investigation of elder abuse by parties, attorneys and mental hygiene commissioners if there are any factual circumstances or evidence which support such allegations.**

See pages 50–52 in Chapter 7 of this manual for the answers.

## CHAPTER 4

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### DUTIES OF A GUARDIAN

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#### DUTIES OF A GUARDIAN



Decision-making is the grave and fundamental responsibility of a guardian. Your obligation to the protected person is to exercise care and diligence when making decisions on his or her behalf.

Decisions should be made in a manner that enables the protected person to maximize independence and self-reliance. You will face challenges and responsibilities in caring for a protected person, but your role as a guardian can be enhanced by a thorough understanding of your duties.



#### CARING FOR THE PROTECTED PERSON



As a guardian, you are responsible for making decisions and providing for the protected person's care and well-being. You must decide where and how the person will reside, and make sure that he or she obtains the necessary health care and healing treatment.

#### CONTACT WITH THE PROTECTED PERSON

You must maintain sufficient contact with the protected person to know of his or her capabilities, limitations, needs and opportunities. The contact cannot be any less than one visit every 6 months, and in most circumstances, these visits should be more frequent.

#### CONSIDER THE PROTECTED PERSON IN DECISIONS

While exercising your duties to the protected person, you must adhere to the following important considerations:

- Exercise your authority only to the extent necessary because of the protected person's limitations
- Whenever feasible, encourage the protected person to:
  - Participate in decision-making
  - Act on his or her own behalf
  - Develop or regain the capacity to manage his or her personal affairs
- Consider the express desires and personal values of the protected person when you make decisions on his or her behalf

- Act in the protected person's best interest and exercise reasonable care, diligence and prudence

#### **WHAT ACTIONS REQUIRE PRIOR COURT APPROVAL?**

It is also important to note that you must obtain prior court authorization for certain actions related to the protected person, such as:

- A change in the protected person's residence to another state
- Termination of his or her parental rights
- Change in marital status
- Deviation from the protected person's living will or medical power of attorney or durable power of attorney

#### **LIABILITY / FIDUCIARY DUTY**

You cannot be held liable for acts of the protected person unless you are found to be personally negligent. However, you do have a duty to the protected person and may be held personally liable for a breach of that duty.

*Fiduciary duty:* because you are serving as a guardian, your actions must merit trust and confidence. Therefore, you must avoid conflicts of interest and demonstrate a high degree of loyalty to the protected person's best interests.

#### **REPORTING REQUIREMENTS**

All guardians are required to file periodic reports with the circuit clerk of the county in which the appointment is made, as well as with a fiduciary commissioner or other person to whom the court has referred review of the guardian reports.

You must file your first guardian report within 6 months of your appointment. Your reports will be viewed at least semi-annually by the fiduciary commissioner or other person to whom the court refers the reports, or by a mental hygiene commissioner. If there are any questions or discrepancies, you may be called back to court to explain or provide documentation.

#### **Yearly Reporting**

After the first filed report within 6 months of your appointment, you must file a guardian report by December 31st of each year thereafter. Additional reports may also be required by the court, and are required should you resign, be removed from the office or if the guardianship is terminated.



## **What Do I Report?**

Your guardian's reports must include the following:

- A description of the current mental, physical and social condition of the protected person
- A description of the protected person's living arrangements during the period covered by the report
- The medical, educational, vocational and other professional services provided to the protected person, and your opinion as to the adequacy of the care provided to the protected person
- A summary of your visits with the protected person and your activities on his or her behalf
- A statement of whether you agree with the current treatment or habilitation plan
- Your recommendation as to the need for continued guardianship and any changes you may recommend in the scope of the guardianship.
- Any other information that you consider to be useful or that is requested by the court
- The compensation you requested and the reasonable and necessary expenses you incurred
- Your verification and signature stating that all of the information contained in the report is true and correct to the best of your knowledge

You should keep careful records of your activities as a guardian, including the time you spend with the protected person and any receipts for expenses.

You can find a copy of the guardian report you must use, complete and file at <http://www.state.wv.us/wvsca>, the public Web site of the West Virginia Supreme Court of Appeals, or you can obtain a copy from the clerk of the circuit court.



## CHAPTER 4 SELF TEST

1. **True or false: As a appointed guardian you can "just make the decisions" for the protected person.**
2. **What is the minimum number of visits you must make with the protected person every 6 months?**
  - A. Two
  - B. One
  - C. Six
3. **True or false: The minimum number of visits allowed by law every 6 months may not be enough to fulfill your guardian duties.**
4. **The protected person wants you to listen to him or her about what he or she eats, where he or she lives, and how much cooking her or she can do. Are you obliged to do so?**
  - A. Yes, the law requires you to consider the desires of the protected person when you make decisions on his or her behalf
  - B. No, you are the guardian and are charged with making such decisions
  - C. Yes, but you do not have to consider such desires when you make decisions on the protected person's behalf
5. **You know that the protected person was very vocal throughout her life in not wanting to be placed in an elderly care home. Do you now have an obligation to consider the protected person's former desires when deciding where the protected person should live?**
  - A. No, as a guardian you are now charged with making such decisions
  - B. Yes, a guardian, to the extent known, must consider the express desires and personal values of the protected person when making decisions
  - C. No, but it would be nice to do so
6. **The protected person lives in your home and you want to move your family to another state for an employment opportunity that you have. Can you do so?**
  - A. Yes, pack up and move
  - B. No, protected persons cannot be moved out of state
  - C. Yes, but only if you are able to first get the approval by the court for moving the protected person out of state

7. The protected person wanders into a neighbor's yard and picks all the flowers in a very expensive exotic flower bed which the neighbor planted. The protected person has little or no funds to pay for the damages. The neighbor sues you as the guardian for the damages. Can you be held personally liable?
- A. Possibly, if the neighbor can prove that you were personally negligent in allowing the protected person to wander into his or her yard and cause such damage
  - B. No, it is not your fault the flowers were pulled up by the protected person
  - C. Yes, as a guardian you are responsible
8. You must file your first guardian report within what period of time after being appointed guardian?
- A. 30 Days
  - B. 3 Months
  - C. 6 Months
9. With whom must you file your guardian report?
- A. The fiduciary commissioner
  - B. The circuit clerk and the fiduciary commissioner or other person to whom the court has referred the reports for review
  - C. The circuit clerk only
10. What is the deadline each year for filing your annual guardian reports?
- A. December 31
  - B. June 30
  - C. February 15

See pages 52–53 in Chapter 7 of this manual for the answers.

## CHAPTER 5

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### DUTIES OF A CONSERVATOR

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#### DUTIES OF A CONSERVATOR

The duties of a conservator focus on management of the financial affairs of a protected person. As conservator, you will be responsible for the protected person's assets or income, for establishing a budget and paying bills or debts, or for managing and investing property. You will also be required to report to the court about the status of the estate, assets, receipts and disbursements.

1. Maintain separate financial records for the protected person.
  - Consider, do you need to set up a separate checking account for the protected person in which to make deposits and from which to draft checks to pay for bills of the protected person?
2. Do NOT commingle funds with others.

#### CONSERVATOR'S INVENTORY

Within 60 days following the entry of the Order of Appointment, you must file with the court and the fiduciary commissioner or other person to which the accountings are referred for review an inventory of the protected person's real and personal estate which has come into your possession or knowledge.

The inventory should list, with reasonable detail:

- Each item of the estate
- its approximate fair market value
- The type and amount of encumbrance to which it is subject
- Any items the conservator intends to abandon

The inventory should be amended or updated if any additional real or personal estate comes into your possession or knowledge. After you present the inventory to the court, you must mail a copy of the inventory to the individuals and entities who received notice of the hearing for the appointment of a conservator. Failure to do so is a criminal offense.

**Consider:**

A proper inventory of the estate of the protected person includes *everything* (real and personal property, known or possessed). To protect the protected person and yourself from false claims, make sure your inventory is detailed and accurate. You cannot rely upon only what is listed in the statement of financial resources; you are required to make your own inventory of the estate.

### **RECOMMENDATION OF GOOD RECORD KEEPING**

In your file for the protected person, consider maintaining the following information:

- A copy of all Orders, authorizations and directions of the court
- Demographic identifying information on the protected person
- Current address of the protected person
- A copy of the Inventory you file with the court
- A copy of all accountings you file with the court
- A record of any services provided the protected person by contract with others
- A record of all changes in income or assets of the protected person
- A record of significant contacts you have had with the protected person
- A record of all activities and actions you have taken for or on behalf of the protected person

### **SPENDING THE PROTECTED PERSON'S MONEY**



As a conservator, you are responsible for applying the protected person's income and principal as needed for his or her support, care and health; as well as habilitation, education or therapeutic needs. You also must apply the income and principal as needed for the support of any legal dependents who are unable to support themselves and are in need of support. You are not required to seek prior court authorization to spend the protected person's income and principal for these purposes.

### **CONSIDERATIONS WHEN MAKING FINANCIAL DECISIONS**

When making financial distributions, you must adhere to the following important considerations:

- Exercise your authority only to the extent necessary because of the protected person's limitations
- Whenever feasible, encourage the protected person to:
  - Participate in decision-making
  - Act on his or her own behalf
  - Develop or regain the capacity to manage the estate and his or her financial affairs

- Consider the size of the estate, the probable duration of the conservatorship, the protected person's accustomed manner of living, other resources that are available, and recommendations of the guardian
- Consider the express desires and personal values of the protected person when you make decisions on his or her behalf
- Act in the protected person's best interest and exercise reasonable care, diligence and prudence

## **POWERS OF ATTORNEY**

Do not revoke or amend a durable power of attorney which has been executed by the protected person, unless you have prior approval of the court.



