

**States Guardianship Statutes:  
Requirements for the Clinician’s Capacity Evaluation Report Provided to the Court**  
4.6.22

**Comments**

- A. Generally, these state statutes either 1) say nothing about an exam by a professional and/or a report submitted to the court, 2) refer to a professional examination and/or report submitted to the court, but do not specify what must be in the report, or 3) state that a professional must examine and provide a report to the court, specifying what information should be contained in the report. This chart includes all three variations. Where there is no relevant language, the citation refers to the general guardianship statute.
- B. Clinician (expert, professional) is distinct from a court visitor or court investigator, although they may have overlapping roles.
- C. In some cases, the statutes require the evaluation and report to be attached to the petition initiating the guardianship action, while in other cases the evaluation and report are submitted as evidence or occur after the petition is filed.
- D. The yellow highlighted text is intended to draw attention to the most relevant section of the statute.
- E. Note that this statutory review does not include court rules. Court rules may include instructions or requirements regarding evaluations.

State	Statute	Relevant Statutory Language
<b>Alabama</b>	Code of Ala. § 26-2A-102(b) (2021)	<p><b>§ 26-2A-102. Petition for appointment.</b></p> <p>(b) After the filing of a petition, the court shall set a date for hearing on the issue of incapacity so that notices may be given as required by Section 26-2A-103, and, unless the allegedly incapacitated person is represented by counsel, appoint an attorney to represent the person in the proceeding. The person so appointed may be granted the powers and duties of a guardian ad litem. <b>The person alleged to be incapacitated shall be examined by a physician or other qualified person appointed by the court who shall submit a report in writing to the court.</b> The person alleged to be incapacitated also shall be interviewed by a court representative sent by the court. The court representative also shall interview the person who appears to have caused the petition to be filed and any person who is nominated to serve as guardian and visit the</p>

		present place of abode of the person alleged to be incapacitated and the place it is proposed that the person will be detained or reside if the appointment is made and submit a report in writing to the court. The court may utilize the service of any public or charitable agency as an additional court representative to evaluate the condition of the allegedly incapacitated person and to make appropriate recommendations to the court.
<b>Alaska</b>	AK Stat. § 13.26.226(c) (2021)	<p><b>§ 13.26.226. Initial Court Procedure.</b></p> <p>(c) The court shall appoint a visitor. The visitor shall arrange for evaluations to be performed and prepare a written report to be filed with the court. The court shall also appoint an expert who has expertise in regard to the alleged or admitted incapacity to investigate the issue of incapacity. The visitor shall interview the respondent and the person seeking appointment as guardian, if any. The visitor shall conduct the interviews and investigations necessary to prepare the report and shall arrange for the respondent to be examined by the expert appointed under this section. The expert's written report shall be attached to the visitor's report. Interviews and examinations shall take place in the respondent's usual residence unless</p> <ul style="list-style-type: none"> <li>(1) the respondent consents to being examined or interviewed in a medical or mental health facility; or</li> <li>(2) the visitor considers it necessary to conduct interviews or examinations in a medical or mental health facility.</li> </ul>
<b>Arizona</b>	AZ Rev. Stat. § 14-5303(C) & (D) (2021)	<p><b>14-5303. Procedure for court appointment of a guardian of an alleged incapacitated person.</b></p> <p>C. On the filing of a petition, the court shall set a hearing date on the issues of incapacity. Unless the alleged incapacitated person is represented by independent counsel, the court shall appoint an attorney to represent that person in the proceeding. The alleged incapacitated person shall be interviewed by an investigator appointed by the court and shall be examined by a physician, psychologist or registered nurse appointed by the court. If the alleged incapacitated person has an established relationship with a physician, psychologist or registered nurse who is determined by the court to be qualified to evaluate the capacity of the alleged incapacitated person, the court may appoint the alleged incapacitated person's physician, psychologist or registered nurse pursuant to this subsection. The investigator and the person conducting the examination shall</p>

