

RESTORATION IN ADULT GUARDIANSHIPS (STATUTES)

June 2013

All fifty states have enacted laws addressing termination of adult guardianship upon the individual's regaining capacity. A number of statutes are drafted specifically for restoration of rights while others are written more broadly. This table includes statutes describing the procedural duties of the court and of the guardian in proceedings, the rights of the protected individual, and specific safeguards to protect the individual in proceedings for restoration of his or her rights. This table does not cover guardianship issues that arise prior to the termination of the guardianship, substantive issues in the restoration process, or laws pertaining to conservators of the estate.

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
UGPPA Guardianship/ Conservatorship*: U.G.G.P.A. §§ 318(c), 314(b), 431(d)	Except as otherwise ordered by the court for good cause, the same procedures as apply to a petition for guardianship [§318(c)]	Prima facie evidence Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the court shall order the termination unless it is proven that continuation of the guardianship is in the best interest of the ward [§§ 318(c), 431(d)] The burden of establishing a guardianship should be greater than that for restoring rights [§ 318]	Not stated	To initiate proceedings for restoration of rights, the ward or person interested in the ward's welfare need not present a formal document prepared with legal assistance. A request to the court may always be made informally [§ 318 cmt]	Guardian shall immediately notify the court if the ward's condition has changed so that the ward is capable of exercising rights previously removed [§ 314(b)(5)]
Alabama Guardianship/	The same procedures as apply to a petition for guardianship [§ 26-2A-110]	Not Stated	An order adjudicating incapacity may specify a minimum period, not exceeding one year,	Any person who knowingly interferes with transmission of the request may be	Not stated

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Conservatorship: Ala. Code § 26-2A-110			during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 26-2A-110]	adjudged guilty of contempt of court [§ 26-2A-110(b)] A request for an order adjudicating incapacity may also be made informally to the court [§ 26-2A-110(b)]	
Alaska Guardianship/ Conservatorship: Alaska Stat. Ann. §§ 13.26.120, 13.26.125	The same procedures as apply to a petition for guardianship The court may terminate the guardianship if the ward is no longer incapacitated or no longer incapacitated to the same extent as the ward was when the original guardianship order was made or when the court last amended the guardianship order	Not stated	Not stated	Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 13.26.125(b)] A request for an order adjudicating incapacity may also be made by informal letter to the court [§ 13.26.125(b)]	If at any time the ward requests or indicates to the guardian or to the agency responsible for the ward's care or its employee that the ward desires a change in guardianship, the guardian or the agency providing care shall inform the court of the request or indication
Arizona Guardianship/ Conservatorship: Ariz. Rev. Stat. Ann. § 14-5306-14-5307	The same procedures as apply to a petition for guardianship	Not stated	An interested person, other than the guardian or ward, shall not file a petition for adjudication that the ward is no longer incapacitated earlier than one year after the order adjudicating incapacity was entered unless the court permits it to be made on the basis that there is reason to believe that the ward is no longer incapacitated	Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 14-5307(B)] A request for an order adjudicating incapacity may also be made informally to the court [§ 14-5307(B)]	Not stated
Arkansas	If any person alleges in writing, verified by	Not stated	Not stated	Not stated	If it is found that the

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<p>Guardianship/ Conservatorship: Ark. Code Ann. § 28-65-401- 28-65- 402</p>	<p>oath, that any person declared to be incapacitated is no longer incapacitated, the court in which the proceedings were held shall cause the facts to be inquired into in such manner as it may direct</p>				<p>person has been restored to capacity or has reformed, he or she shall be discharged from care and custody, and the guardian shall immediately settle his or her accounts and shall restore to the person all things remaining in the guardian's hands belonging to him or her. [§ 28-65-402]</p> <p>When a guardianship terminates, the powers of the guardian cease, except that a guardian may make disbursements for claims that are allowed by the court, for liabilities already properly incurred for the estate or for the ward, and for expenses of administration [§ 28-65-401(c)(1)]</p>
<p>California Guardianship/Con servator of the Estate: Cal. Probate Code</p>	<p>If the court determines that the conservatorship is no longer required or that grounds for establishment of a conservatorship of the person or estate, or both, no longer exist, the court shall make this finding and shall enter judgment</p>	<p>Not stated</p>	<p>The conservatorship shall be reviewed by the court one year after the appointment of the conservator and annually thereafter, and</p>	<p>Not stated</p>	<p>No action for the recovery of any property sold by a guardian or conservator may be maintained by the</p>

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1863(b)	terminating the conservatorship accordingly. At the hearing, or thereafter on further notice and hearing, the conservator may be discharged and the bond given by the conservator may be exonerated upon the settlement and approval of the conservator's final account by the court [§ 1863(b); (c)]		upon its own motion or upon request by any interested person [§ 1850]		<p>ward or conservatee or by any person claiming under the ward or conservatee unless commenced within the later of the following times: (a) Three years after the termination of the guardianship or conservatorship; (b) When a legal disability to sue exists by reason of minority or otherwise at the time the cause of action accrues, within three years after the removal thereof [§ 2548]</p> <p>If the conservatee has been disqualified from voting pursuant to § 2208 [Mentally incompetent persons; disqualification from voting; order] or 2209 of the Elections Code [Mentally incompetent persons; review of capability to complete affidavit; findings by investigator;</p>

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					hearing] upon termination of the conservatorship, the court shall notify the county elections official of the residence of the former conservatee that the former conservatee's right to register to vote is restored [§ 1865]
<p>Colorado</p> <p>Guardianship: Colorado Revised Statutes Annotated §15-14-318</p> <p>Conservatorship: Colorado Revised Statutes Annotated §15-14-431(3)</p>	<p>The same procedures as apply to a petition for guardianship</p> <p>The court shall terminate a guardianship if the ward no longer meets the standard for establishing the guardianship</p>	Not stated	When a ward initiates a proceeding to terminate the guardianship or conservatorship, the fiduciary may not take any action to oppose or interfere in the termination proceeding. However, the guardian may file a written report to the court on matters relevant to the termination proceeding, and may file a motion for instructions regarding whether an attorney, guardian ad litem or visitor should be appointed, whether further investigation should be conducted, and whether the guardian is to be involved in the termination proceedings	Not stated	A guardian shall immediately notify the court if the ward's condition has changed so that the ward is capable of exercising rights previously removed
Connecticut	A hearing on the petition shall be held not later than thirty days after the date the petition was filed in the Court of Probate,	Preponderance of the evidence [§ 45a-660(d)]	The court shall review each conservatorship not later than one year	Not stated	Not stated

