



# Standards of Practice Checklist

# NGA STANDARDS OF PRACTICE CHECKLIST

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# NGA STANDARDS OF PRACTICE CHECKLIST

The Audit Checklist is designed to allow you to perform a self-audit on your compliance by following the Standards of Practice. It is important to be able to validate adherence to these Standards.

\* Any explanations to questions should be attached to this document.

## ○ NGA Standard 1 – Applicable Law and General Standards

Yes  No  N/A Is the guardian in compliance with the requirements of the court order and applicable law?

## ○ NGA Standard 2 – The Guardian's Relationship to the Court

Yes  No  N/A Has the guardian/organization established a policy regarding how and when to obtain a court authorization for all actions as required by law or not specified in the court order?

Yes  No  N/A Has the court approved the guardian's fees?

Yes  No  N/A Does the guardian submit reports regarding the status of the guardianship as required by the court or at least annually?

## ○ NGA Standard 3 – The Guardian's Professional Relationship with the Person

Yes  No  N/A Has the guardian avoided personal relationships with the person, the person's family, or the person's friends?

Yes  No If No, did these relationships exist prior to the existence of the guardianship?

Yes  No  N/A Does the guardian engage in sexual relations with the person?

Yes  No If Yes, is the person the spouse of the guardian or in a relationship that existed prior to the guardianship?

Yes  No  N/A Is the guardian participating in continuing guardianship education?

## ○ NGA Standard 4 – The Guardian's Relationship with Family Members and Friends of the Person

Yes  No  N/A Does the guardian encourage and support the person in maintaining contact with family members and friends, as defined by the person?

Yes  No  N/A Does the guardian make reasonable efforts to preserve property designated in the person's will and other estate planning devices executed by the person?

Yes  No  N/A Does the guardian keep immediate family members and friends advised of pertinent medical/financial/placement issues, when doing so benefits the person?

Yes  No  N/A Does the guardian request and consider family input when making medical or financial or placement decisions?

## ○ NGA Standard 5 – The Guardian's Relationship with Other Professionals and Providers of Service to the Person

Yes  No  N/A Does the guardian maintain a professional approach when working with all other individuals for the benefit of the person?

Yes  No  N/A Has the guardian developed and maintained a working knowledge of services, providers, and facilities available in the community?

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- Yes  No  N/A Has the guardian stayed current with changes in community resources to ensure that the person received high-quality services from the most appropriate provider
- Yes  No  N/A Does the guardian provide direct services to the person?  
 Yes  No If Yes, is the guardian a family member?  
 Yes  No If Yes, and if compensated, has the guardian secured court approval for compensation?
- Yes  No  N/A Does the guardian coordinate and monitor services needed by the person to ensure that the person is receiving the appropriate care and treatment?
- Yes  No  N/A Does the guardian engage the services of professionals (attorneys, accountants, stockbrokers, real estate agents, doctors, etc...) as necessary to appropriately meet the needs of the person?

### ○ NGA Standard 6 – Informed Consent

- Yes  No  N/A Have the guidelines for making a decision (Informed Consent) been followed?
- Yes  No  N/A Was decision(s) made based on adequate information on the issue, a voluntarily action and lack of coercion?
- Yes  No  N/A Was there any outside influence placed upon guardian for a particular outcome?

### ○ NGA Standard 7 – Standards for Decision-Making

- Yes  No  N/A Did the decision(s) follow guidelines for Substituted Judgment?  
OR  
 Yes  No  N/A If Substituted Judgment could not be followed, were there efforts to obtain information from others familiar with the person to determine any known preferences?
- Yes  No  N/A Did the decision(s) follow guidelines for Best Interests?

### ○ NGA Standard 8 – Least Restrictive Alternative

- Yes  No  N/A Was the outcome(s) of personal freedom, civil rights, placement and environment considered in relationship to striving toward obtaining the least restrictive alternative?
- Yes  No  N/A Was there documented evidence to demonstrate the guardian weighed the risks and benefits to develop a balance between maximizing independence, self-determination and maintaining the person's dignity, protection and safety?
- Yes  No  N/A Was the least restrictive alternative in placement, health treatment and care available?  
 Yes  No If so, was the least restrictive alternative utilized? If not, justify deviation from less restrictive alternative.