		<p>submit their reports in writing to the court. In addition to information required under subsection D, the court may direct that either report include other information the court deems appropriate. The investigator also shall interview the person seeking appointment as guardian, visit the present place of abode of the alleged incapacitated person and the place where it is proposed that the person will be detained or reside if the requested appointment is made and submit a report in writing to the court.</p> <p>D. A report filed pursuant to this section by a physician, psychologist or registered nurse acting within that person's scope of practice shall include the following information:</p> <ol style="list-style-type: none"> <li>1. A specific description of the physical, psychiatric or psychological diagnosis of the person.</li> <li>2. A comprehensive assessment listing any functional impairments of the alleged incapacitated person and an explanation of how and to what extent these functional impairments may prevent that person from receiving or evaluating information in making decisions or in communicating informed decisions regarding that person.</li> <li>3. An analysis of the tasks of daily living the alleged incapacitated person is capable of performing without direction or with minimal direction.</li> <li>4. A list of all medications the alleged incapacitated person is receiving, the dosage of the medications and a description of the effects each medication has on the person's behavior to the best of the declarant's knowledge.</li> <li>5. A prognosis for improvement in the alleged incapacitated person's condition and a recommendation for the most appropriate rehabilitation plan or care plan.</li> <li>6. Other information the physician, psychologist or registered nurse deems appropriate.</li> </ol>
Arkansas	AR Code. § 28-65-212(a) & (b) (2021)	<p><b>28-65-212. Evaluations.</b></p> <p>(a)</p> <p>(1) A professional evaluation shall be performed prior to the court hearing on any petition for guardianship except when appointment is being made because of minority, disappearance, detention, or confinement by a foreign power or pursuant to § 28-65-218.</p>

		<p>(2) The evaluation shall be performed by a professional or professionals with expertise appropriate for the respondent's alleged incapacity.</p> <p>(b) The evaluation shall include the following:</p> <ul style="list-style-type: none"> <li>(1) The respondent's medical and physical condition;</li> <li>(2) His or her adaptive behavior;</li> <li>(3) His or her intellectual functioning; and</li> <li>(4) Recommendation as to the specific areas for which assistance is needed and the least restrictive alternatives available.</li> </ul>
<b>California</b>	<p>CA Prob. Code, Division 4, Pt. 3</p> <p>&amp;</p> <p>CA Prob Code § 810 — 813</p>	<p><b>Part 3 Conservatorship (Chs. 1 — 8) and Part 17 Legal Mental Capacity (§§ 810 — 813)</b></p>
<b>Colorado</b>	<p>CO Rev. Stat. § 15-14-306(1)(a)-(d) (2020)</p>	<p><b>§15-14-306. Professional Evaluation.</b></p> <p>(1) At or before a hearing under this part 3, the court may order a professional evaluation of the respondent and shall order the evaluation if the respondent so demands. If the court orders the evaluation, the respondent must be examined by a physician, psychologist, or other individual appointed by the court who is qualified to evaluate the respondent's alleged impairment. The examiner shall promptly file a written report with the court. Unless otherwise directed by the court, the report must contain:</p> <ul style="list-style-type: none"> <li>(a) A description of the nature, type, and extent of the respondent's specific cognitive and functional limitations, if any;</li> <li>(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;</li> </ul>

