



**Prepare for the court-ordered evaluation by understanding what will happen and practicing responses**



Before the guardianship is terminated, after the petition is filed, the court will appoint someone who will evaluate you. It's helpful to practice a lot of questions, because you don't know what this person will ask. Some of the following questions and ideas may be redundant. This is just a sample to get you thinking.

The evaluator will start with very simple questions.

1. Tell me your first and last name
2. When is your birthday?
3. How old are you?
4. Where do you live? (*practice full address, but be prepared to only say the town*)
5. What is today's date (*month/day/year*)?
6. I'm here because you told the court you want to have control over your financial and medical decisions. Is that your understanding? (*this is a good time to say that you want to have your rights fully restored*)
7. What are your sources of income? (*you should know the amount of your SSI and if there is any other income*)
8. How do you budget for your bills?
9. Do you have friends?
10. What do you do with your friends? Go to the movies or a restaurant?
11. Tell me who helps you during the day with dressing, bathing and things like that?
12. How will you feel if your petition to have guardianship terminated is rejected?



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13. Tell me about your diagnosis and medical history, briefly.
14. What medications do you take? How do you remember to take them?
15. Who is your primary care physician?

While preparing for the evaluation it is a good idea to go back over the initial guardianship paperwork and go through all of the reasons that are outlined as to why a guardian was considered necessary. You should address all of the reasons. For example, if one reason you were put under guardianship was that you did not understand or consider your own personal safety, be able to say why now you do understand personal safety and how you practice it.

Some points for discussion:

- If your initial report indicates a “limited personal safety awareness.” By terminating guardianship, are you asking for the right and/or ability to be unsupervised in the home or in public? What has changed since the original petition to appoint a guardian?
- Your initial report states that you are “generally healthy.” Can you provide an update on your health? Do you have some self-directed goals for the future regarding your health?
- The final comment in your initial evaluation to be put under guardianship may indicate that you are, “not able to make or communicate significant, responsible decisions concerning your



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health, safety, or welfare.” How do you intend on making responsible decisions about important matters such as your health, financial, and professional well-being and pursuits?

Some additional general questions for further practice:

1. Why do you want your rights restored?
2. What support do you need to accomplish things during the day?
3. How is needing support to accomplish things in your life different from needing someone to make decisions on your behalf?
4. What decisions do you want to make on your own?
5. How do you feel about gaining control over your decisions?
6. Give me a few examples of how you have been making your own decisions recently (maybe one that relates to your health, education, profession, etc.).
7. What support did you get and whom did you get it from in making those decisions?
8. When your parents or other persons were initiating guardianship initially, do you recall your thoughts or feelings about it then?
9. Whose idea was it to begin the termination process?
10. How did your guardians respond when you communicated your desire to restore your rights?
11. What activities have you been involved in since the initial request that have tested and/or assessed your ability to make your own decisions?
12. How is guardianship associated with your ability to self-regulate?
13. Will terminating guardianship have any bearing on your physical regulation?
14. What role do your parents or other supporters have in helping with your physical regulation?



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There are several instruments that some evaluators use to determine the competency of a person with a disability. Download and practice these.

1. The Lawton Instrumental Activities of Daily Living (IADL) Scale
2. Mini-Mental State Examination (MMSE)
3. Saint Louis University Mental Status Exam
4. Mini-COG

Take an active approach.

Make a list of supporters with contact information (email and phone numbers) that the evaluator can contact to get more information about you. Give that list to the evaluator.

In your own words, write a summary stating that you want the evaluator to support your petition; or, you want the evaluator to say what additional information is needed to make the decision to support your petition. If the evaluator needs additional information, ask the evaluator to contact your supporters.

Additionally, put together any information that might be important for the evaluator to understand you better. This can be anything that shows you as an independent and capable person. Be creative. Choose no more than six items. For example:

- Evaluations from work
- Good grades from school
- Thank you notes for a job well done while volunteering
- Notes from a therapist or doctor that explains your disability in clear terms that are not commonly understood by the courts.
- Letters from neighbors or friends about your role in your community



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