

4-996. Guardian's report.

[For use with Rule 1-140 NMRA]

STATE OF NEW MEXICO
COUNTY OF Clark
_____ JUDICIAL DISTRICT

In the matter of **Jerry McCoy**, No. _____
a Protected Person.

GUARDIAN'S REPORT

Instructions.

You must use this form, Form 4-996 NMRA, when you file a **Guardian's Report**. The purpose of this **Guardian's Report** is to give the court information about an adult for whom a guardian has been appointed.

1. You must complete and file this **Guardian's Report**, as follows:
 - a. Within ninety (90) days of your appointment as guardian by the court;
 - b. Every year within thirty (30) days of the anniversary date of your appointment as guardian;
 - c. Within thirty (30) days of your resignation, removal, or termination as guardian; and
 - d. As otherwise ordered by the court.
2. Please type or print clearly using ink.
3. Complete all sections of this report that apply, and answer all questions thoroughly.
4. Attach additional pages if necessary.
5. After completing this report, you must sign it under penalty of perjury.
6. Copies of this report must be given to the Protected Person, the Protected Person's conservator if one has been appointed, and any other persons specified by the court.
7. Keep a copy of this report for your records.
8. If you give financial information in Section (IV)(D) of this report, you must keep a copy of **ALL** of the Protected Person's financial records for seven (7) years and make them available to the court upon request.

TYPE OF REPORT: 90-day Annual Final

Date of your appointment as guardian: **11/15/2022**

If this is a Final Report, please check the box below that explains why you are filing a Final Report, and fill in the requested information. If this is not a Final Report, skip to Section I.

- The Protected Person has died (*attach a copy of the death certificate if available*).
Date and place of death:
- Name of personal representative, if appointed:
Address:
City: State: Zip code:
Telephone number:
- The court has appointed a new guardian:
Name of new guardian:
Address:
City: State: Zip code:
Telephone number:
- The court has issued an order ending the guardianship.
- Other (*please explain*):

SECTION I – Information about the Protected Person.

- A. Protected Person's name: **Jerry McCoy**
- B. Protected Person's age: **74**
- C. Protected Person's physical address:
Address: **123 W Oak Street**
City: State: Zip code:
Mailing address (if different):
Address:
City: State: Zip code:
- D. Protected Person's telephone number(s) and other contact information:
Home: **555-666-7777** Cell:
Work: Fax:
Email:
- E. Has the Protected Person's residence changed in the last 12 months?
 Yes No
If yes, please explain why:
- F. Will the Protected Person's residence change in the next 12 months?
 Yes No Unknown
If yes, please explain why:
- He may need more care.**
- G. Does the Protected Person live in a facility?
 Yes If yes, complete Part A, below (do not complete Part B).
 No If no, complete Part B, below (do not complete Part A).

PART A

Complete Part A only if the Protected Person lives in a facility.

H. What type of facility does the Protected Person live in?

- Assisted Living Facility
- Group Home
- Licensed Nursing Facility
- Other (*please explain*)

I. Name of Facility:

Facility contact person's name:

Facility's physical address:

Address:

City:

State:

Zip code:

Telephone:

Email:

J. How is the facility paid for?

K. Do you have any concerns about the quality of care that the Protected Person is receiving in the following areas?

- | | | |
|---------------------------|------------------------------|-----------------------------|
| Cleanliness | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Nutrition/Meals | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Personal Care | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Privacy | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Individualized Care Plans | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Safety | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you marked **yes** to any of the above, please explain:

L. Has the Protected Person been restricted from communicating, visiting, or interacting with others? Yes No

If yes, describe the restrictions:

What are the reasons for the restrictions?

Who imposed the restrictions?

When were the restrictions imposed?

Are the restrictions still in place?

Yes

No

- M. Have others been restricted from communicating, visiting, or interacting with the Protected Person? Yes No

If yes, describe the restrictions:

What are the reasons for the restrictions?