		<p>(c) A prognosis for improvement and a recommendation as to the appropriate treatment or habilitation plan; and</p> <p>(d) The date of any assessment or examination upon which the report is based.</p>
<b>Connecticut</b>	CT Gen Stat. § 45a-650(c)(1) (2021)	<p>(c)</p> <p>(1) After making the findings required under subsection (a) of this section, the court shall receive evidence regarding the respondent’s condition, the capacity of the respondent to care for himself or herself or to manage his or her affairs, and the ability of the respondent to meet his or her needs without the appointment of a conservator. Unless waived by the court pursuant to subdivision (2) of this subsection, medical evidence shall be introduced from one or more <b>physicians licensed to practice medicine</b> in this state who have examined the respondent not more than forty-five days prior to the hearing, except that for a person with intellectual disability, as defined in section 1-1g, psychological evidence may be introduced in lieu of such medical evidence from a psychologist licensed pursuant to chapter 383 who has examined the respondent not more than forty-five days prior to the hearing. The <b>evidence shall contain</b> specific information regarding the respondent’s condition and the effect of the respondent’s condition on the respondent’s ability to care for himself or herself or to manage his or her affairs. The court may also consider such other evidence as may be available and relevant, including, but not limited to, a summary of the physical and social functioning level or ability of the respondent, and the availability of support services from the family, neighbors, community or any other appropriate source. Such evidence may include, if available, reports from the social work service of a general hospital, municipal social worker, director of social service, public health nurse, public health agency, psychologist, coordinating assessment and monitoring agencies, or such other persons as the court considers qualified to provide such evidence.</p>
<b>Delaware</b>	12 DE Code. Pt. V, Ch. 39 (2021)	<b>Title 12 Decedents’ Estates and Fiduciary Relations (Pts. I — VI) Part V Fiduciary Relations (Chs. 33 — 50) Chapter 39 Guardianship (Subchs. I — VII)</b>
<b>District of Columbia</b>	D.C. Code § 21-2041(b), (d), (f), (g) (2021)	<b>§ 21-2041. Procedure for court-appointment of a guardian of an incapacitated individual.</b>

	<p>(b) The petition shall state the name, address, and interest of the petitioner, state the name, age, residence, and address of the individual for whom a guardian is sought, and set forth the reasons for which the guardianship is sought with specific particularity so as to enable the court to determine what class of examiner and visitor should examine the person alleged to be incapacitated.</p> <p>(d) After the filing of a petition, the court shall set a date for hearing on the issue of incapacity so that notice may be given as required by section 21-2042 and, unless the allegedly incapacitated individual is represented by counsel, the court shall appoint an attorney to represent the individual in the proceeding. The court shall appoint an appropriately qualified examiner who shall submit a report in writing to the court. The individual alleged to be incapacitated also shall be interviewed by a visitor appointed by the court. The examiner and the visitor shall be separate persons. The court may waive the appointment of a visitor and, where a report has been submitted in writing to the court for the allegedly incapacitated individual, the court may waive the appointment of an examiner. The court shall waive, absent good cause shown, the appointments of a visitor and examiner if the petition seeks appointment of an emergency guardian or a health-care guardian and the petition is supported by the certification of incapacity made pursuant to section 21-2204.</p> <p>(f) In the case of an individual whose incapacity is alleged to arise out of an intellectual disability, preference is for the appointment of an examiner and visitor who are qualified developmental disability professionals and who can collectively give a complete social, psychological, and medical evaluation of the individual. The court may waive the appointment of a visitor and, where a current individual habilitation plan prepared pursuant to section 7-1304.03 is submitted to the court, the court may waive the appointment of an examiner.</p> <p>(g) For any individual alleged to be incapacitated, any current social, psychological, medical, or other evaluation used for diagnostic purposes or in the development of a current plan of treatment or any current plan of treatment shall be presented as evidence to the court. For an</p>
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		individual alleged to be incapacitated for health-care decisions, the certification of incapacity made pursuant to section 21-2204 shall be presented as evidence to the court.
<b>Florida</b>	Fla. Stat. § 744.331(3)(a), (e),(f),(g) (2021)	<p><b>744.331. Procedures to determine incapacity.</b></p> <p><b>(3) Examining Committee.--</b></p> <p>(a) Within 5 days after a petition for determination of incapacity has been filed, the court shall appoint an examining committee consisting of three members. One member must be a psychiatrist or other physician. The remaining members must be either a psychologist, a gerontologist, a psychiatrist, a physician, an advanced practice registered nurse, a registered nurse, a licensed social worker, a person with an advanced degree in gerontology from an accredited institution of higher education, or any other person who by knowledge, skill, experience, training, or education may, in the court's discretion, advise the court in the form of an expert opinion. One of three members of the committee must have knowledge of the type of incapacity alleged in the petition. Unless good cause is shown, the attending or family physician may not be appointed to the committee. If the attending or family physician is available for consultation, the committee must consult with the physician. Members of the examining committee may not be related to or associated with one another, with the petitioner, with counsel for the petitioner or the proposed guardian, or with the person alleged to be totally or partially incapacitated.</p> <p>(e) Each member of the examining committee shall examine the person. Each examining committee member must determine the alleged incapacitated person's ability to exercise those rights specified in s. 744.3215. In addition to the examination, each examining committee member must have access to, and may consider, previous examinations of the person, including, but not limited to, habilitation plans, school records, and psychological and psychosocial reports voluntarily offered for use by the alleged incapacitated person. Each member of the examining committee must file his or her report with the clerk of the court within 15 days after appointment.</p>