## **MANAGEMENT POWERS AND DUTIES**

In managing the estate, you must act as a fiduciary and serve in the best interests of the protected person. Unless otherwise provided by the court, you have the authority to:

- Invest funds of the estate in accordance with a standard of prudent investing
- Collect, hold and retain assets of the estate, and receive additions to the estate
- Continue or participate in the operation of an unincorporated business
- Deposit estate funds in a state or federally insured financial institution
- Manage, control and sell the personal property of the estate
- Perform a contract entered into by the protected person
- Renew a lease entered into by a protected person as lessor/lessee
- Borrow money and place, renew or extend an encumbrance upon real or personal property
- Abandon property when, in your opinion, it is valueless or of no benefit to the estate
- Make repairs or alterations in buildings or other property and grant easements
- Vote a security in person or by proxy
- Sell or exercise stock rights, and pay sums chargeable or on account of securities
- Hold a security in the name of a nominee or in other form without disclosure of the conservatorship
- Insure the assets of the estate against damage or loss, and insure the guardian and conservator against liability with respect to third persons
- Allow, pay, reject, contest or settle any claim by or against the estate or protected person
- Pay taxes, assessments and other expenses incurred in the collection and administration of the estate
- Pay any sum distributable for the benefit of the protected person or his or her legal dependent
- Employ persons such as attorneys, accountants, investment advisors or agents; and act upon their recommendations
- Maintain life, health, casualty and liability insurance for the benefit of the protected person or legal dependents
- Manage the estate following the termination of the conservatorship until its delivery to the protected person or his or her successors



- Execute and deliver instruments and take other actions that will accomplish or facilitate the exercise of the powers conferred by law and outlined above

### **ABANDONING PROPERTY**

You must provide written notice to all persons named in the original petition to appoint as the protected person's nearest relatives if you intend to abandon any property belonging to the protected person. This notice must be given at least 14 days prior to any abandonment, and you cannot abandon anything sooner than 30 days after you have filed the initial inventory.

### **WHAT REQUIRES COURT APPROVAL?**

Certain actions of a conservator may be authorized only upon petition to the circuit court. This includes entering into a protective arrangement to disburse the estate of the protected person and terminate the conservatorship.

Also allowable upon petition are a number of estate planning functions, such as:

- Donation to a charity
- Providing support for individuals who are not legal dependents
- Amending or revoking trusts
- Exercising options or changing beneficiaries of insurance policies or retirement plans, etc.

### **Sale Of Real Estate**

Conservators cannot sell real estate without approval of the court.



### **Mortgage Of Real Estate**

Conservators cannot mortgage real estate without approval of the court.

### **ACCOUNTING REQUIREMENTS**

All conservators are required to file periodic accountings with the circuit clerk of the county in which the appointment was made AND with the fiduciary commissioner or other person to whom the court has referred review of the accountings.

You must file your first accounting within 6 months of your being appointed. Your accountings will be viewed at least semi-annually by the fiduciary commissioner or other person to whom the court refers the accountings, or by a mental hygiene commissioner. If there are any questions or discrepancies, you may be called back to court to explain or provide bank, investment or other records.

## Yearly Accountings



After the first accounting, you must file an accounting every year, unless waived by court order. Additional accountings may be required if ordered by the court. An accounting is also required to be filed if you resign or are removed from office or if the conservatorship is terminated.

You must file the annual accounting by December 31 of each year with the circuit clerk and with the fiduciary commissioner or other person to whom the court has referred review of the accountings.

### What To Include In The Accounting

Your conservator's accounting must include the following:

- A listing of the receipts, disbursements and distributions from the estate under your control during the period covered by the accounting
- A listing of assets and liabilities of the estate
- The services being provided to the protected person
- The significant actions you took during the reporting period
- Your recommendation as to the need for continued conservatorship and changes you may recommend in the scope of the conservatorship
- Any other information that you consider to be useful or that is requested by the court
- The compensation you requested and the reasonable and necessary expenses you incurred
- Your verification and signature stating that all of the information contained in the accounting is true and correct to the best of your knowledge

You must keep careful records, including financial documents, the time you spend and any receipts for expenses. You can be called before the court on your accountings. Make sure they are accurate and timely filed. You can find a copy of the accounting you must use at <http://www.state.wv.us/wvsca>, the public Web site of the West Virginia Supreme Court of Appeals, or you can obtain a copy from the clerk of the circuit court.

### ACTIONS REQUIRED OF THE FIDUCIARY COMMISSIONERS

The fiduciary commissioner to whom your accountings are referred must serve a copy of the accountings you file on the protected person, and mail a copy to all persons given notice of the original petition to appoint, as well as any other person or entity found to be interested in the affairs of the protected person. These people and entities can file exceptions to or falsify the accounting before the fiduciary commissioner.

## **Waiver Of Accountings**

You may petition the court to change the requirement that accountings be filed or to seek permission to file less frequently than annually. If the court determines that the expense involved or the burden placed upon you outweighs the benefit to the protected person, it may waive the requirement.

### **What The Court Considers For Waiver**

The court will consider the following:

- Your relationship with the protected person
- The value of the estate, income and other receipts within your control
- The amount of your bond
- The extent to which the estate has been deposited under an arrangement that requires a court Order for removal
- The extent to which income and receipts are paid directly to a facility responsible for the care or custody of the protected person
- The extent to which the income and receipts are from state or federal programs that require periodic accountings
- Whether a guardian has been appointed, and if so, whether the guardian has presented reports as required

## **CONFLICTS OF INTEREST**

As a conservator, you must avoid conflicts of interest and demonstrate a high degree of loyalty to the protected person's best interests.

Unless you have prior approval from the court, you may not:

- Have any interest, financial or otherwise, directly or indirectly, in any business transaction or activity with the conservatorship
- Acquire any ownership or monetary interest adverse to the protected person or to the protected person's estate or assets
- Purchase, lease or sell any property from or to the protected person or the estate
- Borrow or loan funds to the protected person or to the estate, except for reasonable advances
- Compromise or modify a debt owed by you to the protected person or the estate
- Employ anyone who has associated with you or was employed by you prior to your appointment as conservator
- Lease or sell property or services from or to any entity in which you or your relative is an officer, director, shareholder or proprietor, or owns a significant financial interest



## **LIABILITY**

You have a duty to the protected person and may be held personally liable for a breach of that duty. This is called a *fiduciary duty* and means that because you are serving as a conservator, your actions must merit trust and confidence.

You are not personally liable on a contract entered into in a fiduciary capacity while administering the estate unless you fail to reveal your representative capacity or to identify the estate. By law, you are liable for any act of a nominee in connection with a security held in the name of a nominee without disclosure of the conservatorship to allow title to pass by delivery.

You may be personally liable for obligations arising from control of the property or for wrongful acts committed in the course of administering the estate if you are personally negligent. You are prohibited by law from making loans from the protected person to yourself or your spouse. Doing so may result in personal liability. Embezzlement or concealment of funds can result in both personal liability and criminal charges.

### **Successor Liability**

If you have been appointed to succeed a former conservator and you learn that the former conservator breached a fiduciary duty to the protected person, you must take corrective action as failure to do so may result in your being held personally liable as well.

## CHAPTER 5 SELF TEST

1. True or false: A conservator can co-mingle the protected person's funds with others.
2. You must file an inventory of the protected person's estate within what time period after your appointment?
  - A. 90 Days
  - B. 120 Days
  - C. 60 Days
3. With whom must you file your inventory?
  - A. The court
  - B. The fiduciary commissioner
  - C. The circuit clerk and the fiduciary commissioner or other person to whom the court has made referral
4. After filing your inventory, more property is found that belongs to the protected person, what must you do, if anything?
  - A. You must send out a notice that the property was found
  - B. You must amend your inventory and file the amended inventory with the circuit clerk and the fiduciary commissioner or other person to which the accountings have been referred
  - C. You do not need to take any action
5. The protected person wants you to listen to him or her about what his or her money is spent on. Are you obliged to do so?
  - A. Yes, the law requires you to consider the desires of the protected person when you make decisions on his or her behalf
  - B. No, you are the conservator and are charged with make such decisions
  - C. Yes, but you do not have to consider such desires when you make decisions on the protected person's behalf
6. You know that the protected person was very vocal throughout her life in not wanting to donate to a particular charity, but yearly donated to another charity. Do you now have an obligation to consider the protected person's former desires when deciding whether to make a donation to the first charity?
  - A. No, as a conservator you are now charged with making such decisions
  - B. Yes, a conservator, to the extent know, must consider the express desires and personal values of the protected person when making decisions
  - C. No, but it would be nice to do so

7. Can you continue to make the yearly donations to the charity identified in the prior question?
- A. Yes
  - B. No
  - C. Not without court approval
8. True or false: Notice must be given to the protected person's nearest relatives identified in the petition to appoint before you can abandon any property belonging to the protected person.
9. You would like to mortgage the protected person's home in order to have sufficient funds to have a new roof installed on the home. Can you do so?
- A. Not without prior approval of the court
  - B. Yes because the money is being used to improve property of the protected person
  - C. No you must sell the home
10. Within what time frame must you file your first conservator accounting?
- A. Within one year of being appointed conservator
  - B. Within 6 months of being appointed conservator
  - C. Within 90 days of being appointed conservator

See pages 53–55 in Chapter 7 of this manual for the answers.

## CHAPTER 6

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### FUTURE CHANGES, THE "WHAT IF"

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#### YOU MOVE FROM WV TO ANOTHER STATE

If at any time during your appointment as a guardian or conservator you become a resident of another state, you must file at the circuit clerk's office a designation of an agent who does reside in West Virginia to accept service of process. By law, you are required to file this designation of agent *promptly* following your change of residence to another state. Certain banks engaging in trust business in West Virginia are exempt from this requirement as they cannot be considered non-residents, and should review the applicable law in West Virginia for more detail.