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<p>Guardianship/ Conservatorship: Conn. Gen. Stat. Ann. § 45a-660</p>	<p>unless the hearing is continued for good cause. If such hearing is not held within such thirty-day period or continuance period, if applicable, the conservatorship shall terminate. If the court finds upon hearing and after notice which the court prescribes, that a conserved person is capable of managing his or her own affairs, the court shall order that the conservatorship of the estate be terminated and that the remaining portion of the conserved person's property be restored to the conserved person [§ 45a-660]</p> <p>The conserved person and the conserved person's attorney, if any, shall be entitled to notice by first class mail of any hearing held on the final account. (2) The court of probate having jurisdiction shall send written notice annually to the conserved person and the conserved person's attorney that the conserved person has a right to a hearing under this section [§45(a-660)(b)(1)]</p> <p>The authority to petition for restoration is limited to the individual under guardianship [§ 45a-660(a)(1)]</p>		<p>after the conservatorship was ordered, and not less than every three years after such initial one-year review</p>		
<p>Delaware</p> <p>Guardianship/ Conservatorship: Delaware Code Ann. tit. 12 § 3908</p>	<p>Court's discretion</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Upon termination of the guardianship, the guardian shall render a full account of the guardianship before the Court and shall pay and deliver all the money, effects and estate in the guardian's hands to the former person with a disability, or to the guardian's</p>

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					personal representative and may enforce such orders [§ 3908(b)]
District of Columbia Guardianship: § D.C. Code 21-2049 Conservatorship: D.C. Code § 21-605(a), (c)(5)]	The same procedures as apply to a petition for guardianship	Not stated	Not stated	Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 21-2049(b)] A request for an order adjudicating incapacity may also be made informally to the court [§ 21-2049(b)]	On termination of the protected individual's incapacity, a conservator shall account to the court, to the formerly protected individual, or the successors of that individual, and shall submit a report to the court [§ 21-605(a),(c)(5)]
Florida Guardianship/ Conservatorship: Fla. Stat. Ann. §§ 744.464(3), 744.521	Upon the filing of a suggestion of capacity, the court shall immediately appoint a physician to examine the ward and file a report with the court within 20 days after the appointment. The court shall immediately send notice of the filing of the suggestion of capacity to the ward, the guardian, the attorney for the ward, if any, and any other interested persons designated by the court. Formal notice must be served on the guardian. Informal notice may be served on other persons. Notice need not be served on the person who filed the suggestion of capacity. Any objections to the suggestion of capacity must be filed within 20 days after service of the notice. If an objection is timely filed, or if the medical examination suggests that full restoration is	Not Stated; A circuit court case suggests that the standard is a preponderance of evidence. <i>In re Guardianship of Branch</i> , 10 FLW Supp. 23, 25 (2 nd Cir. 2002)	Not stated	Not stated	The ward has the right to be restored to capacity at the earliest possible time [§744.3215] When a ward is restored to capacity, the guardian shall file a final report and receive his or her discharge, and delivery the property of the ward to the person lawfully entitled to it [§ 744.521; §744.361(6)(c)] Each plan for a ward must address the

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	<p>not appropriate, the court shall set the matter for hearing. If the ward does not have an attorney, the court shall appoint one to represent the ward.</p> <p>Notice of the hearing and copies of the objections and medical examination reports shall be served upon the ward, the ward's attorney, the guardian, the ward's next of kin, and any other interested persons as directed by the court.</p> <p>If no objections are filed, and the court is satisfied with the medical examination, the court shall enter an order of restoration of capacity, restoring all or some of the rights which were removed from the ward. The order must be issued within 30 days after the medical report is filed.</p> <p>At the conclusion of a hearing, the court shall enter an order either denying the suggestion of capacity or restoring all or some of the rights which were removed from the ward [§ 744.464]</p>				<p>issue of restoration of rights to the ward and include: A summary of activities during the preceding year that were designed to enhance the capacity of the ward; A statement of whether the ward can have any rights restored; A statement of whether restoration of any rights will be sought [§ 744.3675(3)]</p> <p>If a removed guardian of the property fails to file a true, complete, and final accounting of his or her guardianship; to turn over to the ward all the property of his or her ward and copies of all records that are in his or her control and that concern the ward, the court shall issue a show cause order. If cause is shown for the default, the court shall set a reasonable time within which to comply, and, on</p>

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					failure to comply, the removed guardian may be held in contempt [§ 744.517]
<p>Georgia</p> <p>Guardianship/ Conservatorship: Ga. Code Ann. § 29-4-42</p>	<p>Upon a proper showing that the need for a guardianship is ended, the court may terminate the guardianship and restore all personal and property rights to the ward [§ 29-4-42(a)]</p> <p>A petition for termination must be supported either by the affidavits of two persons who have knowledge of the ward, one of whom may be the petitioner, or of a physician licensed to practice medicine under Chapter 34 of Title 43, a psychologist licensed to practice under Chapter 39 of Title 43, or a licensed clinical social worker, setting forth the supporting facts and determinations. If, after reviewing the petition and the affidavits, the court determines that there is no probable cause to believe that the guardianship should be terminated, the court shall dismiss the petition. If the petition is not dismissed, the court shall order an evaluation, conducted in accordance with the provisions of subsection (d) of Code § 29-4-11 [Appointment of guardian]. If, after reviewing the report, the court finds that there is no probable cause to believe that the guardianship should be terminated, the court shall dismiss the petition. If the petition is not dismissed, the court shall schedule a hearing, with such notice as the court deems appropriate [§ 29-4-42(b)]</p> <p>No petition for termination of a guardianship shall be allowed by the court within two years after the denial or dismissal on the merits of</p>	<p>The burden is on the petitioner to show by a preponderance of the evidence that there is no longer a need for the guardianship [§ 29-4-42]</p>	<p>Not stated</p>	<p>Not stated</p>	<p>The Ward has the right to be restored to capacity at the earliest possible time [29-4-20(A)(7)]</p> <p>Upon termination of the guardianship, the guardian shall deliver any money or property to the ward or, if a conservator has been appointed for the ward, to that conservator or, if the ward is deceased, to the ward's personal representative [§ 29-4-42(f)]</p>

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	<p>a petition for termination of the guardianship unless the petitioner shows a significant change in the condition or circumstances of the ward [§ 29-4-42(d)]</p> <p>Except for good cause shown, the court shall order that notice of the petition be given, in whatever form the court deems appropriate, to the ward, the guardian, the ward's legal counsel, if any, and the ward's conservator, if any [§ 29-4-42(a)]</p>				
<p>Hawaii</p> <p>Guardianship/ Conservatorship: Haw. Rev. Stat. §§ 560:5-112, 560:5- 318</p>	<p>The same procedures as apply to a petition for guardianship</p>	<p>Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the court shall order the termination unless it is proven by clear and convincing evidence that continuation of the guardianship is in the best interest of the ward</p>	<p>An order adjudicating incapacity may specify a minimum period, not exceeding one year, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 15-5-307(b)]</p>	<p>Not stated</p>	<p>Not stated</p>
<p>Idaho</p> <p>Guardianship/ Conservatorship: Idaho Code Ann. § 15-5-307</p>	<p>The same procedures as apply to a petition for guardianship</p>	<p>Not stated</p>	<p>An order adjudicating incapacity may specify a minimum period, not exceeding one year, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 15-5-307(b)]</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 15-5-307(b)]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [§ 15-5-307(b)]</p>	<p>Not stated</p>

