

Conflicts of Interest of Proposed Guardian

(1) It shall be deemed a conflict of interest for a Certified Professional Guardian (CPG) to petition to have him or herself appointed as guardian for an alleged incapacitated person. Likewise, it shall be deemed a conflict of interest for an Attorney/CPG representing a petitioner to seek to have him or herself appointed. The conflict shall be disclosed to the Court and the procedure set forth below followed.

(2) If a CPG petitioner or an Attorney/CPG representing a petitioner seeks to have the Court appoint himself or herself as a guardian for an alleged incapacitated person he or she shall determine that:

- (a) a guardianship is in the best interests of the alleged incapacitated person;
- (b) there are no less restrictive alternatives; and
- (c) there is no other suitable person willing to act as guardian.

(3) The conflicted party, referred to above, shall conduct an investigation and file a declaration (Declaration Pursuant to LSPR 98.19) describing the following pre-filing actions:

- (a) identify any alternative nominees and provide information as to why alternate nominees who are available are not suitable or able to serve;
- (b) provide a written request from the party requesting the guardianship which identifies the basis for the request and the basis for the decision by that party not to petition;
- (c) provide documentation from third parties of the facts set out in the petition. Such documentation can include statements from care providers, family members, friends, or others with knowledge of the circumstances of the incapacitated person.
- (d) provide documentation that the conflicted party has met with the alleged incapacitated person, the results of that meeting, and an opinion of the capacity issues faced by the alleged incapacitated person.
- (e) disclose any relationship the conflicted party may have with a care facility and describe any practice the facility may have involving the referral of residents.