#### TRANSFERRING JURISDICTION TO ANOTHER COURT

There may be circumstances that arise after your appointment as a guardian or conservator, such as a change of your or the protected person's residence, where you may want to consider asking the court to transfer the guardianship and/or conservatorship case to another court in a different county or to a different state.

To transfer a case out of state, specialized laws of West Virginia must be followed. These laws, called the *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act*, can be found beginning with W.Va. Code Section 44C-1-1. Consultation with an attorney is recommended.

To transfer a case to another circuit court in a different county in West Virginia, you must file a request (called a *motion*) with the court currently handling the case and provide evidence to the court that the transfer would be in the best interests of the protected person. The court is only allowed to transfer the jurisdiction of the case to another court if it appears to the court that the interests of the protected person would be best served by the transfer. A hearing will be set before the court and you will need to explain to the court under oath why the transfer is in the best interests of the protected person.

If transfer is allowed, the guardian and/or conservator must report to the court assuming jurisdiction and any changes to the appointment will be made by that court.

## RETURN OF MISSING PERSONS

*What if I am a guardian or conservator for a missing person and he or she reappears?*

A conservatorship terminates when a missing person is located. The court must, however, still prepare a termination order dismissing the case and discharging any bond, so you will need to bring the matter before the court for conclusion.

For a guardianship, the matter must be brought back to the court if guardianship is no longer necessary upon the reappearance of a missing person.

For death of a missing person, see "What If The Protected Person Dies?" in this chapter.

## REASONS FOR REMOVAL

Any interested person can ask the court to remove you for any of the following reasons:

|  |   |
|--|---|
| <p><b>Guardian:</b></p> <ul style="list-style-type: none"><li>▪ Neglecting the care and custody of the protected person or legal dependents</li><li>▪ Failure to file reports</li></ul>  | <p><b>Conservator:</b></p> <ul style="list-style-type: none"><li>▪ Wasting or mismanaging the estate</li><li>▪ Unreasonably withholding distributions or making distributions in a negligent or reckless manner</li><li>▪ Failure to file accountings</li></ul> |
| <p><b>Both:</b></p> <ul style="list-style-type: none"><li>▪ Acting under an order entered by misrepresentation or mistake</li><li>▪ Conviction of a crime reflecting upon fitness to perform</li><li>▪ Having an interest adverse to the faithful performance of your duties to the protected person</li><li>▪ Failure to file bond as ordered</li><li>▪ Avoiding service of process or notice</li><li>▪ Failure to comply with court orders</li><li>▪ Illness</li></ul> |   |

- Incapacity or inability to perform duties
- Abusing powers or failing to discharge duties
- Not acting in the best interests of the protected person or of the estate

### **WHAT IF THE PROTECTED PERSON IMPROVES AND NO LONGER NEEDS A GUARDIAN OR CONSERVATOR?**

Reasons to change or end the guardianship or conservatorship include:

- The protected person no longer needs the assistance or protection of a guardian or conservator
- The protection or assistance previously granted is either too much or too little, considering the current needs of the protected person
- The protected person's understanding or capacity of the following has significantly changed:
  - To provide for his or her health, care or safety
  - To manage his or her estate and financial affairs
- No suitable guardian or conservator can be secured who is willing to exercise the assigned duties
- It is otherwise in the best interests of the protected person

### **WHAT IF YOU CAN NO LONGER SERVE?**

There are a number of circumstances that warrant changing, modifying or ending YOUR status as a guardian or conservator. This can be accomplished by you or the protected person, or any other interested person, by filing a petition with the court.

A petition form is available in the office of the circuit clerk. You must petition the court at least 60 days before the date of your resignation. The court will grant you permission to resign, except for good cause, and will appoint a suitable successor.

Your appointment as a guardian or conservator can be terminated if:

- It is so ordered by the court
- You are granted permission by the court to resign
- You are removed for any of the reasons mentioned above
- The protected person dies

## NOMINATING A SUCCESSOR

You may be able to nominate a successor guardian or conservator for the court to consider protecting the protected person should something happen to you and/or you have to resign.

### Good Practice:

In both your will and in a separate writing, you can nominate a successor guardian or conservator. You must include a brief statement of the reason or reasons for the nomination.

## WHO IS QUALIFIED TO SERVE AS A GUARDIAN OR CONSERVATOR?

Any adult may be appointed as a guardian or a conservator, or both, upon determination by the court. The court determines if an individual is capable of providing an active and suitable program of guardianship or conservatorship for the protected person, and requires that the individual is not employed or affiliated with any person that is providing substantial services or financial assistance to the protected person.

In the event that a family member, friend or other qualified individual is not available to be appointed by the court, the law provides for other agencies or entities that the court can designate to assume the responsibility.

### Alternatives:

- Office of Adult Protected Services
- Certain non-profit corporations licensed by the state
- County Sheriff



It is important for any guardian or conservator to consider the protected person's maximum self-reliance and independence. A protected person is entitled to have his or her needs met in the least restrictive manner possible. In appointing an individual to serve as a guardian or conservator, the court will consider these factors, as well as the suitability of the proposed guardian or conservator and the limitations of the protected person.

The court will select an individual or entity qualified to act in the best interest of the protected person and will consider such factors as:



- Geographic location
- Family or other relationship
- Ability to carry out duties
- Commitment to promoting the protected person's welfare
- Any potential conflicts of interest
- Recommendations of relatives

## **WHAT IF THE PROTECTED PERSON DIES?**

A guardianship or conservatorship terminates with the death of the protected person (see next section on funeral arrangements and autopsy). However, the guardian or conservator must file the certified death certificate of the protected person with the circuit clerk and must file a final guardian report and/or conservator accounting.

In the case of a missing person, a certified death certificate must be produced or the person must be presumed dead under W.Va. Code §44-9-1, et. seq. for the conservatorship to terminate.

## **FUNERAL ARRANGEMENTS AND AUTOPSY**

If there is no advance directive or preneed burial or cremation contract, the guardian has authority to make decisions regarding the body of the protected person for autopsy and funeral arrangements after the protected person dies. If there is no guardian, a conservator has this authority. This authority continues until an executor, executrix, administrator or administratrix is appointed.

## **WHO MUST YOU NOTIFY IF YOU BRING ANY MATTER BACK TO THE COURT?**

Unless the court excuses notice for good cause shown, notice of hearing must be personally served on the protected person and mailed, certified mail return receipt requested, to:

- Appointed counsel or attorney of record
- All those individuals listed in the original petition to appoint
- Any facility responsible for care and custody of the protected person
- The guardian or conservator, if not the person bringing the matter back to the court
- Anyone else the court may order

## **MISCELLANEOUS HELPFUL INFORMATION**

For general information about guardianship, conservatorship and alternative decision-making:

1. Read this training manual
2. Complete the online training tutorial (No computer or internet? No problem. At the end of this *Training Manual*, find a list of all the libraries in West Virginia that provide public internet access free of charge.)
3. State law for guardians and conservators is contained in Chapter 44A, Articles 1-5 of the West Virginia Code
4. Contact the senior center in your county
5. Contact the regional Area Agency on Aging that is nearest you



**NOTE:** For the table below, please consider the following:

\* Provides nutrition (home-delivered as well as congregate meals)

\*\* Provides most of the priority services to seniors including legal, social and others

\*\*\* A telecommunications device for the deaf (TDD) is an electronic device for text communication via a telephone line, used when one or more of the parties has hearing or speech difficulties.

| COUNTY SENIOR CENTERS                          |   |                              |              |  |   |
|--|---|------------------------------|--------------|--|---|
| Senior Center                                  | Address   | Phone                        | Fax          | Email  | Web Site  |
| Barbour County Senior Center, Inc.             | PO Box 146<br>(101 Church St.)<br>Phillippi, WV 26416           | 304-457-4545                 | 304-457-4545 | <a href="mailto:bcsc@bcne@mail.org">bcsc@bcne@mail.org</a>                                 | <a href="http://www.bcsww.org/">http://www.bcsww.org/</a>                                   |
| Berkeley Senior Services                       | 217 North High Street<br>Martinsburg, WV 25401                  | 304-263-8873                 | 304-263-6598 | <a href="mailto:bssdir@berkeleyseniorservices.org">bssdir@berkeleyseniorservices.org</a>   | <a href="http://www.berkeleyseniorservices.org/">http://www.berkeleyseniorservices.org/</a> |
| BI-County Nutrition (Doddridge and Harrison *) | 416 K Ohio Avenue<br>Nutterfort, WV 26301                       | 304-622-4075                 | 304-622-4675 | <a href="mailto:bicountyseiors@yahoo.com">bicountyseiors@yahoo.com</a>                     | N/A   |
| Boone County Community Organization            | PO Box 247<br>(347 Kenmore Dr., Suite 1-A)<br>Madison, WV 25130 | 304-369-6587<br>304-369-0451 | 304-949-3673 | <a href="mailto:bcco_jeaster@suddenlinkmail.com">bcco_jeaster@suddenlinkmail.com</a>       | N/A   |
| Braxton County Senior Citizens Center, Inc.    | 33 Senior Center Drive<br>Sutton, WV 26601                      | 304-765-4090                 | 304-765-4095 | <a href="mailto:dirbcsc@verizon.net">dirbcsc@verizon.net</a>                               | N/A   |
| Brooke County Committee on Aging               | 948 Main Street<br>Follansbee, WV 26037                         | 304-527-3410                 | 304-527-4278 | <a href="mailto:brookecay@aol.com">brookecay@aol.com</a>                                   | N/A   |
| Cabell County Community Services Organization  | 724 - 10 <sup>th</sup> Avenue<br>Huntington, WV 25701           | 304-529-4952                 | 304-525-2061 | <a href="mailto:cccoinc@ccco.com">cccoinc@ccco.com</a>                                     | <a href="http://www.ccco.com">http://www.ccco.com</a>                                       |
| Calhoun County Committee on Aging, Inc.        | PO Box 434<br>(83 Market St.)<br>Grantsville, WV 26147          | 304-354-7822                 | 304-354-7017 | <a href="mailto:michaelritchie@hotmail.com">michaelritchie@hotmail.com</a>                 | N/A   |
| Clay County Development Corp. **               | PO Box 455<br>(174 Main St.)<br>Clay, WV 25043                  | 304-587-2468                 | 304-587-2856 | <a href="mailto:claycountyseniorcenter@hotmail.com">claycountyseniorcenter@hotmail.com</a> | N/A   |
| Doddridge County Senior Citizens, Inc. **      | PO Box 432<br>(403 Main Street)<br>West Union, WV 26456         | 304-873-1769                 | 304-873-1769 | <a href="mailto:dcsc1@verizon.net">dcsc1@verizon.net</a>                                   | N/A   |
| Fayette County Office                          | PO Box 770<br>(108 Lewis St.)<br>Oak Hill, WV 25901             | 304-465-8484                 | 304-465-8607 | <a href="mailto:lszamlala@yahoo.com">lszamlala@yahoo.com</a>                               | N/A   |