Who imposed the restrictions?

When were the restrictions imposed?

Are the restrictions still in place?

Yes

No

- N. Why was this facility chosen for the Protected Person?

- O. How does the Protected Person feel about the placement?

- P. Do you believe the Protected Person could live and function more independently in a different type of setting? Yes No

Please explain your answer:

- Q. Have you tried to change the Protected Person's residence in the past year?

Yes

No

If yes, what was the outcome?

How does the Protected Person feel about the change of residence?

END OF PART A

If you filled out Part A, skip to Section II.

PART B

Complete Part B only if the Protected Person does not live in a facility.

H. Describe the Protected Person's living arrangement:

He lives in his own home.

I. Does the Protected Person live with you? **No**

a. If yes, do you charge the Protected Person room and board? Yes No

b. If yes, how much per month? \$

J. Who takes care of the Protected Person? **me, my siblings, and hired nurses**

Caregiver's physical address:

Address: **222 Main St**

City:

State:

Zip code:

Telephone: **555-555-5555**

Email:

K. Do you have any concerns about the quality of care that the Protected Person is receiving in the following areas?

Cleanliness	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Nutrition/Meals	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Personal Care	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Privacy	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Safety	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you marked **yes** to any of the above, please explain:

L. List all people living with the Protected Person and their relationship to the Protected Person:

none

M. Has anyone moved into or out of the Protected Person's residence during the last 12 months?

Yes No

If yes, please explain:

N. List any person who lives with the Protected Person and is paid to provide services for the Protected Person. (*attach additional pages if necessary*)

Name:

Relationship to Protected Person:

Types of Services:

Payment:

Source of Payment:

O. Do you have concerns about anyone who lives with the Protected Person?

Yes No

If yes, please explain:

P. Why was this living arrangement chosen for the Protected Person?

He wants to be in his own home.

Q. How does the Protected Person feel about the living arrangement?

He wants to remain in his own home.

R. Do you believe the Protected Person could live and function more independently in a different type of setting? Yes No

Please explain your answer:

S. Have you tried to change the Protected Person's residence in the past year?

Yes No

If yes, what was the outcome?

How does the Protected Person feel about the change of residence?

T. Has the Protected Person been restricted from communicating, visiting, or interacting with others? Yes No

If yes, describe the restrictions:

What are the reasons for the restrictions?

Who imposed the restrictions?

When were the restrictions imposed?

Are the restrictions still in place?

Yes No

U. Have others been restricted from communicating, visiting, or interacting with the Protected Person? Yes No

If yes, describe the restrictions:

What are the reasons for the restrictions?

Who imposed the restrictions?

When were the restrictions imposed?

Are the restrictions still in place?

Yes No

**END OF PART B –
Continue to Section II.**

SECTION II - Protected Person's Health.

A. Please describe the Protected Person's current physical health:

Poor Fair Good Excellent

Please explain:

His physical condition currently seems to be stable. Jerry is no longer able to speak, and is experiencing difficulty with walking. Please describe any changes to the Protected Person's physical health in the last 12 months:

Cannot speak

Please describe any medical treatment the Protected Person received in the last 12 months:

Jerry visits his team of doctors regularly- once or twice a month given the many appointments with them.

B. Please describe the Protected Person's current mental health:

Poor Fair Good Excellent

Please explain:

Jerry suffers from dementia that has been progressively getting worse for years. He does not recognize family members. Please describe any changes to the Protected Person's mental health in the last 12 months:

Since his recent stroke, Jerry is exhibiting more difficulty with comprehension and memory loss.

Please describe any mental health treatment the Protected Person received in the last 12 months:

C. Is the Protected Person under a healthcare provider's regular care? Yes No

If yes, please identify the Protected Person's healthcare providers:

Primary care provider: Dr. John Smith

Dentist: Dr. Jane Doe

Mental health professional: n/a

Other:

D. How does the Protected Person feel about these healthcare providers?

They have not changed.