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<p>Illinois</p> <p>Guardianship/ Conservatorship: Illinois St. Ch. § 5/11a-20</p>	<p>The court may terminate the adjudication of disability of the ward if the ward's capacity to perform the tasks necessary for the care of his person or the management of his estate has been demonstrated by clear and convincing evidence [§ 5/11a-20]</p> <p>Upon the filing of a petition by the guardian or the disabled person, the court may terminate the adjudication of disability of the ward if: (i) a report states that the disabled person is no longer in need of guardianship; (ii) the disabled person no longer wishes to be under guardianship; and (iii) the guardian states that it is in the best interest of the disabled person to terminate the adjudication of disability [§ 5/11a-20 (b-5)]</p> <p>The court shall conduct a hearing on a petition for restoration. The ward is entitled to be represented by counsel, to demand a jury, to present evidence and to confront and cross-examine all witnesses. The court may appoint counsel for the ward, if the court finds that the interests of the ward will be best served by the appointment and shall appoint counsel upon the ward's request or if the respondent takes a position adverse to that of the guardian ad litem. If the ward is unable to pay the fee of the guardian ad litem or appointed counsel, the court shall enter in an order upon the State to pay all such fees. Upon conclusion of the hearing, the court shall enter an order setting forth the factual basis for its findings and may terminate the adjudication of disability and make any other order which the court deems appropriate and in the interests of the ward [§ 5/11a-21]</p> <p>Notice of the hearing on a petition for</p>	<p>Clear and convincing evidence that the ward has regained the capacity to perform the tasks necessary for the care of his person or the management of his estate</p> <p>[§ 5/11a-20(a)]</p>	<p>Not stated</p>	<p>A request for an order adjudicating incapacity may also be made informally to the court [§ 5/11a-20(b)]</p>	<p>If the guardian is satisfied that the ward has regained capacity, he may "place no obstacles in the way of restoration.</p> <p><i>Mathews v. Sargent</i>, 175 Ill. App. 287, 289 (2d Dist. 1912)</p>

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	<p>revocation, together with a copy of the petition, shall be given to the ward, unless he is the petitioner, and to each and every guardian to whom letters of guardianship have been issued, not less than 14 days before the hearing [§ 5/11a-20(c)]</p>				
<p>Indiana</p> <p>Guardianship/ Conservatorship: Ind. Code Ann. § 29-3-12-1</p>	<p>Upon adjudication by the court that the protected person is no longer incapacitated, the court shall terminate the guardianship [§ 29-3-12-1(b)(1)]</p> <p>Notice shall be provided on the same grounds and in the same manner as is provided under IC 29-1-10-6 for the removal of a personal representative [§ 29-3-12-4(a)]</p>	<p>Not stated</p>	<p>An order adjudicating incapacity may specify a minimum period, not exceeding one year, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 29-3-12-3]</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 29-3-12-3]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [§ 29-3-12-3]</p>	<p>When a guardianship terminates, the powers of the guardian cease, except that the guardian may pay the claims and expenses of administration that are approved by the court and exercise other powers that are necessary to complete the performance of the guardian's trust, including payment and delivery of the remaining property for which the guardian is responsible to the protected person [§ 29-3-12-1(d)]</p> <p>An order terminating a guardianship is evidence that the protected person has all, and the guardian does not have any, rights to possess and</p>

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					dispose of the guardianship property [§ 29-3-7-6(a)]
<p>Iowa</p> <p>Guardianship/ Conservatorship: Iowa Code Ann. § 633.675</p>	<p>Upon a determination by the court that the ward is no longer a person whose decision-making capacity is so impaired as to bring the ward within the categories of §633.552 subsection 2, paragraph “a” [Petition for appointment of guardian], or § 633.566, subsection 2, paragraph “a” [Petition for appointment of conservator], a guardianship shall cease and a conservatorship shall terminate or upon determination by the court that the conservatorship or guardianship is no longer necessary for any other reason [§ 633.675(1)(c),(d)]</p> <p>At any time after the appointment of a guardian or conservator, the person under guardianship or conservatorship may apply to the court by petition, alleging that the person is no longer a proper subject thereof, and asking that the guardianship or conservatorship be terminated [§ 633.679(1)]</p> <p>The authority to petition for restoration is limited to the individual under guardianship [§ 633.679(1)]</p>	<p>Once the ward has made that showing, the guardian or conservator has the burden to prove by clear and convincing evidence that the ward's decision-making capacity is so impaired, as provided in § 633.552, subsection 2, paragraph “a” [Petition for appointment of guardian], or § 633.566 , subsection 2, paragraph “a” [Petition for appointment of conservator], that the guardianship or conservatorship should not be terminated [§ 633.675(1)(c)]</p>	<p>If the court denies a petition for terminating a guardianship or conservatorship, no other petition shall be filed until at least six months have elapsed since the denial of the former one [§ 633.680]</p>	<p>Not stated</p>	<p>Notice of the final report of a conservator shall be served on the ward or the ward's personal representative, in accordance with §633.40 [Conservator's right to possession] unless notice is waived. An order prescribing notice may be made before or after the filing of the final report [633.677]</p> <p>A person under an order appointing a guardian may include a request for reinstatement of the person's voting rights in a petition to terminate the guardianship or by filing a separate petition for modification of this determination [§ 633.679(3)]</p> <p>Upon the termination of a</p>

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					conservatorship, all assets of the conservatorship shall be delivered, under direction of the court, to the person or persons entitled to them [§ 633.678]
<p>Kansas</p> <p>Guardianship/ Conservatorship: Kan. Stat. Ann. § 59-3090- 59-3091</p>	<p>If, upon the filing of a petition for restoration, the court finds good cause to warrant further proceedings, or sufficient cause for further proceedings, the court shall issue an order for a hearing. At the hearing, if the court does not find, by clear and convincing evidence that the ward is impaired, the court shall order that the ward is restored to capacity and shall proceed to terminate the guardianship. The hearing may be conducted in an informal manner, and the court shall have authority to receive all relevant and material evidence, including the testimony or findings of any professional. The court may appoint an attorney to represent the ward, may require the ward appear at the hearing, and may order a notice of the hearing to interested parties. If, at the hearing, the court does not find by clear and convincing evidence that the ward is impaired, the court shall restore capacity and terminate the guardianship. If the court does not find good cause to warrant further proceedings or if the court has within the past six months conducted a hearing or trial on a previous petition for restoration, the court may dismiss the petition without further proceedings [§ 59-3090]</p>	<p>Good cause in the petition to warrant further proceedings. At the hearing, if the court does not find, by clear and convincing evidence, that the ward is impaired, the court shall restore capacity and terminate the guardianship</p>	<p>Not stated</p>	<p>Not stated</p>	<p>The court may assign to the guardian additional responsibilities, duties, or powers as the court determines appropriate to facilitate the closure of the guardianship. Upon the termination of the guardianship, the guardian shall give any necessary notices, shall assist the ward to establish an independent residence, and shall file a final report with the court concerning the actions of the guardian [§ 59-3091(h), (i)]</p>
<p>Kentucky</p> <p>Guardianship/</p>	<p>Within thirty (30) days after the filing of a petition for termination, the court shall conduct a hearing at which the ward shall be</p>	<p>Not stated</p>	<p>Not stated</p>	<p>A request, if made by the ward, may be communicated to the</p>	<p>Upon the resignation or removal of a conservator, or on</p>