### ○ NGA Standard 9 – Self-Determination of the Person

- Yes  No  N/A Were the wishes of the person considered in the data collection process in regard to diversity and personal preference?
- Yes  No  N/A Is there a person-centered plan developed and implemented to fulfill the person's goals, needs, and preference in order to emphasize the person's strengths, skills and abilities to favor the least restrictive setting? If not, justify deviation from person-centered plan.
- Yes  No  N/A Did the person for whom the plan was developed participate in the person-centered plan? If not, justify reason for non-participation.

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### ○ NGA Standard 10 – The Guardian’s Duties Regarding Diversity and Personal Preferences of the Person

- Yes  No  N/A Is there case documentation to demonstrate the guardian identified the particular ethnic, religious, and cultural values of the person under guardianship as described under this Standard?
- Yes  No  N/A Is there case documentation to demonstrate that the guardian has discussed and acknowledged the person’s right to interpersonal relationships and sexual expression is consensual?

### ○ NGA Standard 11 – Confidentiality

- Yes  No  N/A Did anyone gain access to information about the person who does not directly provide support to him or her?
- Yes  No  N/A Was information shared when appropriate with family, friends, and other social contacts to assure that the person maintains these contacts?

### ○ NGA Standard 12 – Duties of the Guardian of the Person

Assure the person is living in the most appropriate environment:

- Yes  No  N/A By assuring the Person’s wishes (geography, transportation, support from family/friends, spiritual, etc.) ascertained?  
 Yes  No If ascertained, were the Person’s wishes followed? If not, justify why.
- Yes  No  N/A By assuring the Person’s needs (work, school, medical care, shopping etc.) are assessed, and fulfilled when appropriate?

Are provisions in place for:

- Yes  No  N/A End of life provisions (funeral, burial, disposition of assets)
- Yes  No  N/A Care, Comfort and Support (opportunities for mental stimulation, nutrition, personal hygiene, exercise/therapy, socialization/recreation/vocational/religious activities, asset safeguards)
- Yes  No  N/A Health & Safety (mental/dental needs addressed, safe and nurturing environment, personal needs fulfilled; environmental reviews of potential safety hazards)
- Yes  No  N/A Medical reviews and treatment evaluation (regularly scheduled physical/psychological checkups; mediation review)
- Yes  No  N/A Maintaining confidentiality (written policies/procedures and guardian orientations)
- Yes  No  N/A Procedures for conditions/situations under which specific judicial approval must be sought:
- Yes  No  N/A Is the person’s living situation in the least restrictive setting unless the person understands his/her choices and chooses a more restrictive environment.
- Yes  No  N/A Does the person’s residential location maximize his/her potential contact with friends, family and other social contacts.
- Yes  No  N/A Procedures and due date schedules for court filings/reporting’s (on a timely basis but not less often than annually)

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Yes  No  N/A Adherence to Standard 17 (Duties of the Guardian of the Estate) and Standard 18 (Guardian of the Estate: Initial and Ongoing Responsibilities) \*to the extent the Guardian of the Person has been authorized by the court to manage a person's property.

Petition the Court:

Yes  No  N/A For limitation or termination of the guardianship when the person no longer meets the standard pursuant to which the guardianship was imposed.

OR

Yes  No  N/A If there is an effective alternative to guardianship.

Yes  No  N/A That the guardian notifies the court when required and when there is any major changes in the person's life.

Yes  No  N/A Does the guardian report neglect and abuse issues to the appropriate authority?

### o NGA Standard 13 – Guardian of the Person – Initial & Ongoing Responsibilities

Yes  No  N/A Is there a case file for each person?

Address ALL issues of the person that require immediate action:

Yes  No  N/A During the initial meeting with the person was guardians' role and person's rights explained?

Yes  No  N/A After the introduction meeting was an inventory of needs conducted to assess physical, social, educational, recreational needs and note person's preference?

Yes  No  N/A Has an inventory of all Advanced Directives been created to include a Living Will, Organ donation, contact persons?

Yes  No  N/A Has a regular communication procedure been established between all individuals, organizations and service resources?

Yes  No  N/A Has a written person centered guardianship plan been developed for short-term, as well as, long term goals that were both observed or included in the court order?

Yes  No  N/A Was a financial review/audit completed on the person's financial assets and placed in the permanent records?

Yes  No  N/A Has a personal budget been prepared?