E. Do you attend the Protected Person's medical and/or mental health appointments?

Yes No

If no, why not?

SECTION III - Protected Person’s Services and Activities.

A. Is the Protected Person receiving support services, including public benefits?

Yes No

If yes, please list:

B. Are you in regular contact with the Protected Person’s support-service providers?

Yes No

If yes, how often and in what manner?

If no, why not?

C. Is the Protected Person involved in selecting the Protected Person’s services?

Yes No

If no, please explain:

Although I have asked his preferences, he is unable to communicate any.

D. Is the Protected Person involved in developing the Protected Person’s care plan or service plan?

Yes No

If no, why not?

But we are trying to follow what he told us he wanted before his stroke.

E. Does the Protected Person participate in social activities, such as family gatherings, local events, worship services, or community groups? Yes No

If yes, please describe:

The family is working very hard to keep Jerry in his home, which means children and grandchildren visiting daily and one member of the family spending full days with him to provide basic care. We watch movies and take walks.

If no, why not?

SECTION IV - Protected Person’s Financial Status.

A. Does the Protected Person have a conservator? Yes No

If yes, what is the conservator’s name and contact information?

Ike McCoy

B. Are you responsible for the Protected Person’s money in your role as guardian?

Yes No

If yes, are you keeping the Protected Person’s money and your money in separate accounts?

Yes No

If you are responsible for the Protected Person’s money, you must keep the Protected Person’s money in a separate account from yours and that of others.

If you are not doing this, why not?

- C. Are you responsible for the Protected Person's money in any other capacity or role (e.g., Representative Payee, VA Fiduciary, Power of Attorney, Trustee)?

Yes No

If yes, please describe:

If you are not responsible for the Protected Person's money in any other capacity or role, the name, role, and contact information for those who are:

- D. If you are responsible for the Protected Person's money, please complete the following summary of financial activity **since your appointment or last report**:

Balance of Protected Person's bank accounts on date of your appointment or last report (savings, checking, CDs, money market, etc.)	\$	
Plus (+) annual money received from any source on behalf of the Protected Person (Social Security, SSI, pension, disability, interest, etc.)	+	
Less (-) annual total fees to care providers	-	
Less (-) annual total monies paid to the Protected Person (personal needs, etc.)	-	
Less (-) annual total fees paid to guardian	-	
Less (-) annual any other expenses (room and board, housing, insurance, maintenance, etc.)	-	
Ending balance of bank accounts	\$	0

If you are responsible for the Protected Person's money, you must keep a copy of ALL of the Protected Person's financial records for seven years and make them available to the court upon request.

- E. Is the Protected Person employed? Yes No

If yes, identify the Protected Person's employer, job title, and wages:

Does the Protected Person have control of these wages? Yes No

If no, why not?

- F. Describe efforts to allow the Protected Person to make financial decisions:

- G. Have there been any significant changes in the Protected Person's ability to manage finances?

Yes No

If yes, describe:

He is less able to communicate.

H. Have there been any significant changes in the Protected Person's financial situation, such as a settlement, inheritance, lottery winnings, reverse mortgage, etc.?

Yes No

If yes, describe:

SECTION V – Information about the Guardianship.

A. Describe significant decisions you have made for the Protected Person in the last 12 months (e.g., change in healthcare providers, enrollment in hospice, discontinuation of treatment, surgery, etc.):

In April we were able to get in-home nursing care so family members did not need to spend nights. The company specializes in patients with dementia. When I arrive in the mornings to check in, my dad seems to be in good spirits.

B. How often and in what way(s) are you in contact with the Protected Person?

Daily visits to his home.

C. When was the last time you were in contact with the Protected Person?

This morning.

D. Describe any significant problems or unmet needs of the Protected Person not described elsewhere:

Ike and I will need to think about selling the house and research housing options to be able to support giving him the best care since staying at home isn't going to be feasible for much longer.

