

Guardianship How to Make Changes

- **What if I disagree with my guardian?**
 - The protected person can ask the court for a modification to reduce or change the guardian's powers.
 - The protected person can also ask the court to end the guardianship.
- **How do I ask for a modification?**
 - A petition for modification is filed with the court.
 - The judge will likely schedule the modification request for a hearing.
 - Everyone involved will be able to provide evidence and explain why they feel the guardianship should or should not be modified.
 - The judge will then decide whether to grant a modification.
- For a more restrictive modification (a modification that will grant the guardian more power), there must be clear and convincing evidence that the protected person still needs a guardian, and that the restrictive modification is justified by evidence.
- For a modification that is less restrictive (limiting the guardian's powers), the court will consider whether the person's decision-making capacity has improved or changed since the initial guardianship was approved. The court must limit the powers of the guardian to only those which are necessary.
- **How do I remove a guardian?**
 - The protected person can ask for a guardian to be removed. This can be done if the protected person believes they no longer need the assistance of a guardian or if the guardian is not properly serving the protected person. There are specific steps a protected person must take in order to remove or terminate a guardianship.
 - The protected person files a petition in court.
 - The court sets a hearing date.
 - Notice of the hearing is given to all interested persons.
 - If the protected person is filing the petition, the protected person must provide evidence showing that they have decision-making capacity.
 - This includes things related to caring for their own safety and providing for their own necessities (food, clothing, shelter, medical care).
 - The person who is against ending the guardianship must then provide evidence that the protected person cannot care for themselves.

If the judge determines the protected person no longer needs a guardian and terminates the guardianship, the protected person will have all independence and decision-making power restored.