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<p>Conservatorship: Ky. Rev. Stat. Ann. § 387.620</p>	<p>entitled to counsel. The time for a hearing may be extended by the court, on motion of either party, for cause. Notice of the time and place of the hearing shall be given by the clerk of the court not less than fourteen (14) days prior to the hearing to both parties and all persons named in the petition. The petitioner shall, upon his motion, be entitled to have the motion for termination determined by a jury [§ 387.620(4)]</p> <p>Notice of the time and place of the hearing shall be given by the clerk of the court not less than fourteen days prior to the hearing to both parties and all persons named in the petition [§ 387.620(4)]</p>			<p>court by any means, including, but not limited to, oral communication or informal letter. If such a request is communicated by means other than a petition, the court shall appoint a suitable person to prepare a written petition to be filed with the court within seven (7) days following the appointment. Within thirty (30) days after the filing of a petition, the court shall conduct a hearing at which the ward shall be entitled to counsel [§ 387.620(3)]</p>	<p>the termination of the conservatorship, the conservator shall submit a final report and account to the court and to the former ward [§ 387.710(3)]</p>
<p>Louisiana</p> <p>Guardianship/ Conservatorship: La. Code Civ. Proc. Ann. Art. 4554</p>	<p>The same procedures as apply to a petition for interdiction (guardianship)</p>	<p>A preponderance of the evidence that the terms of the court's judgment are currently excessive or that the ability of the interdict to care for his person or property has so changed as to warrant termination</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Not stated</p>
<p>Maine</p> <p>Guardianship/ Conservatorship: Me. Rev. Stat. tit. 18-A, § 5-307(d)</p>	<p>In an action by the ward, upon presentation by the petitioner of evidence establishing a prima facie case that the ward is not incapacitated or the appointment is no longer necessary or desirable as a means of providing continuing care and supervision of the ward, the court shall order the termination unless the respondent proves by clear and convincing evidence that the ward</p>	<p>If petitioner establishes a prima facie case that the ward is capacitated, the court shall order termination unless the respondent proves incapacitation by clear and convincing</p>	<p>Not stated</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 5-307(b)]</p>	<p>Not stated</p>

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	is incapacitated and guardianship is necessary or desirable as a means of providing continuing care and supervision of the ward [§ 5-307(d)]	evidence		A request for an order adjudicating incapacity may also be made informally to the court [§ 5-307(b)]	
Maryland Guardianship/ Conservatorship: Md. Code Ann., Est. & Trusts § 13-220- 13-221	Termination and final distribution of the estate of a disabled person shall be made in compliance with the provisions of the Maryland Rules, applying to a fiduciary [12-331(c)]	Not stated	Not stated	Not stated	A guardian whose appointment has been terminated shall perform acts necessary to protect the estate and deliver the property to the successor guardian [§ 13-220(b)(1)]
Massachusetts Guardianship: Mass. Gen. Laws Ann. ch. 190B, § 5-311 Conservatorship: Mass. Gen. Laws Ann. ch. 190B, § 5-429(h)	The same procedures as apply to a petition for guardianship	Not stated	An order adjudicating incapacity may specify a minimum period, not exceeding six months, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 5-429(b)]	Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 5-429(b)] A request for an order adjudicating incapacity may also be made informally to the court [§ 5-429(b)]	Not stated
Michigan Guardianship/ Conservatorship: Mich. Comp. Laws Ann. § 700.5308- 700.5310	The same procedures as apply to a petition for guardianship [§ 700.5306a(x)] Upon receiving a petition or request, the court shall set a date for a hearing to be held within 28 days after the receipt of the petition or request [§ 700.5310(3)]	Not Stated	An order finding incapacity may specify a minimum period, not exceeding 182 days, during which a petition or request for a finding that a ward is no longer an incapacitated individual shall not be filed without special leave of the court	Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 700.5310(b)] A request for an order adjudicating incapacity may also be made	The ward has the right to have the guardian secure services to restore the individual to the best possible state of mental and physical well-being so that the individual can return to self-management at the

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
			[§ 700.5310(3)]	informally to the court [§ 700.5310(b)]	earliest possible time, as provided in § 700.5314 [Powers and duties of guardian] [§700.5306a(ee)]
Minnesota Guardianship/ Conservatorship: Minn. Stat. Ann. §§ 524.5-112; 524.5-317	The same procedures as apply to a petition for guardianship	Prima facie	Not stated	Not stated	Not stated
Mississippi Guardianship: Miss. Code. Ann. §§ 93-13-125; 93-13-133; 93-13-151 Conservatorship: Miss. Code. Ann. §93-13-265	If at any time it be made to appear to the satisfaction of the court that the person of unsound mind has been restored to sanity, such guardianship may be terminated and ended [§ 93-13-125] When any person for whom a guardian has been appointed shall be restored to reason, the court of the county wherein such guardian was appointed may adjudicate upon the filing of a proper petition therefor, supported by such proof as the chancellor may deem sufficient. Such a petition may be heard at such time and place as the chancellor may fix; and at such hearing, all interested parties shall have the right to appear and offer testimony. The adjudication of the person's restoration shall be proof thereof in any court of competent jurisdiction; and if a guardian of the estate and/or property, of such person shall have been appointed, the guardian shall be discharged and the control of the estate of the person returned to him [§ 93-13-151]	Such proof as the chancellor may deem sufficient [§ 93-13-151]	Not stated	Not stated	Not stated
Missouri	Upon an adjudication that an incapacitated or disabled person has been restored to his	Upon the filing of a petition without the	At least annually, the court shall inquire into	Not stated	If the guardian or conservator files the