(f) The examination of the alleged incapacitated person must include a comprehensive examination, a report of which shall be filed by each examining committee member as part of his or her written report. The comprehensive examination report should be an essential element, but not necessarily the only element, used in making a capacity and guardianship decision. The comprehensive examination must include, if indicated:

1. A physical examination;

2. A mental health examination; and

3. A functional assessment.

If any of these three aspects of the examination is not indicated or cannot be accomplished for any reason, the written report must explain the reasons for its omission.

(g) Each committee member's written report must include:

1. To the extent possible, a diagnosis, prognosis, and recommended course of treatment.

2. An evaluation of the alleged incapacitated person's ability to retain her or his rights, including, without limitation, the rights to marry; vote; contract; manage or dispose of property; have a driver license; determine her or his residence; consent to medical treatment; and make decisions affecting her or his social environment.

3. The results of the comprehensive examination and the committee member's assessment of information provided by the attending or family physician, if any.

4. A description of any matters with respect to which the person lacks the capacity to exercise rights, the extent of that incapacity, and the factual basis for the determination that the person lacks that capacity.

5. The names of all persons present during the time the committee member conducted his or her examination. If a person other than the person who is the subject of the examination



		<p>supplies answers posed to the alleged incapacitated person, the report must include the response and the name of the person supplying the answer.</p> <p>6. The signature of the committee member and the date and time the member conducted his or her examination.</p>
Georgia	O.C.G.A. § 29-4-11(d)(1)-(5) (2021)	<p><b>§ 29-4-11. Prerequisite judicial finding of probable cause; notice; petition; evaluations; reporting requirements.</b></p> <p>(d)</p> <p>(1) If the petition is not dismissed under subsection (b) of this Code section, the court shall appoint an evaluating physician who shall be a physician licensed to practice medicine under Chapter 34 of Title 43, a psychologist licensed to practice under Chapter 39 of Title 43, or licensed clinical social worker or, if the proposed ward is a patient in any federal medical facility in which such a physician, psychologist, or licensed clinical social worker is not available, a physician, psychologist, or licensed clinical social worker authorized to practice in that federal facility, other than the physician, psychologist, or licensed clinical social worker who completed the affidavit attached to the petition pursuant to subsection (c) of Code Section 29-4-10.</p> <p>(2) When evaluating the proposed ward, the physician, psychologist, or licensed clinical social worker shall explain the purpose of the evaluation to the proposed ward. The proposed ward may remain silent. Any statements made by the proposed ward during the evaluation shall be privileged and shall be inadmissible as evidence in any proceeding other than a proceeding under this chapter. The proposed ward's legal counsel shall have the right to be present but shall not participate in the evaluation.</p> <p>(3) The evaluation shall be conducted with as little interference with the proposed ward's activities as possible. The evaluation shall take place at the place and time set in the notice to the proposed ward and the legal counsel and the time set shall not be sooner than the fifth day after the service of notice on the proposed ward. The court, however, shall have the exclusive power to change the place and time of the examination at any time upon reasonable notice being given to the proposed ward and to his or her legal counsel. If the proposed ward fails to appear, the court may order that the proposed ward be taken directly to and from a medical</p>