Yes  No  N/A On an ongoing basis does the guardian review/evaluate service provider plans and their implementation?

Yes  No  N/A Does the guardian visit the person placed under a guardianship order monthly? If no, explain.

Yes  No  N/A On an ongoing basis does the guardian examine all charts, notes, logs, evaluations, other documents at all sites that serve the person?

Yes  No  N/A Does the guardian consider institutionalization placement only as a last option?

Yes  No  N/A Does the guardian monitor and advocate for a person placed in a residential care facility?

### o NGA Standard 14 – Decision Making About Medical Treatment

Yes  No  N/A Does person have duly executed living will, durable power of attorney or oral declaration of intent?

Yes  No  N/A Have person's wishes been requested for consideration in decision process?

Yes  No  N/A Does guardian have a clear understanding of the medical issues and discussed the medical condition, proposed treatment options and preferences with the

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- Yes  No  N/A person placed under a guardianship order?
- Yes  No  N/A Has guardian received an independent second medical opinion when appropriate and discussed the person's preference with the physician providing the consultation?
- Yes  No  N/A Have legal/ethical considerations been identified and discussed with hospital ethics committee or legal counsel?
- Yes  No  N/A Has the guardian only denied medical treatment after doing a thorough review of person's history and determined what the person's preference would be if he/she was still competent?
- Yes  No  N/A Has the guardian sought court authorization for extraordinary procedures?
- Yes  No  N/A Has the guardian done everything he/she could to inform the person and get feedback from the person concerning medical treatment?
- Yes  No  N/A Has the guardian discussed palliative care with the person under guardianship order to determine preferences and values and in keeping with those wishes, incorporate palliative care in the health plan?

### ○ NGA Standard 15 – Decision Making About Withholding and Withdrawal of Medical Treatment

*In making this determination there shall in all cases be a presumption in favor of the continued treatment of the person.*

- Yes  No  N/A Is there documentation of the person's prior expression or current preference regarding the withholding or withdrawal of medical treatment?
- Yes  No  N/A If the person's preferences are in conflict with the guardian's plan, has an ethics committee recommendation or court consideration been sought?
- Yes  No  N/A Has guardian completed a written statement fully explaining the reason the decision is contemplated; treatment options considered with each expected medical outcomes; the names of the individuals and their observations/opinions who's input was considered in the decision making process; and why the decision was made as it was?
- Yes  No  N/A Has the guardian completed research on the person's history to determine person's position on Withholding and Withdrawal of Medical Treatment was when the person as competent?
- Yes  No  N/A If required by state law, has guardian secured proper court approval to withhold and/or withdraw medical treatment?

### ○ NGA Standard 16 – Conflict of Interest: Ancillary and Support Services

- Yes  No  N/A Is the guardian program a free standing-entity?
- Yes  No  N/A Is the guardian independent from all service providers?
- Yes  No  N/A Does the guardian or guardian program provide any direct services to the person which could include housing, medical or legal services?
- Yes  No  N/A Has guardian employed his/her family or friends to provide services to the person?
- Yes  No  N/A Are service contracts awarded to providers based on their demonstrated capability to provide a quality service at a reasonable cost that will best meet the needs of the person?
- Yes  No  N/A Does the guardian receive or could receive any financial gain as a guardian besides the guardianship fees approved by the court?
- Yes  No  N/A If compensated for other than fee-based services, has the guardian secured prior court approval for direct services rendered?
- Yes  No  N/A If guardian is an attorney and is addressing the legal needs of the person has this relationship been approved by the court?

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- Yes  No  N/A Has the guardian informed the court and all involved parties of any potentially perceived, potential or actual conflict of interest?
- Yes  No  N/A Does the free-standing entity have a conflict of interest policy that complies with NGA Practice Standards?