| COUNTY SENIOR CENTERS, CONTINUED                  |  |                           |              |  |   |
|---|--|---------------------------|--------------|--|---|
| Senior Center                                     | Address  | Phone                     | Fax          | Email  | Web Site  |
| Council of Senior Citizens of Gilmer County, Inc. | 720 North Lewis St.<br>Glennville, WV 26351                      | 304-462-5761              | 304-462-8239 | <a href="mailto:gcsc@rtol.net">gcsc@rtol.net</a>                                 | N/A   |
| Grant County Commission on Aging                  | 111 Virginia Avenue<br>Petersburg, WV 26847                      | 304-257-1666              | 304-257-9145 | <a href="mailto:gccoafs@citlink.net">gccoafs@citlink.net</a>                     | <a href="http://www.grantcountycoa.com">http://www.grantcountycoa.com</a>                     |
| Greenbrier County Committee on Aging              | PO Box 556<br>(1003) Greenbrier St.)<br>Rupert, WV 25984         | 304-392-5138              | 304-392-5969 | <a href="mailto:gcca@suddenlinkmail.com">gcca@suddenlinkmail.com</a>             | N/A   |
| Hampshire County Committee on Aging               | PO Box 41<br>(School St. & Birch Lane)<br>Romney, WV 26757       | 304-822-4097<br>(TDD) *** | 304-822-7322 | <a href="mailto:aginginhamp@hardynet.com">aginginhamp@hardynet.com</a>           | <a href="http://www.aginginhampshire.us">http://www.aginginhampshire.us</a>                   |
| Committee for Hancock County Senior Citizens **   | PO Box 1284<br>(647 Gas Valley Road)<br>New Cumberland, WV 26047 | 304-564-3801              | 304-387-2693 | <a href="mailto:emknabenshue@hancocksrsvs.org">emknabenshue@hancocksrsvs.org</a> | N/A   |
| Hardy County Committee on Aging                   | PO Box 632<br>(409 Spring Avenue)<br>Moorefield, WV 26836        | 304-530-2256              | 304-530-6789 | <a href="mailto:hccoae1@hardynet.com">hccoae1@hardynet.com</a>                   | N/A   |
| Harrison County Senior Citizens, Inc. **          | 500 West Main Street<br>Clarksburg, WV 26301                     | 304-623-6795              | 304-623-6798 | <a href="mailto:hccsc@clarksburg.com">hccsc@clarksburg.com</a>                   | <a href="http://members.jolinc.net/seniorcenter/">http://members.jolinc.net/seniorcenter/</a> |
| Jackson County Commission on Aging, Inc.          | PO Box 617<br>(121 So. Court St.)<br>Ripley, WV 25271            | 304-372-2406              | 304-372-9243 | <a href="mailto:jccoawv@hotmail.com">jccoawv@hotmail.com</a>                     | <a href="http://www.jccoawv.org">http://www.jccoawv.org</a>                                   |
| Jefferson County Council on Aging                 | 103 West 5 <sup>th</sup> Street<br>Ranson, WV 25438              | 304-725-4044              | 304-725-9500 | <a href="mailto:jccodirector@frontiernet.net">jccodirector@frontiernet.net</a>   | N/A   |
| Kanawha Valley Senior Services **                 | 2428 Kanawha Blvd., E.<br>Charleston, WV 25311                   | 304-348-0707              | 304-348-6432 | <a href="mailto:smccclahahan@kvs.org">smccclahahan@kvs.org</a>                   | <a href="http://www.kvs.org">http://www.kvs.org</a>   |
| Lewis County Senior Citizens Center, Inc.         | 171 West 2 <sup>nd</sup> Street<br>Weston, WV 25601              | 304-269-5738              | 304-269-7329 | <a href="mailto:dinahlynnmills@msn.com">dinahlynnmills@msn.com</a>               | <a href="http://www.lcseniorcenter.org">http://www.lcseniorcenter.org</a>                     |
| Lincoln County Opportunity Co, Inc.               | 360 Main Street<br>Hamlin, WV 25523                              | 304-824-3448              | 304-824-7662 | <a href="mailto:lccc@zoominternet.net">lccc@zoominternet.net</a>                 | <a href="http://www.lincolncountyopportunity.com">http://www.lincolncountyopportunity.com</a> |
| PRIDE in Logan County, Inc.                       | PO Box 1346<br>(699 Stratton St.)<br>Logan, WV 25601             | 304-752-6868              | 304-752-1047 | <a href="mailto:vicky@prideinlogan.com">vicky@prideinlogan.com</a>               | N/A   |

| COUNTY SENIOR CENTERS, CONTINUED                            |  |              |              |  |   |
|---|--|--------------|--------------|--|---|
| Senior Center   | Address  | Phone        | Fax          | Email  | Web Site  |
| Marion County Senior Citizens, Inc.                         | 105 Maplewood Drive<br>Fairmont, WV<br>26554                                   | 304-366-8779 | 304-366-3186 | <a href="mailto:debbie@marionseniors.org">debbie@marionseniors.org</a>   | <a href="http://www.marionseniors.org">http://www.marionseniors.org</a> |
| Marshall County Committee on Aging                          | 805 - 5 <sup>th</sup> Street<br>Moundsville, WV<br>26041                       | 304-845-8200 | 304-845-8239 | <a href="mailto:jhoward@wvdslnet.net">jhoward@wvdslnet.net</a>           | <a href="http://www.mcseiorcenter.com">http://www.mcseiorcenter.com</a> |
| Mason County Action Group, Inc.                             | 101 - 2 <sup>nd</sup> Street<br>Point Pleasant, WV<br>25550                    | 304-675-2369 | 304-675-2069 | <a href="mailto:masonseniors@aol.com">masonseniors@aol.com</a>           | <a href="http://www.masonseniors.com">http://www.masonseniors.com</a>   |
| McDowell County Commission on Aging                         | 725 Stewart St.<br>Welch, WV 24801   | 304-436-6588 | 304-436-2006 | <a href="mailto:mcoa@citlink.net">mcoa@citlink.net</a>                   | N/A   |
| Mercer Community Action of South Eastern WV (CASE)*         | 307 Federal Street,<br>Suite 323<br>Bluefield, WV<br>24701                     | 304-425-7111 |              | <a href="mailto:swoife@casewv.org">swoife@casewv.org</a>                 | <a href="http://www.casewv.org">http://www.casewv.org</a>               |
| Aging and Family Services of Mineral County, Inc.           | 1 South Main Street<br>Keyser, WV 26726  | 304-788-5467 | 304-788-6363 | <a href="mailto:smallery@wvaging.com">smallery@wvaging.com</a>           | <a href="http://www.wvaging.com">http://www.wvaging.com</a>             |
| Mingo County - Coalfield Community Action Partnership, Inc. | PO Box 1460<br>(815 Alderson St.)<br>Williamson, WV<br>25661                   | 304-235-1701 | 304-235-1706 | <a href="mailto:tsalmons@coalfieldcan.org">tsalmons@coalfieldcan.org</a> | N/A   |
| Monongalia County - Senior Monongallians, Inc.              | PO Box 653<br>(5000 Greenbag Rd., Mountaineer Mall)<br>Morgantown, WV<br>26507 | 304-296-9812 | 304-296-3917 | <a href="mailto:brobinson@seniormons.org">brobinson@seniormons.org</a>   | <a href="http://www.seniormons.org">http://www.seniormons.org</a>       |
| Monroe County Council on Aging                              | PO Box 149<br>(Route 219)<br>Innsdale, WV 24951                                | 304-753-4384 | 304-753-9886 | <a href="mailto:mcoa24951@yahoo.com">mcoa24951@yahoo.com</a>             | N/A   |
| Senior Life Services of Morgan County                       | 187 South Green Street, Suite 5<br>Berkeley Springs, WV 25411                  | 304-258-3096 | 304-258-3190 | <a href="mailto:slsmc1@hotmail.com">slsmc1@hotmail.com</a>               | <a href="http://www.slsmc.org">http://www.slsmc.org</a>                 |
| Nicholas Community Action Partnership, Inc.                 | 1205 Broad Street<br>Summersville, WV<br>26651                                 | 304-872-1162 | 304-872-5796 | <a href="mailto:djarroll@hotmail.com">djarroll@hotmail.com</a>           | N/A   |