E. Does the Protected Person believe that the guardianship should be changed or terminated?

Yes No

If yes, please explain:

Have you informed the Protected Person that the Protected Person may contact the court to request changing or terminating the guardianship? Yes No

If no, why not?

He has not expressed any wish for a change.

F. Do you believe that the guardianship should be changed or terminated?

Yes No

If yes, you have a duty to file a separate written request asking the court to schedule a status conference to review the guardianship.

G. How does the Protected Person feel about the guardianship?

He seems to be fine with it.

H. Is there anything else you would like to tell the court about the guardianship?

no

SECTION VI – Information about the Guardian.

For purposes of this section, “guardian” means an individual or a corporate entity appointed by the court, and includes any individual working for a corporate entity who is responsible for the Protected Person.

A. Do you serve as guardian for more than two non-family members?

Yes No

B. If yes, are you certified with the Center for Guardianship Certification?

Yes No

If yes, please attach a copy of your Certification to this report.

C. Does the guardian have any significant physical or mental health problems that would interfere with the ability to continue as guardian in the next year?

Yes No

If yes, please explain:

D. Does the guardian charge a fee or receive payment for acting as the Protected Person’s guardian? Yes No

If yes, how much have has the guardian received since the guardian’s last report (or since the guardian’s appointment if this is the guardian’s first report)?

How is the guardian’s fee or payment calculated?

Who pays the guardian’s fee?

E. Since the guardian’s last report (or since the guardian’s appointment if this is the guardian’s first report), has the guardian,

1. Been arrested for, charged with, or convicted of any felony or misdemeanor?

Yes No

If yes, please explain:

2. Been investigated by the Children, Youth and Families Department (CYFD), Adult Protective Services (APS), Internal Revenue Service (IRS), or any other governmental agency?

Yes No

If yes, please explain:

3. Filed for bankruptcy or received protection from creditors?

Yes No

If yes, please explain:

4. Had any professional or occupational license revoked or suspended?

Yes No

If yes, please explain:

5. Had the guardian's driver's license suspended or revoked?

Yes No

If yes, please explain:

6. Delegated any powers over the Protected Person to another person?

Yes No

If yes, who were power(s) delegated to?

What power(s) were delegated?

For what period(s) of time?

7. Received any special training or certification as a guardian?

Yes No

If yes, please explain:

F. Is the guardian a court-appointed guardian or conservator for any other person?

Yes No

If yes, please list the court and case number(s) for each (*attach additional pages if necessary*):

AFFIRMATION UNDER PENALTY OF PERJURY

I, Erica McCoy, am the guardian of Jerry McCoy, and I affirm under penalty of perjury under the laws of the State of New Mexico that the information in this report is true and correct.

Date Submitted: 01/10/2024

Guardian's Signature

Typed/Printed Name

Street or Post Office Address

City, State and Zip Code

Telephone Number(s)

Fax Number

Email

Is this a change in address from your previous report? Yes No

CERTIFICATE OF SERVICE

I certify that on *(date)* _____ I served a copy to the following individuals:

Protected Person:

- By mail or other delivery service
- By fax (*number*)
- By hand delivery
- By E-mail

Person(s) designated by court order:
(name and address):

- By mail or other delivery service
- By fax (*number*)
- By hand delivery
- By E-mail

- By mail or other delivery service
- By fax (*number*)
- By hand delivery
- By E-mail

- By mail or other delivery service
- By fax (*number*)
- By hand delivery
- By E-mail

- By mail or other delivery service
- By fax (*number*)
- By hand delivery
- By E-mail

Type/Print Name

Guardian's Signature

[Approved by Supreme Court Order No. 18-8300-005, effective for all cases on or after July 1, 2018; as amended by Supreme Court Order No. 21-8300-003, effective June 22, 2021.]