	<p>facility or the office of the physician, psychologist, or licensed clinical social worker for purposes of evaluation only. The evaluation shall be conducted during the normal business hours of the facility or office and the proposed ward shall not be detained in the facility or office overnight. The evaluation may include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(A) A self-report from the proposed ward, if possible;</li> <li>(B) Questions and observations of the proposed ward to assess the functional abilities of the proposed ward;</li> <li>(C) A review of the records for the proposed ward including, but not limited to, medical records, medication charts, and other available records;</li> <li>(D) An assessment of cultural factors and language barriers that may impact the proposed ward's abilities and living environment; and</li> <li>(E) All other factors the evaluator determines to be appropriate to the evaluation.</li> </ul> <p>(4) A written report shall be filed with the court no later than seven days after the evaluation and the court shall serve a copy of the report by first-class mail upon the proposed ward and the proposed ward's legal counsel and, if any, the guardian ad litem.</p> <p>(5) The report shall be signed under oath by the physician, psychologist, or licensed clinical social worker and shall:</p> <ul style="list-style-type: none"> <li>(A) State the circumstances and duration of the evaluation, including a summary of questions or tests utilized, and the elements of the evaluation;</li> <li>(B) List all persons and other sources of information consulted in evaluating the proposed ward;</li> <li>(C) Describe the proposed ward's mental and physical state and condition, including all observed facts considered by the physician or psychologist or licensed clinical social worker;</li> </ul>
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		<p>(D) Describe the overall social condition of the proposed ward, including support, care, education, and well-being; and</p> <p>(E) Describe the needs of the proposed ward and their foreseeable duration.</p>
<b>Hawaii</b>	HI Rev. Stat. § 560:5-306 (2021)	<p><b>§560:5-306. Judicial appointment of guardian; professional evaluation.</b></p> <p>At or before a hearing under this part, the court may order a professional evaluation of the respondent and shall order the evaluation if the respondent so demands. If the court orders the evaluation, the respondent shall be examined by a physician, psychologist, or other individual appointed by the court who is qualified to evaluate the respondent's alleged impairment. The examiner shall promptly file a written report with the court. Unless otherwise directed by the court, the report shall contain:</p> <p>(1) A description of the nature, type, and extent of the respondent's specific cognitive and functional limitations;</p> <p>(2) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;</p> <p>(3) A prognosis for improvement and a recommendation as to the appropriate treatment or habilitation plan; and</p> <p>(4) The date of any assessment or examination upon which the report is based.</p>
<b>Idaho</b>	ID Code § 15-5-303(b) (2021)	<p><b>15-5-303. Procedure for court appointment of a guardian of an incapacitated person.</b></p> <p>(b) Upon the filing of a petition, the court shall set a date for hearing on the issues of incapacity and unless the allegedly incapacitated person has counsel of his own choice, it shall appoint an attorney to represent him in the proceeding, who shall have the powers and duties of a guardian ad litem. The person alleged to be incapacitated shall be examined by a physician or other qualified person appointed by the court who shall submit his report in writing to the court. The court may, in appropriate cases, appoint a mental health professional, defined as a</p>