| COUNTY SENIOR CENTERS, CONTINUED  |   |              |              |  |   |
|---|---|--------------|--------------|--|---|
| Senior Center   | Address   | Phone        | Fax          | Email  | Web Site  |
| Ohio County – Family Services – Upper Ohio Valley (* Marshall and Wetzel) | 51 – 11 <sup>th</sup> Street<br>Wheeling, WV<br>26003                         | 304-232-6730 | 304-233-7237 | <a href="mailto:lwineman@ovrh.org">lwineman@ovrh.org</a>                                       | <a href="http://www.familyserviceuov.org">http://www.familyserviceuov.org</a> |
| Pendleton Senior and Family Services, Inc.                                | PO Box 9<br>(231 Mill Road)<br>Franklin, WV 26807                             | 304-358-2421 | 304-358-2422 | <a href="mailto:pendletonseniorcenter@verizon.net">pendletonseniorcenter@verizon.net</a>       | N/A   |
| Pleasants County Senior Citizens Center **                                | 209 – 2 <sup>nd</sup> Street<br>St. Marys, WV<br>26170                        | 304-684-9243 | 304-684-9382 | <a href="mailto:pcscmt@frontier.net.net">pcscmt@frontier.net.net</a>                           | N/A   |
| Pleasants Senior Nutrition *  | PO Box 576<br>(219 – 2 <sup>nd</sup> St.)<br>St. Marys, WV<br>26170           | 304-684-9319 | 304-684-9319 | <a href="mailto:seniornutrition@creeds.net">seniornutrition@creeds.net</a>                     | N/A   |
| Pocahontas County Senior Programs   | 321 – 3 <sup>rd</sup> Avenue<br>Marlinton, WV<br>24954                        | 304-799-6337 | 304-799-4972 | <a href="mailto:ppocahontasseniors@hotmail.com">ppocahontasseniors@hotmail.com</a>             | N/A   |
| Preston County Senior Citizens, Inc.                                      | PO Box 10<br>(421 N.E. Main St.)<br>Kingwood, WV<br>26537                     | 304-239-0464 | 304-329-2584 | <a href="mailto:prestoneniors@atlanticbb.net">prestoneniors@atlanticbb.net</a>                 | N/A   |
| Putnam Aging Program, Inc. (* Clay, Fayette and Kanawha)                  | 694 Winfield Road<br>St. Albans, WV<br>25177                                  | 304-755-2385 | 304-755-2389 | <a href="mailto:budbeaver@verizon.net">budbeaver@verizon.net</a>                               | N/A   |
| Raleigh County Commission on Aging  | 1614 S. Kanawha St.<br>Beckley, WV 25801                                      | 304-255-1397 | 304-252-9360 | <a href="mailto:rcco@raleighseniors.org">rcco@raleighseniors.org</a>                           | <a href="http://www.raleighseniors.org">http://www.raleighseniors.org</a>     |
| The Committee on Aging for Randolph County, Inc.                          | PO Box 727<br>(5 <sup>th</sup> St. & Railroad Ave.)<br>Elkins, WV 26241       | 304-636-4747 | 304-637-4991 | <a href="mailto:randolphcountyseniorcenter@yahoo.com">randolphcountyseniorcenter@yahoo.com</a> | N/A   |
| Ritchie County Integrated Family Services                                 | PO Box 195<br>(S. Court Street and Edgeview Lane)<br>Harrisville, WV<br>26362 | 304-643-4941 | 304-643-4936 | <a href="mailto:rcseniors@zoominternet.net">rcseniors@zoominternet.net</a>                     | N/A   |
| Roane County Committee on Aging, Inc.                                     | 811 Madison Avenue<br>Spencer, WV 25276                                       | 304-927-1997 | 304-927-2273 | <a href="mailto:cricks@rccoawv.org">cricks@rccoawv.org</a>                                     | <a href="http://www.rccoawv.org">http://www.rccoawv.org</a>                   |
| Summers County Council on Aging   | 120 – 2 <sup>nd</sup> Avenue<br>Hinton, WV 25951                              | 304-466-4019 | 304-466-1890 | <a href="mailto:sccoalg@suddenlinkmail.com">sccoalg@suddenlinkmail.com</a>                     | <a href="http://www.summersseniors.com">http://www.summersseniors.com</a>     |

**COUNTY SENIOR CENTERS, CONTINUED**

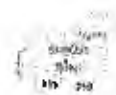
| Senior Center  | Address   | Phone        | Fax          | Email  | Web Site  |
|--|---|--------------|--------------|--|---|
| Taylor County Senior Citizens, Inc.                    | Route 2 Box 514<br>(US Rt. 119&US Rt. 250)                          | 304-265-4555 | 304-265-6083 | <a href="mailto:taylorcscfm@aol.com">taylorcscfm@aol.com</a>   | N/A   |
| Tucker County Senior Citizens, Inc.                    | 206 -- 3 <sup>rd</sup> Street<br>Parsons, WV 26287                  | 304-478-2423 | 304-487-4828 | <a href="mailto:tcsc@frontier.net">tcsc@frontier.net</a> ;<br><a href="mailto:rdnestor@hotmail.com">rdnestor@hotmail.com</a> | N/A   |
| Council of Senior Tyler Countians, Inc.                | PO Box 68<br>(504) Cherry St.)<br>Middlebourne, WV 26149            | 304-758-4919 | 304-758-4680 | <a href="mailto:amy@cstcwv.org">amy@cstcwv.org</a>   | N/A   |
| Upshur County Senior Citizens Opportunity Center, Inc. | 28 North Kahawha Street<br>Buckhannon, WV 26201                     | 304-472-0528 | 304-472-6424 | <a href="mailto:aoidaker@upwvsc.org">aoidaker@upwvsc.org</a>   | <a href="http://www.upwvsc.org">http://www.upwvsc.org</a> |
| Wayne County Senior Center                             | 440 Cleveland St.<br>(PO Box 276)<br>Wayne, WV 25570                | 304-272-6060 | 304-272-6068 | N/A  | <a href="http://www.wcscso.org">http://www.wcscso.org</a> |
| Webster County Commission of Senior Citizens           | 148 Court Square<br>Webster Springs, WV 26288                       | 304-847-5252 | 304-847-7182 | <a href="mailto:webcosencitz@frontier.net">webcosencitz@frontier.net</a>   | N/A   |
| Wetzel County Committee on Aging                       | 145 Paducah Drive<br>New Martinsville, WV 26155                     | 304-455-3220 | 304-455-0280 | <a href="mailto:wetzelcoa@suddenlinkmail.com">wetzelcoa@suddenlinkmail.com</a>   | N/A   |
| Wirt County Committee on Aging, Inc.                   | PO Box 370<br>(Washington St.)<br>Elizabeth, WV 26143               | 304-275-3158 | 304-275-4631 | <a href="mailto:wccoa@suddenlinkmail.com">wccoa@suddenlinkmail.com</a>   | N/A   |
| Wood County Senior Citizens Association, Inc.          | PO Box 1229<br>(914 Market Street)<br>Parkersburg, WV 26101         | 304-485-6748 | 304-422-8755 | <a href="mailto:mdennis@suddenlinkmail.com">mdennis@suddenlinkmail.com</a>   | N/A   |
| Wyoming County Council on Aging                        | PO Box 130<br>(Old Itmann School Bldg., Rt. 10)<br>Itmann, WV 24847 | 304-294-8800 | 304-294-8803 | <a href="mailto:elbsonj@wccoa.com">elbsonj@wccoa.com</a>   | N/A   |

| AREA AGENCIES ON AGING  |   |
|---|---|
| <p><b>REGION I - NORTHWESTERN AREA AGENCY ON AGING</b><br/> <b>Address:</b><br/> Aging Services Department<br/> Bel-O-Mar Regional Council<br/> (105 Bridge Street Plaza)<br/> PO Box 2085<br/> Wheeling, WV 26003<br/> Phone: 304-242-1800 ; 1-800-924-0088<br/> Fax: 304-242-2437<br/> Email: <a href="mailto:williams@belomar.org">williams@belomar.org</a><br/> Web Site: <a href="http://www.belomar.org">http://www.belomar.org</a><br/> Counties Served: Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Ritchie, Tyler, Wetzell, Wirt, Wood</p> | <p><b>REGION II - WVSC - METRO AREA AGENCY ON AGING</b><br/> <b>Address:</b><br/> 500 Westmoreland Office Center, Suite 201-A<br/> Dunbar, WV 25064<br/> Phone: 304-720-6858 ext. 12<br/> Fax: 304-720-6864<br/> Email: <a href="mailto:reccold@mail.wvsc.edu">reccold@mail.wvsc.edu</a><br/> Web Site: <a href="http://www.wvstateu.edu">http://www.wvstateu.edu</a><br/> Counties Served: Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Roane, Wayne</p> |
| <p><b>REGION III - UPPER POTOMAC AREA AGENCY ON AGING</b><br/> <b>Address:</b><br/> PO Box 869<br/> Petersburg, WV 26847<br/> Phone: 304-257-1221 ; 1-877-833-5084<br/> Fax: 304-257-4958<br/> Email: <a href="mailto:upaaa@regioneight.org">upaaa@regioneight.org</a><br/> Web Site: <a href="http://www.upaaa.net/Index.html">http://www.upaaa.net/Index.html</a><br/> Counties Served: Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Lewis, Mineral, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur</p>   | <p><b>REGION IV - APPALACHIAN AREA AGENCY ON AGING</b><br/> <b>Address:</b><br/> 1460 Main Street, Box 2<br/> Princeton, WV 24740<br/> Phone: 304-425-1147 ; 1-800-473-1207<br/> Email: <a href="mailto:stanleyramona@citlink.net">stanleyramona@citlink.net</a><br/> Web Site: N/A<br/> Counties Served: Braxton, Clay, Fayette, Greenbrier, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Raleigh, Summers, Webster, Wyoming</p>  |