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
<p>Guardianship/ Conservatorship: Mo. Ann. Stat. § 475.083</p>	<p>capacity or ability, the authority of the guardianship or conservator terminates [§475.083(1)(2)]</p> <p>If there is an indication that the incapacity or disability of the ward or protectee has ceased, the court shall appoint an attorney to file on behalf of the ward or protectee a petition for termination of the guardianship or conservatorship or for restoration [§ 475.082(4)]</p> <p>Upon the filing of a joint petition by the guardian or conservator and the ward or protectee, the court, if it finds restoration to be in the best interests of the ward or protectee, may summarily order restoration of the powers of the guardian or conservator without the necessity of notice and hearing. Otherwise, notice shall be given as the court may require [475.083(5)]</p>	<p>joinder of the guardian or conservator, the burden of proof by a preponderance of the evidence shall be upon the petitioner [§475.083(6)]</p> <p>Upon the filing of a joint petition by the guardian or conservator and the ward or protectee, the court may order restoration if it finds restoration to be in the best interests of the ward or protectee [§475.083(5)]</p>	<p>the status of every ward and protectee under its jurisdiction to determine whether the incapacity may have ceased and to insure that the guardian or conservator is discharging his responsibilities and duties in accordance with this chapter [§ 475.082(1)]</p>		<p>petition jointly with the guardian, the court may order restoration if it finds restoration to be in the best interests of the ward or protectee [§ 475.083(5)]</p>
<p>Montana</p> <p>Guardianship: Mont. Code Ann. § 72-5-325</p> <p>Conservatorship: Mont. Code Ann. § 72-5-430(2)]</p>	<p>The same procedures as apply to a petition for guardianship [§ 72-5-325(3)]</p>	<p>Not stated</p>	<p>An order adjudicating incapacity may specify a minimum period, not exceeding 6 months, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 72-5-325(2)]</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 72-5-325(2)]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [§ 72-5-325(2)]</p>	<p>When the conservator is satisfied that a protected person's disability, other than minority, has ceased, the conservator, after meeting all prior claims and expenses of administration, shall pay over and distribute all funds and properties to the former protected person as soon as possible [§ 72-5-429]</p>

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
<p>Nebraska</p> <p>Guardianship: Neb. Rev. Stat. § 30-2622-30-2623</p> <p>Conservatorship: Neb. Rev. Stat. § 30-2659</p>	<p>The same procedures as apply to a petition for guardianship [§ 30-2623(c)]</p> <p>If the court has reason to believe that additional rights should be returned to the ward, the court shall set a date for a hearing and may provide all protections as set forth for the original finding of incapacity and appointment of a guardian [§ 30-2628(6)]</p>	<p>Not stated</p>	<p>An order adjudicating incapacity may specify a minimum period, not exceeding one year, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 30-2623(b)]</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 30-2623(b)]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [§ 30-2623(b)]</p>	<p>A guardian shall report the condition of the ward and of the estate which has been subject to the guardian's possession or control, at least every year and as required by the court or court rule. The court shall receive from any interested person, for a period of thirty days after the filing of the guardian's report, any comments with regard to the need for continued guardianship or amendment of the guardianship order [§ 30-2628(6)]</p>
<p>Nevada</p> <p>Guardianship/ Conservatorship: Nev. Rev. Stat. Ann. §§159.1905, 159.191</p>	<p>If the court determines that the guardianship is no longer necessary, guardianship of the person and/or of the estate is terminated [§159.1905]</p>	<p>The petitioner has the burden of proof to show by clear and convincing evidence that the termination of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the ward [§ 159.1905(3)]</p>	<p>Not stated</p>	<p>Not stated</p>	<p>A guardian shall maintain all records and documents for the ward for a period of not less than 7 years after the court terminates the guardianship and shall maintain all financial records related to the guardianship for a period of not less than 7 years after the date of the last financial transaction</p>

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
<p>New Hampshire</p> <p>Guardianship: N.H. Rev. Stat. Ann. § 464-A:40</p> <p>Conservatorship: N.H. Rev. Stat. Ann § 464-A:16</p>	<p>Upon a finding by the court that the ward is no longer incapacitated, a guardianship of the person or of the estate shall terminate upon order of the court [§464-A:40(I)]</p> <p>A ward may request the termination of the guardianship based on a finding that he or she is no longer incapacitated in an informal letter to the court or judge. Persons directly responsible for the care and supervision of the ward may assist the ward in preparing a letter of this kind. Unless the motion is without merit, the court shall hold a hearing similar to that provided for in RSA 464-A:8 [Conduct of hearing] and RSA 464-A:9 [Findings] at which the guardian shall be required to prove that the grounds for appointment of a guardian provided in RSA 464-A:9 [Findings] continue to exist [§ 464-A:40(II)(b); (c)]</p>	<p>The grounds for appointment of a guardian provided in RSA 464-A:9 no longer continue to exist [§464-A:40(II)(c)]</p>	<p>An order adjudicating incapacity may specify a minimum period, not exceeding one year, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§464-A:40(II)(a)]</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [464-A:40(II)(b)]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [464-A:40(II)(b)]</p>	<p>[§ 159.19905]</p> <p>Upon termination of a guardianship of the estate, the guardian shall file a final account with the court within 90 days after the date of termination, or as ordered by the court. Upon approval of the account, the guardian shall be discharged and his or her bond released [§464-A:40(III)]</p> <p>The court shall annually notify the ward that the ward has the right to seek termination of the guardianship at any time. This notice shall be given in language reasonably understandable by the ward, shall contain the name and address of the ward's guardian, and shall be given in hand or mailed by first class mail to the guardian and the ward, or by other service as the court directs [§ 464-A:38]</p>
New Jersey	The Superior Court may, on summary action	Not stated	Not stated	Not stated	Not stated

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
Guardianship/ Conservatorship: N.J. Stat. Ann. § 3B:12-28	<p>filed by the person adjudicated incapacitated or the guardian, adjudicate that the incapacitated person has returned to full or partial competency and restore to that person his civil rights and estate as it exists at the time of the return to competency if the court is satisfied that the person has recovered his sound reason and is fit to govern himself and manage his affairs [§ 3B:12-28]</p> <p>The authority to petition for restoration is limited to the individual under guardianship [§ 3B:12-28]</p>				
New Mexico Guardianship: N.M. Stat. Ann. § 45-5-307 Conservatorship: N.M. Stat. Ann. § 45-5-430	The same procedures as apply to a petition for guardianship [§ 45-5-307(D)]	Not stated	At any time following the appointment of a guardian, but not later than ten years after the initial appointment of a guardian for a protected person and every ten years thereafter, the court shall hold a status hearing, after notice to the guardian, the protected person and appropriate interested persons, to review the status of the protected person's capacity and the continued need for a guardian [§ 45-5-307(G)]	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 45-5-307(C)]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [§ 45-5-307(C)]</p>	Not stated
New York Guardianship/ Conservatorship: N.Y. Mental Hyg. Law § 81.36	<p>The court shall order that there be restored to such person the property remaining in the hands of the guardian</p> <p>The petition for restoration may be made by the guardian, the incapacitated person, or any person entitled to commence a</p>	The burden of proof is on the person objecting to the termination of the guardianship	Not stated	Not stated	Not stated

