

STATEOFNEWMEXICO
COUNTYOFBERNALILLO
SECONDJUDICIALDISTRICTCOURT

NO. D-202-PQ 2020-

INTHEMATTEROFTHEADULTGUARDIANSHIP
PROCEEDINGFOR_____

A person in need of protection.

ORDER APPOINTING LIMITED GUARDIAN

THIS MATTER came before the Court for a status hearing on _____, and the Court having reviewed the recommendations and testimony of Protected Person, and Guardian and being otherwise fully advised in the premises, by clear and convincing evidence FINDS AS FOLLOWS:

JURISDICTION:

1. The Court has jurisdiction over Protected Person and the subject matter, and all requirements of the laws of the State of New Mexico have been fully met. Venue is proper in BernalilloCounty.

2. ProtectedPersonresidesat_____,Albuquerque,NewMexico87____(505) xxx-xxxx.

3. On_____, Protected Person was adjudicated incapacitated, and _____ was appointed Full Guardian.

4. On or about_____, it was established by clear and convincing evidence that Protected Person no longer requires a full guardian, and a limited guardian is appropriate for all financial and major medical decisions to include psychotropic medication.

5. The appointment of a limited guardian for all financial and major medical decisions to include psychotropic medication is necessary and desirable as a means of providing continuing care, supervision, and protection for the health, welfare, safety, and financial stability of Protected Person as she can now manage some but not all aspects of her care.

6. A limited guardianship is necessary as there are no alternative resources suitable concerning the welfare, safety, and protection of Protected Person.

7. Therefore, a limited guardian is appropriate as the least restrictive form of intervention consistent with the preservation of the civil rights and liberties of Protected Person.

GUARDIAN'S LIMITED AUTHORITY:

8. Name of limited guardian is hereby appointed as limited guardian of Protected Person, with all the general powers and duties of a limited guardian as set forth in NMSA 1978, Section 45-5-312 (2009).

9. The Guardian's limited powers and duties shall include the authority to make all financial decisions and any major medical decisions to include psychotropic medication for Protected Person.

GUARDIAN'S RIGHTS & RESPONSIBILITIES:

10. Limited Guardians shall continue to file an annual Guardian's Report each month and as directed by the Court. Limited Guardian shall forward a court-endorsed copy of the Guardian's Report to both the Judge and the Office of Guardianship.

11. If Protected Person is anticipated to receive or is found to have assets that may jeopardize her finances or benefits, the Guardian is instructed to bring this matter to the attention of the Court and Office of Guardianship in the form of a motion to appoint a conservator.

12. Before making decisions affecting Protected Person's finances or medical care, the Guardian shall first explain the concepts and consequences to Protected Person so she may be fully informed and consulted regarding her individual preferences. The expressed preferences of Protected Person's shall be followed except when, in the sole discretion of the Guardian, following such preferences would be contrary to Protected Person's safety.

13. Limited Guardian is to work with Protected Person on her financial management skills teaching her how to manage her care and finances. Limited Guardian is further instructed to include in its annual Guardian's Report what efforts they have made towards making Protected Person managing her own care and finances.

PROTECTED PERSON'S RIGHTS:

14. Pursuant to NMSA 1978 Section 45-5-304, Protected Person has the right to appeal the limited guardianship appointment and may seek alteration or termination of the limited

guardianship at any time by informing the Court of her desire to terminate or alter the limited guardianship.

15. Pursuant to NMSA 1978, Section 45-5-307, Protected Person, or any person interested in the welfare of Protected Person, may motion the Court for an order declaring that Protected Person is no longer incapacitated and for removal or resignation of the limited guardian. A request for this order may be made by informal letter to the Court or Judge.

NOTICEREQUIRED:

16. Limited Guardian shall provide notice to Protected Person regarding this limited Guardianship by explaining the order to her and providing her an endorsed copy of this order.

THECOURTHEREFOREORDERS:

17. Limited Guardian, address, phone number is hereby appointed as limited guardian of Protected Person, with all the general powers and duties of a limited guardian and those outlined in paragraphs 9 and 10, effective with the issuance of the Letters of Limited Guardianship consistent with this Order.

18. The Clerk of this Court is hereby directed to issue Letters of Limited Guardianship consistent with this Order. IT IS SO ORDERED.

District Court Judge

PERSONS ENTITLED TO NOTICE

Protected Person:

Guardian:

Attorney for Protected Person:

Other Interested Parties