**LIBRARIES OFFERING PUBLIC INTERNET ACCESS FREE OF CHARGE**

**Barbour County**

|           |              |                                |
|-----------|--------------|--------------------------------|
| Belington | 304-823-1026 | 512 Elliott Ave. Belington, WV |
| Phillippi | 304-457-3495 | 102 Main St. Phillippi, WV     |



**Berkeley County**

|                                    |              |  |
|------------------------------------|--------------|--|
| Musselman-South Berkeley Community | 304-229-2220 | 126 Excellence Way Inwood, WV              |
| Naylor Memorial                    | 304-924-5063 | 105 Potato Hill St. Hedgesville, WV        |
| North Berkeley                     | 304-274-3443 | 2623 Nestle Quarry Road Falling Waters, WV |
| Martinsburg-Berkeley               | 304-267-8933 | 101 West King Street Martinsburg, WV       |

### Boone County



Barrett-Wharton  
Boone-Madison  
Coal River Branch  
Whitesville

304-247-6530 Pond Fork Road Barrett, WV  
304-369-7842 375 Main Street Madison, WV  
304-837-8437 494 John Slack Circle Racine, WV  
304-854-0196 382.75 Coal River Road Whitesville, WV

### Braxton County

Burnsville  
Gassaway  
Sutton

304-853-2338 235 Kanawha Street Burnsville, WV  
304-364-8292 536 Elk Street Gassaway, WV  
304-765-7224 450 4th St. Sutton, WV



### Brooke County



Brooke County  
Follansbee

304-737-1551 945 Main Street Wellsburg, WV  
304-527-0860 844 Main Street Follansbee, WV

### Cabell County

Barboursville Branch  
Cabell County  
Cox Landing Branch  
Gallagher Village Branch  
Guyandotte Branch  
Milton Branch  
West Huntington Branch

304-736-4621 728 Main St. Barboursville, WV  
304-528-5700 455 9th Street Plaza Huntington, WV  
304-733-3022 6363 Cox Lane Lesage, WV  
304-528-5696 368 Norway Avenue Huntington, WV  
304-528-5698 203 Richmond Street Guyandotte, WV  
304-743-6711 1140 Smith St. Milton, WV  
304-528-5697 901 West 14th Street Huntington, WV

### Calhoun County

Calhoun County

304-354-6300 North Mill Street Grantsville, WV



### Clay County



Clay County

304-587-4254 614 Main Street Clay, WV

### Doddridge County

Center Point  
Doddridge County

304-782-2461 General Delivery Center Point, WV  
304-873-1941 117 Court Street West Union, WV



### Fayette County



Ansted  
Fayette County  
Fayetteville  
Gauley Bridge  
Meadow Bridge  
Montgomery  
Mt. Hope  
Oak Hill

304-658-5472 102 Oak St. Ansted, WV  
304-465-0121 531 Summit Street Oak Hill, WV  
304-574-0070 200 W. Maple Avenue Fayetteville, WV  
304-632-2172 286 Railroad St. Gauley Bridge, WV  
304-484-7942 53 Klute St. Meadow Bridge, WV  
304-442-5665 507 Ferry St. Montgomery, WV  
304-877-3260 500 Main St. Mt. Hope, WV  
304-469-9890 611 Main St. Oak Hill, WV

### Gilmer County



Gilmer County

304-462-5620 214 Walnut Street Glenville, WV

### Grant County

Allegheny Mt. Top  
Grant County

304-693-7504 Park St/Route 42 Mt. Storm, WV  
304-257-4122 18 Mt. View Street Petersburg, WV



### Greenbrier County



Alderson  
Greenbrier County  
Rainelle  
Ronceverte  
Rupert  
White Sulphur Springs

304-445-7221 300 Walnut Ave. Alderson, WV  
304-647-7568 152 Robert W. McCormick Dr. Lewisburg, WV  
304-438-3008 312 7th Street Rainelle, WV  
304-647-7400 712 W. Main St. Ronceverte, WV  
304-392-6158 602 Nicholas Street Rupert, WV  
304-536-1171 203 W. Main Street White Sulphur Springs, WV

### Hampshire County

Capon Bridge  
Hampshire County

304-856-3777 Route 50 Capon Bridge, WV  
304-822-3185 153 West Main Street Romney, WV



### Hancock County

Lynn Murray Memorial  
Mary H Weir  
Swaney Memorial

304-387-1010 601 Railroad Street Chester, WV  
304-797-8510 3442 Main Street Weirton, WV  
304-564-3471 100 Court Street New Cumberland, WV

### Hardy County

East Hardy Branch  
Hardy County

304-897-5544 P.O. Box 98 Baker, WV  
304-538-6560 102 Main St. Moorefield, WV



### Harrison County

Bridgeport  
Clarksburg-Harrison  
Lowe  
Nutter Fort  
Southern Area



304-842-8248 1200 Johnson Avenue Bridgeport, WV  
304-627-2236 404 W. Pike Street Clarksburg, WV  
304-592-1700 40 Bridge St. Shinnston, WV  
304-622-7563 1300 Buckhannon Pike Nutter Fort, WV  
304-745-4865 Main Street Lost Creek, WV

### Jackson County

Jackson County  
Ravenswood Branch

304-372-5343 208 N. Church St. Ripley, WV  
304-273-5343 323 Virginia St. Ravenswood, WV

### Jefferson County

Bolivar-Harpers Ferry  
Shepherdstown  
South Jefferson



304-535-2301 500 Polk Street Harpers Ferry, WV  
304-876-2783 German & King Sts Shepherdstown, WV  
304-725-6227 10 Shirley Road Summit Point, WV




## Kanawha County



|                    |              |  |
|--------------------|--------------|--|
| Clendenin Branch   | 304-548-6370 | 1 Cardinal St. Clendenin, WV           |
| Cross Lanes        | 304-776-5999 | 5449 Big Tyler Rd. Charleston, WV      |
| Elk Valley Branch  | 304-965-3636 | 4636 Pennsylvania Ave. Big Chimney, WV |
| Glasgow Branch     | 304-595-3131 | 129 4th Avenue Glasgow, WV             |
| Kanawha County     | 304-343-4646 | 123 Capitol Street Charleston, WV      |
| Marmet Branch      | 304-949-6628 | 9393 Oregon Avenue Marmet, WV          |
| Nitro              | 304-755-4432 | 1700 Park Avenue Nitro, WV             |
| Riverside          | 304-949-2400 | 1 Warrior Way, Suite 104 Belle, WV     |
| Sissonville Branch | 304-984-2244 | 1 Tinney Lane Charleston, WV           |
| South Charleston   | 304-744-6561 | 312 4th Avenue South Charleston, WV    |
| St. Albans Branch  | 304-722-4244 | 602 4th Street St. Albans, WV          |



## Lewis County

Louis Bennett  304-269-5151 148 Court Ave Weston, WV

## Lincoln County

|                       |              |  |
|-----------------------|--------------|--|
| Alum Creek            | 304-756-9211 | Route 214 Midway Road Alum Creek, WV         |
| Branchland            | 304-778-7315 | 4 Mile Road at State Route 10 Branchland, WV |
| Hamlin-Lincoln County | 304-824-5481 | 7999 Lynn Avenue Hamlin, WV                  |

## Logan County

|                        |              |                                   |
|------------------------|--------------|-----------------------------------|
| Buffalo Creek Memorial | 304-583-7887 | 511 E. McDonald Ave. Man, WV      |
| Chapmanville           | 304-855-3405 | 299 Vance Street Chapmanville, WV |
| Logan Area             | 304-752-6652 | 16 Wildcat Way Logan, WV          |

## Marion County

|               |              |                                   |
|---------------|--------------|-----------------------------------|
| Fairview      | 304-449-1021 | 407 Main St. Fairview, WV         |
| Mannington    | 304-986-2803 | 109 Clarksburg St. Mannington, WV |
| Marion County | 304-366-1210 | 321 Monroe St. Fairmont, WV       |

## Marshall County

|                             |              |  |
|-----------------------------|--------------|--|
| Benwood-McMechen            | 304-232-9720 | 201 Marshall St. McMechen, WV            |
| Cameron                     | 304-686-2140 | Benedum Building 44 Main St. Cameron, WV |
| Moundsville-Marshall County | 304-845-6911 | 700 Fifth Street Moundsville, WV         |

## Mason County

|              |              |                                     |
|--------------|--------------|-------------------------------------|
| Hannan       | 304-743-6200 | 6760 Ashton Upland Rd. Ashton, WV   |
| Mason City   | 304-773-5580 | 8 Brown St. Mason, WV               |
| Mason County | 304-675-0894 | 508 Viand Street Point Pleasant, WV |
| New Haven    | 304-882-3252 | 106 Main St. New Haven, WV          |

### McDowell County

Bradshaw  
Jaeger  
McDowell  
Northfork  
War



304-967-5140 Roosevelt St. Bradshaw, WV  
304-938-3825 West Virginia Ave. Jaeger, WV  
304-436-3070 90 Howard St. Welch, WV  
304-862-4541 24 Fieburch Ave. Northfork, WV  
304-875-4622 Berwind Lake Road War, WV