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
	<p>proceeding under this article [§ 81.36(b)]</p> <p>There shall be a hearing on notice to the persons entitled to notice pursuant to paragraph three of subdivision (c) of § 81.16 of this article [Dispositional alternatives] [§ 81.36(c)]</p>				
<p>North Carolina</p> <p>Guardianship/ Conservatorship: N.C. Gen. Stat. Ann. § 35A-1130</p>	<p>The guardian, ward, or any other interested person may petition for restoration of the ward to competency by filing a motion in the cause of the incompetency proceeding with the clerk who is exercising jurisdiction therein. The motion shall be verified and shall set forth facts tending to show that the ward is competent.</p> <p>Upon receipt of the motion, the clerk shall set a date, time, and place for a hearing, which shall be not less than 10 days or more than 30 days from service of the motion and notice of hearing on the ward and the guardian, or on the one of them who is not the petitioner, unless the clerk for good cause directs otherwise [§ 35A-1130(a), (b)]</p> <p>The petitioner shall cause notice and a copy of the motion to be served on the guardian and ward (but not on one who is the petitioner) and any other parties to the incompetency proceeding [§ 35A-1130(b)]</p> <p>If the clerk or jury finds by a preponderance of the evidence that the ward is competent, the clerk shall enter an order adjudicating that the ward is restored to competency [§ 35A-1130(d)]</p>	<p>A preponderance of the evidence that the ward is restored to competency</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Upon adjudication that the ward is restored to competency, the ward is authorized to manage his affairs, make contracts, control and sell his property, both real and personal, and exercise all rights as if he had never been adjudicated incompetent [§ 35A-1130(d)]</p> <p>Any corporation or disinterested public agent that is guardian of the person for an incompetent person, within six months after being appointed, shall file an initial status report with the designated agency, if there is one, or with the clerk. Such guardian shall file a second status report with the designated</p>

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
					agency or the clerk one year after being appointed, and subsequent reports annually thereafter [§ 35A-1242(a)]
<p>North Dakota</p> <p>Guardianship: N.D. Cent. Code Ann. § 30.1-28-07. (5-307)</p> <p>Conservatorship: N.D. Cent. Code Ann. §§ 30.1-29-15. (5-415), 30.1-29-30. (5-430)</p>	<p>The same procedures as apply to a petition for guardianship</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 30.1-28-07.(5-307)(2)]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [§ 30.1-28-07.(5-307)(2)]</p>	<p>Not stated</p>
<p>Ohio</p> <p>Guardianship: Ohio Rev. Code Ann. § 2111.47</p> <p>Conservatorship: Ohio Rev. Code Ann. § 2111.021</p>	<p>Upon satisfactory proof that the necessity for the guardianship no longer exists, the probate court shall order that the guardianship of an incompetent terminate and shall make an appropriate entry upon the journal. Thereupon the guardianship shall cease, the accounts of the guardian shall be settled by the court, and the ward shall be restored to the full control of the ward's property as before the appointment. Such entry terminating the guardianship of an incompetent person shall have the same effect as a determination by the court that such person is competent</p> <p>Upon written request by the ward, made at any time after the expiration of one hundred twenty days from the date of the original</p>	<p>Clear and convincing evidence</p>	<p>Not stated</p>	<p>Not stated</p>	<p>The guardian shall file a guardian's report with the court two years after the date of the issuance of the guardian's letters of appointment and biennially after that time, or at any other time upon the motion of the probate court. The report shall be in a form prescribed by the court and shall include the opinion of the guardian as to the necessity for the</p>

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
	<p>appointment of the guardian, a hearing shall be held in accordance with § 2111.02 of the Revised Code [Appointment of Guardian] to evaluate the continued necessity of the guardianship. Upon written request, the court shall conduct a minimum of one hearing under this division in the calendar year in which the guardian was appointed, and upon written request, shall conduct a minimum of one hearing in each of the following calendar years. Upon its own motion or upon written request, the court may, in its discretion, conduct a hearing within the first one hundred twenty days after appointment of the guardian or conduct more than one hearing in a calendar year. If the ward alleges incompetence, the burden of proving incompetence shall be upon the applicant for guardianship or the guardian, by clear and convincing evidence [§ 2111.49(C)]</p> <p>Reasonable notice shall be given to the guardian, to the ward, and to the person on whose application the appointment was made</p>				<p>continuation of the guardianship. If, upon review of any report required by division (A)(1) of this section, the court finds that it is necessary to intervene in a guardianship, the court shall take any action necessary, including terminating the guardianship [§ 2111.49(A)(1); (B)]</p>
<p>Oklahoma</p> <p>Guardianship: Okla. Stat. Ann. tit. 30, § 3-116</p> <p>Conservatorship: Okla. Stat. Ann. tit. 30, § 3-121(C)</p>	<p>Any person who has been judicially determined to be incapacitated, the guardian, any relative of the ward or any friend of the ward may apply by petition to the district court of the county in which such person was declared incapacitated, to have the ward's restoration to capacity judicially determined [§ 3-116(A)]</p> <p>Upon receiving the petition, the court shall appoint a day for the hearing. Such hearing shall be set within thirty (30) days after the date of the filing of the petition. The court shall cause notice to be served as provided by § 3-110 [Notice of hearing] of this title and</p>	Not stated	Not stated	Not stated	<p>If satisfied that the incapacity of the ward has ceased, the guardian shall file a petition requesting a determination on the restoration to capacity of the ward and the termination of the guardianship [§ 3-118(C)]</p> <p>Whenever a guardian has been</p>

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
	<p>to the attorney of the subject of the proceeding, if any, and if known to the petitioner. At the hearing, the guardian or relative of the petitioner, and in the discretion of the court, any other person, may contest the right of the petitioner to the relief demanded. Witnesses may be required to appear and testify, as in all other civil matters, and may be called and examined by the judge on his own motion. If it is found that the petitioner is no longer incapacitated or partially incapacitated and capable of taking care of himself or his property, or both, his restoration to capacity shall be adjudged, and the guardianship of such person shall cease [§ 3-116(B)]</p>				<p>discharged, the ward shall be presumed to be fully restored and to be fully capable and competent to make contracts and transact any and all business as though said person had never been declared to be incapacitated or partially incapacitated [§ 3-117]</p>
<p>Oregon</p> <p>Guardianship: Or. Rev. Stat. Ann. § 125.090</p> <p>Conservatorship: Or. Rev. Stat. Ann. § 125.525</p>	<p>The same procedures as apply to a petition for guardianship [§ 125.090(1)]</p> <p>The court may remove a fiduciary on the motion of any person who is entitled to file an objection to a petition under the provisions of ORS 125.075, or upon the court's own motion [§ 125.085]</p>	<p>The fiduciary has the burden of proving by clear and convincing evidence that a protected person continues to be incapacitated [§125.090(1)]</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Within 30 days after each anniversary of appointment, a guardian shall file with the court a written report stating whether the guardian believes the guardianship should or should not continue [§ 125.325]</p> <p>A conservator shall account to the court for the administration of the protected estate: Within 60 days after an adult protected person becomes able to manage the protected person's financial resources; and within 30 days</p>

