



## **I HAVE A LEGAL GUARDIAN OR CONSERVATOR, CAN THIS BE CHANGED?**

The answer to this question is **YES, IT CAN!** If you have a guardian, a judge decided at one time that you needed help to make safe choices. If you have a conservator, a judge decided that you needed help to make good choices about spending your money. But just because you may have needed help at one time does not mean you still need help. You can ask the judge to change your guardianship or conservatorship.

You can ask the judge to:

- Change who your guardian or conservator is
- Change what decisions the guardian or conservator can make
- End the guardianship or conservatorship

Here are things you can do to make changes:

### **Step 1: Get your court records**

When you first got a guardian, you should have been given court papers. It is helpful to know the place where you first went to court and the number of your case. You can ask your guardian for copies of the papers. You also have the right to see your papers at the courthouse. Call the clerk at the courthouse and ask how to see your papers.

### **Step 2: Ask people to help you**

Any person can ask the court to make changes. You, your friend, your parent or any other person can ask the court to make changes. You do not have to have an attorney. If you want an attorney to help you, call the attorney who helped you in court when you first got a guardian or conservator. The court file will have the name of this attorney. If this attorney will not help you, call the numbers listed below for help.

### **Step 3: Decide what changes you want**

You will need to tell the judge what changes you want and why you want to make the changes. If you want to change who your guardian is, you should tell the judge who else could be your guardian. If you want to not have a guardian, you will need other people to tell the judge you can make safe choices. A doctor or psychologist is the best person to tell the judge what you can do. You can bring people to the hearing to help you.

### **Step 4: File papers with the court**

You will need to file a paper called a “Petition for Reexamination of Order of Guardianship and/or Conservatorship” with the court where you live or where you first went to court. You or another person can write the papers to give to the court. You can also give the court written statements from people about why the changes would be good for you. In the petition, if you do not have an attorney, you can ask the judge to choose one for you. You can also ask the judge to appoint an “evaluation committee” from the Idaho Department of Health and Welfare. This committee would help the judge decide what changes to make. If you need more help with the petition, call DisAbility Rights Idaho.

### **Step 5: Have a court hearing**

After the papers are filed, the judge will set a hearing. It is important for you to go to the hearing. You can bring people to help you. At the hearing, you and other people can tell the judge why you want the changes. The judge will decide if the guardianship or conservatorship will be changed. You have rights at the hearing. Ask your attorney or call DisAbility Rights Idaho to learn more about these rights.

FOR MORE HELP CALL:

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| ■ DISABILITY RIGHTS IDAHO          | 866-262-3462 |
| ■ IDAHO LEGAL AID SERVICES         | 208-345-0106 |
| ■ IDAHO VOLUNTEER LAWYERS PROGRAM  | 800-221-3295 |
| ■ IDAHO STATE BAR REFERRAL SERVICE | 208-334-4500 |

This handout was prepared by the staff of DisAbility Rights Idaho. DisAbility Rights Idaho is a private nonprofit agency providing legal and advocacy services to Idahoans with disabilities. The handout was funded by a grant from the Administration on Developmental Disabilities, but does not necessarily represent the view of the funding agency. The information in the handout is not meant to be legal advice. 11/09