		<p>psychiatrist, psychologist, gerontologist, licensed social worker, or licensed counselor, to examine the proposed ward and submit a written report to the court. The person alleged to be incapacitated also shall be interviewed by a visitor sent by the court. The visitor shall also interview the person who appears to have caused the petition to be filed and any person who is nominated to serve as guardian, and visit the present place of abode of the person alleged to be incapacitated and the place it is proposed that he will be detained or reside if the requested appointment is made and submit his report in writing to the court. Where possible without undue delay and expenses beyond the ability to pay of the allegedly incapacitated person, the court, in formulating the judgment, may utilize the service of any public or charitable agency that offers or is willing to evaluate the condition of the allegedly incapacitated person and make recommendations to the court regarding the most appropriate form of state intervention in his affairs.</p>
<p><b>Illinois</b></p>	<p>755 Illinois Compiled Stat 5/11a-9(a) &amp; (b) &amp; (b-5) (2021)</p>	<p><b>755 ILCS 5/11a-9 Report.</b></p> <p>(a) The petition for adjudication of disability and for appointment of a guardian should be accompanied by a report which contains (1) a description of the nature and type of the respondent's disability and an assessment of how the disability impacts on the ability of the respondent to make decisions or to function independently; (2) an analysis and results of evaluations of the respondent's mental and physical condition and, where appropriate, educational condition, adaptive behavior and social skills, which have been performed within 3 months of the date of the filing of the petition, or, in the case of an intellectual disability, a psychological evaluation of the respondent that has been performed by a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15/1 et seq.], within one year of the date of the filing of the petition; (3) an opinion as to whether guardianship is needed, the type and scope of the guardianship needed, and the reasons therefor; (4) a recommendation as to the most suitable living arrangement and, where appropriate, treatment or habilitation plan for the respondent and the reasons therefor; (5) the name, business address, business telephone number, and signatures of all persons who performed the evaluations upon which the report is based, one of whom shall be a licensed physician, or may, in the case of an intellectual disability, be a clinical psychologist licensed under the Clinical Psychologist Licensing</p>

		<p>Act, and a statement of the certification, license, or other credentials that qualify the evaluators who prepared the report.</p> <p>(b) If for any reason no report accompanies the petition, the court shall order appropriate evaluations to be performed by a qualified person or persons and a report prepared and filed with the court at least 10 days prior to the hearing.</p> <p>(b-5) Upon oral or written motion by the respondent or the guardian ad litem or upon the court's own motion, the court shall appoint one or more independent experts to examine the respondent. Upon the filing with the court of a verified statement of services rendered by the expert or experts, the court shall determine a reasonable fee for the services performed. If the respondent is unable to pay the fee, the court may enter an order upon the petitioner to pay the entire fee or such amount as the respondent is unable to pay. However, in cases where the Office of State Guardian is the petitioner, consistent with Section 30 of the Guardianship and Advocacy Act [20 ILCS 3955/30], no expert services fees shall be assessed against the Office of the State Guardian.</p>
<b>Indiana</b>	IN Code, 29-3-5-1 — 29-3-5-6 (2021)	<b>Chapter 5 Proceedings for Appointment of Guardian or to Procure a Protective Order (§§ 29-3-5-1 — 29-3-5-6)</b>
<b>Iowa</b>	IA Code § 633.551 — 633.632 (2021)	<b>Subchapter XIII Opening Guardianships and Conservatorships (§§ 633.551 — 633.632)</b>
<b>Kansas</b>	KS.A Stat. § 59-3058(c) and 3064(a) & (b) (2021)	<p><b>59-3058. Petition for appointment of guardian or conservator for an adult with an impairment; contents; evaluation; plan.</b></p> <p>(c) Any such petition may be accompanied by, or the court may require that such petition be accompanied by, a report of an examination and evaluation which meets the requirements</p>

of K.S.A. 59-3064, and amendments thereto. In such case, the petition may include a request that the court accept this report in lieu of ordering any additional examination and evaluation pursuant to K.S.A. 59-3064, and amendments thereto.

**59-3064. Order for examination for evaluation**

(a) Upon the filing of a petition as provided for in K.S.A. 59-3058, and amendments thereto, alleging that the proposed ward or proposed conservatee is an adult with an impairment in need of a guardian or conservator, or both, or as provided for in K.S.A. 59-3060, and amendments thereto, alleging that the proposed ward or proposed conservatee is a minor with an impairment in need of a guardian or conservator, or both, the court shall order the proposed ward or proposed conservatee to submit to an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other professional appointed by the court who is qualified to evaluate the proposed ward's or proposed conservatee's alleged impairment.