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
					after the termination of the conservator's authority [§ 125.457]
Pennsylvania Guardianship/ Conservatorship: 20 Pa. Cons. Stat. Ann. § 5517	<p>The court shall conduct a review hearing promptly if the incapacitated person, guardian or any interested party petitions the court for a hearing for reason of a significant change in the person's capacity or a change in the need for guardianship services [§ 5512.2(a)]</p> <p>The court, after a hearing under § 5512.2 [Review hearing], may order that a person previously adjudged incapacitated is no longer incapacitated or the court may find that the incapacitated person has regained or lost capacity in certain areas in which case the court shall modify the existing guardianship order [§ 5517]</p>	The party advocating continuation of guardianship or expansion of areas of incapacity carries the burden of proof, by clear and convincing evidence	Not stated	Not stated	<p>Each guardian shall file with the court a report at least once within the first 12 months of his appointment and at least annually thereafter, including the opinion of the guardian as to whether the guardianship should continue or be terminated or modified and the reasons therefor [§ 5521(c)(ii)(D)]</p> <p>Within 60 days of the an adjudication of capacity,, the guardian shall file a final report with the court [§ 5521(c)(2)]</p>
Rhode Island Guardianship/ Conservatorship: R.I. Gen. Laws Ann. § 33-15-18	The court shall remove any limited guardian or guardian or conservator upon finding that the ward, based on a decision making assessment tool, has the capacity to make decisions regarding his or her health care, finances, residence, and/or relationships	Not stated	Not stated	Not stated	Not stated
South Carolina Guardianship:	The court shall terminate the guardianship for an incapacitated person upon the determination of capacity	Not stated	An order adjudicating or readjudicating incapacity may specify a minimum period, not	Any person who knowingly interferes with transmission of the request to the court or	Not stated

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
<p>S.C. Code Ann. § 62-5-306- 62-5-307</p> <p>Conservatorship: S.C. Code Ann. § 62-5-430</p>	<p>Before acting upon a petition for restoration, the court shall send a visitor to the residence of the present guardian and to the place where the ward resides or is detained to observe conditions and report in writing to the court. After reviewing the report of the visitor, the court may order termination of the ward's incapacity or a hearing following the procedures set forth in § 62-5-303 [Jurisdiction] [§ 62-5-307(c)]</p>		<p>exceeding one year, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 62-5-307(b)]</p>	<p>judge may be held in contempt of court [§ 62-5-307(b)]</p> <p>A request for an order adjudicating incapacity may also be made informally to the court [§ 62-5-307(b)]</p>	
<p>South Dakota</p> <p>Guardianship/ Conservatorship: S.D. Codified Laws § 29A-5-508- 29A-5-509</p>	<p>The same procedures as apply to a petition for guardianship [§ 29A-5-509]</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Not stated</p>	<p>A guardian of a protected person shall file a report with the court within sixty days following the first anniversary of the appointment briefly stating a recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship</p>
<p>Tennessee</p> <p>Guardianship/ Conservatorship: Tenn. Code Ann. § 34-3-108</p>	<p>The court, upon receipt of petition to modify the duties of the conservator and restore rights to the ward, shall conduct a hearing. At the hearing, the disabled person has all the rights set out in § 34-3-106 [Rights of Respondent]. Upon conclusion of the hearing, the court shall enter an order setting forth the court's findings of fact [§ 34-3-108]</p>	<p>Not stated</p>	<p>Not stated</p>	<p>A request for an order adjudicating incapacity if made by the disabled person, may be communicated to the court by any means including oral communication or informal letter [§ 34-3-108(b)]</p>	<p>Within 120 days after the date the conservatorship terminates, the conservator shall file a preliminary final accounting with the court, which shall account for all assets, receipts and disbursements from the date of the last accounting until the</p>

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
					<p>date the conservatorship terminates, and shall detail the amount of the final distribution to close the conservatorship. If no objections have been filed to the clerk's report on the preliminary final accounting 30 days from the date the clerk's report is filed, the conservator shall distribute the remaining assets</p>
<p>Texas</p> <p>Guardianship/ Conservatorship: Tex. Prob. Code Ann. § 694</p>	<p>Upon written application or informal letter, the court may find that the ward is no longer an incapacitated person and order the settlement and closing of the guardianship. The court shall appoint the court investigator or a guardian ad litem to investigate and determine whether the ward is no longer an incapacitated person. The court investigator or guardian ad litem shall file with the court a report of the investigation's findings and, if the court investigator or the guardian ad litem determines that it is in the best interest of the ward to terminate the guardianship, the court investigator or guardian ad litem shall file an application on the ward's behalf. [§ 694A]</p> <p>The court shall appoint an attorney ad litem to represent a ward in a proceeding for the complete restoration of the ward's capacity [§ 694C]</p> <p>At the hearing, the court shall consider only evidence regarding the ward's capacity at the</p>	<p>A preponderance of the evidence that the ward is no longer partially or fully incapacitated [§694E]</p>	<p>Except as otherwise provided by the court, on good cause shown by the applicant, a person may not reapply for complete restoration of a ward's capacity before the first anniversary of the date of the hearing on the last preceding application [§ 694A(e)]</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 694A(b)]</p> <p>A ward may make a request for an order by informal letter to the court [§ 694A(b)]</p>	

Jurisdiction	Procedure	Evidentiary Standard	Court Review; Time Period for Requests	Form of Request; Bar to Interference	Role of Guardian and/or Conservator; Rights of Individual
	<p>time of the hearing that is relevant to the restoration of capacity. The party who filed the application has the burden of proof at the hearing. [694D]</p> <p>If the court finds that a ward is no longer incapacitated, the order completely restoring the ward's capacity must contain findings of facts and specifications listed in § 694G [Order of complete restoration of ward's capacity] [694G]</p> <p>The court may not grant an order completely restoring a ward's capacity unless, in addition to other requirements prescribed by this code, the applicant presents to the court a written letter or certificate from a licensed physician [§ 694F(a)]</p>				
<p>Utah</p> <p>Guardianship/ Conservatorship: Utah Code Ann. § 75-5-306- 75-5-307</p>	<p>The same procedures as apply to a petition for guardianship [§75-5-307(3)]</p>	<p>Not stated</p>	<p>An order adjudicating incapacity may specify a minimum period, not exceeding one year, during which a petition for an adjudication that the ward is no longer incapacitated may not be filed without special leave [§ 75-5-307(2)]</p>	<p>Any person who knowingly interferes with transmission of the request to the court or judge may be held in contempt of court [§ 75-5-307(2)]</p> <p>A ward may make a request for an order by informal letter to the court [§ 75-5-307(2)]</p>	<p>Not stated</p>
<p>Vermont</p> <p>Guardianship/ Conservatorship: Vt. Stat. Ann. tit. 14, § 3077</p>	<p>If the court finds a change in the ability of the person under guardianship to manage his or her personal care or financial affairs, the court may terminate the guardianship [§ 3077(a)(4)]</p> <p>Notice and hearing on the motion shall proceed in the same manner as those that</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Not stated</p>	<p>After the trust of a guardian is terminated, if the ward or the ward's legal representatives are dissatisfied with the account, within two years, and if the</p>