### ○ **NGA Standard 17 – Duties of the Guardian of the Estate**

*Guardian of the Estate's sole responsibility is to manage all assets for the person's sole benefit.*

- Yes  No  N/A Has the guardian prioritized the goals, needs and preference of the person and weighed the costs and benefits of the estate?
- Yes  No  N/A Has the guardian documented in the case file utilization of substituted judgment in managing the estate (considered current wishes, past practices, and reliable evidence of likely choices)?
- Yes  No  N/A If the guardian has not applied the substituted judgment standard, has the guardian documented in the case file utilization of the best interest standard in management of the estate (substantial harm would result or there is no reliable evidence of likely choices)?
- Yes  No  N/A Has the guardian documented in the case file efforts to assist and encourage the person to act on his/her behalf and to participate in financial decisions.
- Yes  No  N/A Has the guardian used reasonable efforts to provide oversight to any income and assets under the control of the person?
- Yes  No  N/A Is there a need for consultation with and delegation to additional personnel with appropriate expertise when managing the estate?
- Yes  No  N/A Has the guardian determined if a will or other pre-guardianship designations exist?
- Yes  No  N/A Has the guardian obtained copies of a will and other pre-guardianship designations (power of attorney, insurance beneficiary designations, payment of payment of death/transfer on death/joint tenancies) to determine how estate assets and property should be managed?
- Yes  No  N/A Does the guardian supervise all income and disbursements of the estate?
- Yes  No  N/A Does the guardian maintain accurate financial records and account fully for all estate assets?
- Yes  No  N/A Does the guardian employ prudent accounting and investment procedures when managing the estate assets?
- Yes  No  N/A Are the estate's assets maintained separately from all other individuals and their funds?
- Yes  No  N/A Has the guardian established procedures for making claims against others on behalf of the estate?

### ○ **NGA Standard 18 – Duties of the Guardian of the Estate: Initial and Ongoing Responsibilities**

- Yes  No  N/A Has the guardian ascertained the income, assets, and liabilities of the estate?
- Yes  No  N/A During the initial meeting with the person was the guardians' role and person's rights explained?
- Yes  No  N/A Did the guardian obtain any previous or currently expressed wishes of the person?
- Yes  No  N/A After the introduction meeting was an inventory conducted of all assets for which the guardian is responsible listed by name, current value and location placed in the case file.
- Yes  No  N/A Has the guardian obtained all public and insurance benefits for which the person is eligible?



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- Yes  No  N/A Does the guardian provide the opportunity for the person to manage the funds to the best of his/her ability?
- Yes  No  N/A Are all estate records complete, accurate and understandable?
- Yes  No  N/A Has the guardian developed and implemented a financial plan and budget for the management of income and assets that corresponds with the care plan for the person and aims to address the goals, needs and preferences of the person?
- Yes  No  N/A Does the financial plan emphasize a “person-centered philosophy”?
- Yes  No  N/A Has the guardian taken all steps necessary to obtain a bond sufficient to protect the estate?
- Yes  No  N/A Does the court accounting contain sufficient information to clearly describe all estate transactions?
- Yes  No  N/A Is a written procedure in place for the disposition of the person’s assets and the filing of appropriate final reports upon the termination of the guardianship or death of the person?
- Yes  No  N/A Has a burial trust account and funeral arrangements been established?
- Yes  No  N/A If the person resided in an institution-based residence does guardian monitor or manage the person’s personal allowance?

### ○ NGA Standard 19 – Property Management

*Any change in the disposition of real or personal property must be in the best interest of the person.*

- Yes  No  N/A Has a plan been established for an independent or judicial review of any disposition of real or personal property?
- Yes  No  N/A Has the person been asked about his or her desires relating to the property or whether there is an estate plan that must be considered or followed?
- Yes  No  N/A Have the potential future benefits of the property been considered in making a decision to dispose of it?
- Yes  No  N/A Has the condition of the property and the person’s ability to maintain the property been compared to the liability and cost of maintaining the property?
- Yes  No  N/A Has sufficient insurance coverage been secured for the property of the estate?

### ○ NGA Standard 20 – Conflict of Interest: Estate, Financial, and Business Services

- Yes  No  N/A Has the guardian avoided all conflicts of interest and self-dealing or the appearance of a conflict of interest and self-dealing?
- Yes  No  N/A Are policies/regulations in place to monitor financial accounts relating to the possibility of co-mingling estate funds with personal funds?
- Yes  No  N/A Where more than one person’s funds are consolidated with another person’s funds does the guardian maintain separate and complete accounting records for each person’s funds?
- Yes  No  N/A Where consolidated accounts are utilized are all fees and costs distributed equally or proportionately to each participating person’s account?
- Yes  No  N/A Is there a procedure established to approve/review all transactions of real or personal property to ensure that the guardian, his/her family, friends, agency staff or board member, etc., does not benefit in any manner from this activity?
- Yes  No  N/A Has a continuous or periodic audit procedure been established to ensure that loans of any type are not made from estate funds or that estate funds are used for the benefit of someone other than the person?
- Yes  No  N/A If income and assets are used to support or benefit other individuals, was prior approval obtained?