### Mercer County

Craft Memorial  
Princeton



304-325-3943 600 Commerce St. Bluefield, WV  
304-487-5045 205 Center Street Princeton, WV

### Mineral County

Burlington  
Fort Ashby  
Keyser-Mineral County  
Piedmont



304-289-3690 Creek Road Burlington, WV  
304-298-4493 Lincoln St. Fort Ashby, WV  
304-788-3222 105 N. Main Street Keyser, WV  
304-355-2757 1 Childs Avenue Piedmont, WV



### Mingo County

Gilbert  
Kermit  
Matewan  
Mingo County  
Williamson



304-664-8886 Route 52 Middle School Drive Gilbert, WV  
304-393-4553 103 Main St. (Behind City Hall) Kermit, WV  
304-426-6306 First Ave. Matewan, WV  
304-475-2749 Helena Ave. Delbarton, WV  
304-235-6029 101 Logan Street Williamson, WV

### Monongalia County

Cheat Area  
Clay Battelle  
Clinton District  
Morgantown



304-594-1020 121 Crosby Rd. Morgantown, WV  
304-432-8531 6059 Mason Dixon Highway Blacksville, WV  
304-291-0703 2005 Grafton Rd. Morgantown, WV  
304-291-7425 373 Spruce St. Morgantown, WV

### Monroe County

Monroe County  
Peterstown

304-772-3038 103 South Street Union, WV  
304-753-9568 23 College Avenue Peterstown, WV



### Morehouse County

Dunbar Branch

304-766-7161 301 12 St. Mall Dunbar, WV

### Morgan County

Morgan County  
Paw Paw

304-258-3350 105 Congress St. Berkeley Springs, WV  
304-947-7013 250 Moser Avenue Paw Paw, WV



### Nicholas County

Craigsville  
Richwood  
Summersville



304-742-3532 63 Library Lane Craigsville, WV  
304-846-6099 8 White Ave. Richwood, WV  
304-872-0844 6201 Webster Road Summersville, WV

### Ohio County

Ohio County

304-232-0244 52 16th St. Wheeling, WV



### Pendleton County

Pendleton County

304-358-7038 504 N. Main Street Franklin, WV



### Pleasants County

Pleasants County

304-684-7494 101 Lafayette St. St. Marys, WV



### Pocahontas County

Durbin  
Green Bank  
Hillsboro  
McClintic



304-456-3142 Route 250 Durbin, WV  
304-456-4507 Route 28 Green Bank, WV  
304-653-4936 School St. Hillsboro, WV  
304-799-6000 500 Eighth Street Marlinton, WV

### Preston County

Kingwood  
Terra Alta



304-329-1499 205 West Main St. Kingwood, WV  
304-789-2724 701b East State Avenue Terra Alta, WV

### Putnam County

Buffalo Branch  
Eleanor Branch  
Hurricane Branch  
Poca Branch  
Putnam County

304-937-3538 3530 Buffalo Road Buffalo, WV  
304-586-4295 203 Eleanor Circle Eleanor, WV  
304-562-6711 410 Midland Trail Hurricane, WV  
304-755-3241 Main St. Poca, WV  
304-757-7308 4219 State Rt. 34 Hurricane, WV



### Raleigh County

Marsh Fork  
Raleigh County  
Shady Spring District  
Sophia



304-854-2677 9802 Coal River Road Naoma, WV  
304-255-0511 221 N. Kanawha Street Beckley, WV  
304-763-2681 440 Flat Top Road Shady Spring, WV  
304-683-5990 103 First St. Sophia, WV

### Randolph County

Elkins-Randolph County  
Helvetia  
Pioneer Memorial  
Tygart Valley  
Valley Head

304-637-0287 416 Davis Ave. Elkins, WV  
304-924-5063 Main Street Helvetia, WV  
304-227-4788 Rt. 33 Harman, WV  
304-335-6277 Rt. 219/250 Mill Creek, WV  
304-339-6071 US Route 219 South Valley Head, WV



### Ritchie County



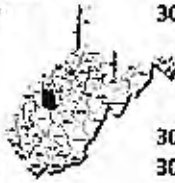
Pennsboro Branch  
Ritchie County

304-659-2197  
304-643-2717

411 Main St. Pennsboro, WV  
130 N. Court St. Harrisville, WV

### Roane County

Geary  
Roane County  
Walton



304-565-4608  
304-927-1130  
304-577-6071

1 Library Lane Sulte 1 Left Hand, WV  
110 Parking Plaza Spencer, WV  
2 Cunningham Lane Walton, WV

### Summers County

Summers County

304-466-4490

201 Temple Street Hinton, WV



### Taylor County

Taylor County



304-265-6121

200 Beech St. Grafton, WV

### Tucker County

Five Rivers  
Mountaintop



304-478-3880  
304-463-4582

301 Walnut St. Parsons, WV  
Grant St. Thomas, WV

### Tyler County

Sistersville  
Tyler County

304-652-6701  
304-758-4304

518 Wells Street Sistersville, WV  
Main & Broad Streets Middlebourne, WV



### Upshur County

Charles W. Gibson  
James Curry  
Upshur County



304-472-2339  
304-924-6724  
304-473-4219

105 East Main Street Buckhannon, WV  
Route Box 135 French Creek, WV  
Rt. 6 Tennerton Rd. Buckhannon, WV

### Wayne County

Ceredo-Kenova  
Fort Gay  
Wayne



304-453-2462  
304-648-5338  
304-272-3756

1200 Oak Street Kenova, WV  
8608 R Broadway Fort Gay, WV  
325 Keyster St. Wayne, WV



### Webster County

Cowen  
Webster-Addison

304-226-5332  
304-847-5764

Mill Street Cowen, WV  
331 S. Main Street Webster Springs, WV

### Wetzel County

Hundred  
New Martinsville  
Paden City  
Pine Grove



304-775-5161  
304-455-4545  
304-337-9333  
304-889-3288

Route 250 Hundred, WV  
160 Washington Street New Martinsville, WV  
114 S. 4th Avenue Paden City, WV  
Main St. Pine Grove, WV

**Wirt County**

**Dora B. Woodward  
Memorial**

304-275-4295 340 Mulberry St. Elizabeth, WV



**Wood County**

**Parkersburg & Wood  
County**

304-420-4587 3100 Emerson Ave. Parkersburg, WV

**South Parkersburg Branch**

304-428-7041 1713 Blizzard Drive Parkersburg, WV

**Vienna**

304-295-7771 2300 River Rd. Vienna, WV

**Waverly**

304-464-5668 Rt. 1, Box 287 Waverly, WV

**Williamstown**

304-375-6052 201 W. 5th St. Williamstown, WV



**Wyoming County**

**Hanover  
Mullens Area  
Oceana  
Pineville**



304-664-5580 Route 52 Hanover, WV

304-294-6687 102 Fourth St. Mullens, WV

304-682-6784 Cooke Parkway & Maple Ave. Oceana, WV

304-732-6228 Castle Rock Avenue Pineville, WV

## **CHAPTER 6 SELF TEST**

1. **If you move from West Virginia after being appointed as a guardian or conservator, what action must you take?**
  - A. Nothing except take the protected person with you
  - B. You are required to resign your position
  - C. You must file a designation of an agent who does reside in WV to accept service of process
  
2. **If you want to resign as a guardian or conservator how much notice must you give when filing your petition request to resign with the court?**
  - A. 3 Months
  - B. 30 Days
  - C. 60 Days
  
3. **True or false: You can nominate a successor guardian or conservator in your will.**
  
4. **What must you file with the court if the protected person dies?**
  - A. A copy of the death certificate
  - B. Only the certified death certificate
  - C. Both the certified death certificate and the final guardian report and/or conservator accounting
  
5. **True or false: If a preneed burial or cremation contract exists for the protected person, the guardian has no authority to make decisions after the death of the protected person regarding funeral arrangements.**
  
6. **True or false: If an autopsy is needed and there is no advance directive regarding the same, the guardian has authority to make decisions after the death of the protected person for autopsy.**
  
7. **If there is no guardian, who has authority to make funeral arrangements and decisions for autopsy after the death of the protected person?**
  - A. The conservator, provided there is no advance directive or preneed burial or cremation contract
  - B. The family, if any
  - C. No one until an executor or administrator is appointed
  
8. **True or false: If it is in the best interests of the protected person a guardianship or conservatorship case can be transferred to another court in West Virginia.**

9. **True or false: If a protected person who is a missing person is found, your responsibilities as a guardian or conservator immediately end.**
10. **True or false: Any interested person can ask the court to remove you from your position as guardian or conservator if grounds for removal exist or are alleged.**

See pages 55–56 in Chapter 7 of this manual for the answers.