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	<p>apply in a petition for guardianship [§ 3077(c)]</p> <p>The court shall mail an annual notice on the anniversary date of the appointment of the guardian to the person under a guardianship setting forth the procedure for terminating the guardianship and the right of the person under guardianship to receive and review the annual reports filed by the guardian [§2671(k)]</p>				<p>ward or the legal representatives do not at the time of the termination of the trust reside in this state, within four years thereafter, they may file a motion to reopen the estate for a reexamination of the account. After notice as provided by the rules of probate procedure, the court shall reexamine accounts previously allowed. A party may appeal from the decision of the probate division to the civil division of the superior court. The final allowance of accounts in these proceedings shall be conclusive between the parties [§ 2927]</p>
<p>Virginia</p> <p>Guardianship/ Conservatorship: Va. Code Ann. § 64.2-2012</p>	<p>An order appointing a guardian or conservator may be terminated upon a finding that it is in the best interests of the incapacitated person and that:</p> <ol style="list-style-type: none"> 1. The incapacitated person is no longer in need of the assistance or protection of a guardian or conservator; 2. The extent of protection, management, or assistance previously granted is either excessive or insufficient considering the 	<p>A preponderance of the evidence that the incapacitated person has substantially regained his ability to:</p> <ol style="list-style-type: none"> (i) care for his person in the case of a guardianship or (ii) manage and handle his estate in the case of a conservatorship. 	<p>Not stated</p>	<p>Not stated</p>	<p>Not stated</p>

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	<p>current need of the incapacitated person; or</p> <p>3. Circumstances are such that the guardianship or conservatorship is no longer necessary or is insufficient</p> <p>The court shall declare the person restored to capacity and discharge the guardian or conservator if, on the basis of evidence offered at the hearing, the court finds by a preponderance of the evidence that the incapacitated person has substantially regained his ability to (i) care for his person in the case of a guardianship or (ii) manage and handle his estate in the case of a conservatorship</p>				
<p>Washington</p> <p>Guardianship/ Conservatorship: Wash. Rev. Code Ann. § 11.88.120</p>	<p>Upon adjudication of capacity or adjudication of termination of incapacity, a guardianship may be terminated by court order [11.88.140(1)(b)]</p> <p>Any person, including an incapacitated person, may apply to the court for an order to terminate a guardianship. If applicants are represented by counsel, counsel shall move for an order to show cause why the relief requested should not be granted. If applicants are not represented by counsel, they may move for an order to show cause, or they may deliver a written request to the clerk of the court [§11.88.120(2)]</p> <p>A copy of the order shall be mailed by the clerk to the applicant, to the guardian, and to any other person entitled to receive notice of proceedings in the matter. Unless within thirty days after receiving the request from the clerk the court directs otherwise, the clerk</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Not stated</p>	<p>When a guardianship terminates, the powers of the guardian cease, except that a guardian of the estate may make disbursements for claims that are or may be allowed by the court, for liabilities already properly incurred for the estate or for the incapacitated person, and for expenses of administration [§ 11.88.140(4)]</p> <p>The guardian or</p>

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	<p>shall schedule a hearing on the request and mail notice to the guardian, the incapacitated person, the applicant, all counsel of record, and any other person entitled to receive notice of proceedings in the matter [§ 11.88.120(3)]</p>				<p>limited guardian shall, within 90 days of the date of termination, unless the court orders a different deadline for good cause, prepare and file with the court a final verified account of administration that shall contain the same information as required for an intermediate verified account of administration of the estate under RCW 11.92.040(2) and an intermediate personal care status report under RCW 11.92.043(2) [§ 11.88.140(3)]</p>
<p>West Virginia Guardianship/ Conservatorship: W. Va. Code Ann. § 44A-4-7</p>	<p>A hearing on a petition to terminate shall be conducted with the same notice and in the same manner and the protected person shall have the same rights as the protected person would obtain at a hearing on a petition for the appointment of a guardian or conservator. The protected person and the guardian or conservator shall attend the hearing except for good cause shown [§ 44A-4-7]</p> <p>The court may terminate a guardianship, conservatorship, or both if:</p> <p>(1) The protected person is no longer in need of the assistance or protection of a guardian or conservator;</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Not stated</p>	<p>Reports of guardians and accountings of conservators shall be filed with the circuit clerk of the county in which appointed and also with the fiduciary commissioner of the county or other person if the court has made a referral in its order: When the appointment of the guardian or conservator is</p>

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	<p>(2) The extent of protection, management or assistance previously granted is either excessive or insufficient considering the current need therefor;</p> <p>(3) The protected person's understanding or capacity to manage the estate and financial affairs or to provide for his or her health, care or safety has so changed as to warrant such action [§ 44A-4-6(b)]</p>				<p>terminated, except that in the case of a guardian, the court may determine that there is no need for a report upon the termination; and in the case of a conservator, no accounting is required if all persons entitled to any proceeds of the estate consent thereto [§ 44A-3-11(a)(5)]</p>
<p>Wisconsin</p> <p>Guardianship: Wis. Stat. Ann. § 54.64</p> <p>Conservatorship: Wis. Stat. Ann. § 54.64(4); 54.76(4)</p>	<p>The petition to have the guardian discharged and rights restored may be filed at any time after 180 days after any previous hearing under s. 54.44 [Hearing], or at any time if the court determines that exigent circumstances, including presentation of new evidence, require a review. If a petition is filed, the court shall do all of the following:</p> <ol style="list-style-type: none"> 1. Appoint a guardian ad litem. 2. Fix a time and place for hearing. 3. Designate the persons who are entitled to notice of the hearing and designate the manner in which the notice shall be given. 4. Conduct a hearing at which the ward is present and has the right to a jury trial, if demanded [§ 54.64(2)] 	Not stated	Not stated	Not stated	Not stated
Wyoming	Upon a determination by the court that the	Not stated	If any petition for	Not stated	The guardian shall

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<p>Guardianship/ Conservatorship: Wyo. Stat. Ann. § 3-3-1101</p>	<p>ward is competent and capable of managing his private affairs, and that the continuance of the guardianship or conservatorship is not in his best interest or is no longer necessary for any other reason, a guardianship shall cease and a conservatorship shall terminate [§ 3-3-1101]</p> <p>At any time, not less than 6 months after the appointment of a guardian or conservator, the ward may petition the court alleging that he is no longer a proper subject of the guardianship or conservatorship and asking that the guardianship or conservatorship be terminated [§ 3-3-1105]</p> <p>The authority to petition for restoration is limited to the individual under guardianship [§ 3-3-1105(a)]</p>		<p>termination of guardianship or conservatorship is denied, no other petition for termination may be filed until 6 months have elapsed since the denial of the former petition [§ 3-3-1105]</p>		<p>request the court to modify the guardian's range of duties if the changed circumstances of the ward require such modification [§ 3-2-201(xi)]</p> <p>The guardian shall present to the court and file in the guardianship proceedings a signed, written, report on the physical condition, including level of disability or functional incapacity, principal residence, treatment, care and activities of the ward, and a description of those actions the guardian has taken on behalf of the ward within 30 days of the termination [§ 3-2-109(a)(iii)]</p>