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Yes  No  N/A If Yes, was a reasonable showing made that such support is consistent with the person's goals, needs and preference and will not substantially harm the estate?

### ○ NGA Standard 21 – Termination and Limitation of the Guardianship/Conservatorship

Yes  No  N/A In the case of plenary guardianship, was a limited guardianship considered first?

Yes  No  N/A Has a procedure been established to identify under what circumstances will the guardianship seek to limit the scope of the responsibilities or by which a request would be made for terminating the guardianship?

Yes  No  N/A Has the guardian engaged in reasonable efforts to assist the person under guardianship to develop or regain the capacity to manage his/her personal and financial affairs?

### ○ NGA Standard 22 – Guardianship Service Fees

Yes  No  N/A Is the fee reasonable for service provided while conserving the estate to the extent possible and service information accurately stated?

Yes  No  N/A Is the rate approved by the court?

Yes  No  N/A Were fees collected in accordance with a court order?

Yes  No  N/A If the estates will be exhausted is there a succession plan?

Yes  No  N/A In the case of Medicaid beneficiaries, were fees sought consistent with the Standards?

### ○ NGA Standard 23 – Management of Multiple Guardianship Cases

*Based in an evaluation made indicating the complexity of decisions to be made, complexity of estate and time spent.*

Yes  No  N/A Is caseload limit based on the ability to adequately support and protect the needs of each individual?

### ○ NGA Standard 24 – Quality Assurance

Independent review (minimum every two years) of guardianship services provided includes:

Yes  No  N/A Representative sample of case records review.

Yes  No  N/A Review of agency policy and procedures.

Yes  No  N/A Visit with the person under guardianship order.

Yes  No  N/A Visit with direct service provider.

Was independent review conducted by one of the following systems:

Yes  No  N/A Court monitoring system.

Yes  No  N/A Independent peer.

Yes  No  N/A CGC Master guardian.

### ○ NGA Standard 25 – Sale or Purchase of a Guardianship Practice

Yes  No  N/A Is guardianship practice a private, professional guardianship service?

When contemplating the sale of a guardianship practice or part of a practice, including "goodwill" are the following considered:

Yes  No  N/A Persons are considered when selling the practice.

Yes  No  N/A All guardianship responsibilities are met while the sale is pending.

Yes  No  N/A Purchasers are qualified and are required to provide references.

Yes  No  N/A The purchaser is engaged in serving or representing the person's interest.

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- Yes  No  N/A Guardian provided written notice of the sale to the person, the court, and interested parties.
- Yes  No  N/A Guardian ad litem or a reviewer was requested to protect the person's interest.
- Yes  No  N/A All parties were responsible for the continuity of care and protection of the persons.
- Yes  No  N/A Are the guardianship service fees increased solely by the new owner to finance the purchase of the guardianship practice. (If yes, the Standards of Practice prohibit this.)

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○ **NGA Standards of Practice Checklist Summary**

List the area where work is needed along with explanations and time frames.

Standard	Action Plan
1. Applicable Law	
2. Relationship to Court	
3. Relationship with Person	
4. Relationship with Family and Friends	
5. Relationship with Other Professionals and Service Providers.	
6. Informed Consent	
7. Standards for Decision-Making	
8. Least Restrictive Alternative	
9. Self-Determination of Person	
10. Duties regarding Diversity and Personal Preferences	

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Standard	Action Plan
11. Confidentiality	
12. Duties of the Guardian of the Person	
13. Guardian of the Person: Initial and Ongoing Responsibilities	
14. Decision-Making about Medical Treatment	
15. Decision-Making about Withholding and Withdrawal of Medical Treatment	
16. Conflict of Interest: Ancillary and Support Services	
17. Duties of the Guardian of the Estate	
18. Duties of the Guardian of the Estate: Initial and Ongoing Responsibilities	
19. Property Management	
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21. Termination and Limitation of the Guardianship/Conservatorship	

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Standard	Action Plan
22. Guardianship Service Fees	
23. Management of Multiple Guardianship Cases	
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25. Sale or Purchase of a Guardianship Practice	