## CHAPTER 7

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### SELF TEST ANSWERS

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#### CHAPTER 1

1. **After completing this education training, what must you file with the circuit clerk?**
  - A. An affidavit signed before a notary that you have completed the mandatory education
2. **If you are unable to obtain the type or amount of bond the court ordered you to obtain, what must you do?**
  - C. Take the bond issue back to the court to ask for a change in the bond
3. **Where must you go to take your oath of office?**
  - A. The office of the circuit clerk
4. **How many days do you have to mail a copy of your Order of Appointment and Statement of the right to appeal to the protected person and all individuals and entities that received notice of the original petition?**
  - C. 14
5. **Can the person who filed the original petition to appoint a guardian or conservator be reimbursed from the protected person's estate for the cost of filing?**
  - B. Yes, if funds are available to pay the costs in the protected person's estate
6. **What expenses in addition to filing fees can be reimbursed to the person filing the petition?**
  - B. Filing fees for other papers, service of process costs, and cost of copies of court documents and transcripts



7. **The attorney appointed to represent the protected person in the court action to appoint a guardian or conservator is required to be paid from the protected person's estate unless the court makes what finding?**
    - B. The estate is devoid of funds
  8. **Who must approve the amount of the fee charged by the protected person's attorney before it can be paid?**
    - C. The court
  9. **When is the attorney representing the protected person required to inform the court of his or her hourly rate?**
    - A. At the onset of the guardianship or conservatorship case
  10. **It is highly recommended that you do the following when starting your duties as a guardian or conservator:**
    - A. Get organized by creating and keeping up to date a file in which to keep copies of all matters concerning the protected person and your guardianship or conservatorship
- 

## **CHAPTER 2**

1. **Which are guardian responsibilities?**
  - C. All of the above
2. **Where does one look to determine the responsibilities of a limited guardian?**
  - B. One must look to the court order of appointment which specifies the responsibilities of the limited guardian
3. **When does a temporary guardian's appointment expire?**
  - A. Within 6 months of the appointment unless extended by court order; one must check the court order
4. **What is included in the estate of a protected person?**
  - C. All of the above
5. **Which are conservator responsibilities?**
  - C. All of the above

6. **If one co-guardian or co-conservator does not do his or her duties as required by law, what must the other co-guardian or co-conservator do?**
    - C. Act to fulfill the duties and responsibilities as a guardian or conservator as required by law even if the other co-guardian or co-conservator does nothing
  7. **How does a guardian or conservator get paid for their work?**
    - A. You ask the court to approve the frequency and amount of compensation that you want to be paid for your work
  8. **If you believe a protected person's durable power of attorney needs changed, how do you do this?**
    - C. You must take the request to have the power of attorney changed back to the court for approval
  9. **How often will the guardian reports or conservator accountings that you file be examined?**
    - A. Semi-annually
  10. **Where can you find additional information and state law on guardianship and conservatorship law?**
    - C. Both of the above
- 

### **CHAPTER 3**

1. **True or false: A guardian or conservator can be employed by the elderly care home in which the protected person lives.**

False, a guardian or conservator is not permitted to be employed by or affiliated with any facility that is providing substantial services to the protected person.
2. **True or false: You are accused of not caring properly for the protected person and an interested party brings an action in court to remove you and appoint another. You can use funds belonging to the protected person to defend yourself in court.**

False, no guardian or conservator may use funds out of the estate in defense of an allegation of wrongdoing on behalf of the protected person against the guardian or conservator.

3. **True or false: You are in need of cash and want to borrow money from the protected person just until your next pay. You can do the same since it is a small amount and for a short period of time.**

False, the law prohibits the making of loans from the accounts of the protected person to a conservator or his or her spouse.

4. **True or false: The protected person has little money. You are willing to loan the protected person a sum of money needed at an interest rate below what the local bank would charge. You can make this loan to the protected person.**

False, a person who has an interest as a creditor of a protected person may not be either a guardian or conservator.

5. **True or false: The protected person has little money. You are willing to loan the protected person a sum of money, interest free, in order to pay bills that may result in loss of property if not paid, until the protected person can pay you back. You can do the same without violating the law.**

True, but only because the loan was without interest and necessary for the protection of the estate. If either were not the case, such a loan would not be permitted.

6. **True or false: The protected person has little money. You are willing to gift the protected person the sum of money needed. You can make this gift to the protected person.**

True, there is no legal prohibition on giving gifts to the protected person.

7. **True or false: The protected person has little money. There is not enough money to pay for the bills of the protected person. As the conservator or guardian you must pay the bills of the protected person from your own funds.**

False, you are not required as a guardian or conservator to use your own assets to support the protected person.

8. **True or false: December 31 is a few days away. You have not filed your guardian report or conservator accounting for this year. You don't feel you will have time to do so before January of the next year. You can wait on completing and filing the same past the December 31 deadline.**

False, knowingly failing to file the required reports and accounting is a violation that can result in a fine between \$100 and \$500 per violation.

9. **True or false: Criminal charges are brought against you for embezzling the protected person's money. You can sell property of the protected person to hire an attorney in the criminal case.**

False, you may not use assets of the protected person to defend yourself against allegations of wrongdoing.

10. **True or false: You will be reported for investigation of elder abuse by parties, attorneys and mental hygiene commissioners if there are any factual circumstances or evidence which support such allegations.**

True, parties, attorneys and mental hygiene commissioners are required by law to report alleged elder abuse violations.

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## CHAPTER 4

1. **True or false: As a appointed guardian you can "just make the decisions" for the protected person.**

False, the law requires that you encourage, where feasible, the protected person to participate in decisions, and you are to exercise guardian authority only to the extent necessitated by the protected person's limitations.

2. **What is the minimum number of visits you must make with the protected person every 6 months?**

B. One

3. **True or false: The minimum number of visits allowed by law every 6 months may not be enough to fulfill your guardian duties.**

True, you must maintain sufficient contact with the protected person to know of the protected person's capabilities, limitations, needs and opportunities. One visit every six months may not be sufficient to do so, in which case more contact is required.

4. **The protected person wants you to listen to him or her about what he or she eats, where he or she lives, and how much cooking he or she can do. Are you obliged to do so?**

A. Yes, the law requires you to consider the desires of the protected person when you make decisions on his or her behalf

5. You know that the protected person was very vocal throughout her life in not wanting to be placed in an elderly care home. Do you now have an obligation to consider the protected person's former desires when deciding where the protected person should live?
- B. Yes, a guardian, to the extent known, must consider the express desires and personal values of the protected person when making decisions
6. The protected person lives in your home and you want to move your family to another state for an employment opportunity that you have. Can you do so?
- C. Yes, but only if you are able to first get the approval by the court for moving the protected person out of state
7. The protected person wanders into a neighbor's yard and picks all the flowers in a very expensive exotic flower bed which the neighbor planted. The protected person has little or no funds to pay for the damages. The neighbor sues you as the guardian for the damages. Can you be held personally liable?
- A. Possibly, if the neighbor can prove that you were personally negligent in allowing the protected person to wander into his or her yard and cause such damage
8. You must file your first guardian report within what period of time after being appointed guardian?
- C. 6 Months
9. With whom must you file your guardian report?
- B. The circuit clerk and the fiduciary commissioner or other person to whom the court has referred the reports for review
10. What is the deadline each year for filing your annual guardian reports?
- A. December 31
- 

## CHAPTER 5

1. True or false: A conservator can co-mingle the protected person's funds with others.

False, separate accounts must be kept.

2. **You must file an inventory of the protected person's estate within what time period after your appointment?**
  - C. 60 Days
3. **With whom must you file your inventory?**
  - C. The circuit clerk and the fiduciary commissioner or other person to whom the court has made referral
4. **After filling your inventory, more property is found that belongs to the protected person, what must you do, if anything?**
  - B. You must amend your inventory and file the amended inventory with the circuit clerk and the fiduciary commissioner or other person to which the accountings have been referred
5. **The protected person wants you to listen to him or her about what his or her money is spent on. Are you obliged to do so?**
  - A. Yes, the law requires you to consider the desires of the protected person when you make decisions on his or her behalf
6. **You know that the protected person was very vocal throughout her life in not wanting to donate to a particular charity, but yearly donated to another charity. Do you now have an obligation to consider the protected person's former desires when deciding whether to make a donation to the first charity?**
  - B. Yes, a conservator, to the extent know, must consider the express desires and personal values of the protected person when making decisions
7. **Can you continue to make the yearly donations to the charity identified in the prior question?**
  - C. Not without court approval
8. **True or false: Notice must be given to the protected person's nearest relatives identified in the petition to appoint before you can abandon any property belonging to the protected person.**

True.

9. **You would like to mortgage the protected person's home in order to have sufficient funds to have a new roof installed on the home. Can you do so?**
- A. Not without prior approval of the court
10. **Within what time frame must you file your first conservator accounting?**
- B. Within 6 months of being appointed conservator
- 

## CHAPTER 6

1. **If you move from West Virginia after being appointed as a guardian or conservator, what action must you take?**
- C. You must file a designation of an agent who does reside in WV to accept service of process
2. **If you want to resign as a guardian or conservator how much notice must you give when filing your petition request to resign with the court?**
- C. 60 Days
3. **True or false: You can nominate a successor guardian or conservator in your will.**
- True, this is a good idea in the event unexpected death happens to you when acting as guardian or conservator for another.
4. **What must you file with the court if the protected person dies?**
- C. Both the certified death certificate and the final guardian report and/or conservator accounting
5. **True or false: If a preneed burial or cremation contract exists for the protected person, the guardian has no authority to make decisions after the death of the protected person regarding funeral arrangements.**
- True, the authority of the guardian to make these decisions extends after death only if no advance directive or preneed burial or cremation contract exists to handle the funeral arrangements.
6. **True or false: If an autopsy is needed and there is no advance directive regarding the same, the guardian has authority to make decisions after the death of the protected person for autopsy.**
- True.

**7. If there is no guardian, who has authority to make funeral arrangements and decisions for autopsy after the death of the protected person?**

**A. The conservator, provided there is no advance directive or preneed burial or cremation contract**

**8. True or false: If it is in the best interests of the protected person a guardianship or conservatorship case can be transferred to another court in West Virginia.**

True, and you will need to bring the request back to the court to have this done.

**9. True or false: If a protected person who is a missing person is found, your responsibilities as a guardian or conservator immediately end.**

False, the court must still prepare a termination order dismissing the case, discharging any bond, and you must file your final guardian report or conservator's accounting.

**10. True or false: Any interested person can ask the court to remove you from your position as guardian or conservator if grounds for removal exist or are alleged.**

True.