(b) Unless otherwise specified by the court, the report of the examination and evaluation submitted to the court shall contain:

- (1) The proposed ward's or proposed conservatee's name, age and date of birth;
- (2) a description of the proposed ward's or proposed conservatee's physical and mental condition;
- (3) a description of the nature and extent of the proposed ward's or proposed conservatee's cognitive and functional abilities and limitations, including adaptive behaviors and social skills, and, as appropriate, educational and developmental potential;
- (4) a prognosis for any improvement and, as appropriate, any recommendation for treatment or rehabilitation;

		<p>(5) a list and description of any prior assessments, evaluations or examinations of the proposed ward or proposed conservatee, including the dates thereof, which were relied upon in the preparation of this evaluation;</p> <p>(6) the date and location where this examination and evaluation occurred, and the name or names of the professional or professionals performing the examination and evaluation and such professional's qualifications;</p> <p>(7) a statement by the professional that the professional has personally completed an independent examination and evaluation of the proposed ward or proposed conservatee, or by a professional on behalf of the professionals who have together completed an independent examination and evaluation of the proposed ward or proposed conservatee that they have done so, and that the report submitted to the court contains the results of that examination and evaluation, and the professional's or professionals' opinion with regard to the issues of whether or not the proposed ward or proposed conservatee is an adult or a minor with an impairment who may be in need of a guardian or conservator, or both, and, if ascertainable, whether it would be injurious to the proposed ward or proposed conservatee to be required to be present at the trial on the petition, or whether the proposed ward or proposed conservatee could meaningfully participate in those proceedings; and</p> <p>(8) the signature of the professional who prepared the report.</p>
<p><b>Kentucky</b></p>	<p>KY Rev. Stat. § 387.540 (1) – 4) (2021)</p>	<p><b>387.540 Interdisciplinary evaluation report.</b></p> <p>(1) Prior to a hearing on a petition for a determination of partial disability or disability and the appointment of a limited guardian, guardian, limited conservator, or conservator, an interdisciplinary evaluation report shall be filed with the court. The report may be filed as a single and joint report of the interdisciplinary evaluation team, or it may otherwise be constituted by the separate reports filed by each individual of the team. If the court and all parties to the proceeding and their attorneys agree to the admissibility of the report or reports, the report or reports shall be admitted into evidence and shall be considered by the court or the jury if one is impaneled. The report shall be compiled by at least three (3) individuals, including a physician, an advanced practice registered nurse, or a physician assistant, a psychologist</p>

	<p>licensed or certified under the provisions of KRS Chapter 319, and a person licensed or certified as a social worker or an employee of the Cabinet for Health and Family Services who meets the qualifications of KRS 335.080(1)(a), (b), and (c) or 335.090(1)(a), (b), and (c). The social worker shall, when possible, be chosen from among employees of the Cabinet for Health and Family Services residing or working in the area, and there shall be no additional compensation for their service on the interdisciplinary evaluation team.</p> <p>(2) At least one (1) person participating in the compilation of the report shall have knowledge of the particular disability which the respondent is alleged to have or knowledge of the skills required of the respondent to care for himself and his estate.</p> <p>(3) If the respondent is alleged to be partially disabled or disabled due to mental illness, at least one (1) person participating in the compilation of the interdisciplinary evaluation report shall be a qualified mental health professional as defined in <a href="#">KRS 202A.011(12)</a>. If the respondent is alleged to be partially disabled or disabled due to an intellectual disability, at least one (1) person participating in the compilation of the evaluation report shall be a qualified professional in the area of intellectual disabilities as defined in <a href="#">KRS 202B.010(12)</a>.</p> <p>(4) The interdisciplinary evaluation <b>report shall contain:</b></p> <ul style="list-style-type: none"> <li>(a) A description of the nature and extent of the respondent's disabilities, if any;</li> <li>(b) Current evaluations of the respondent's social, intellectual, physical, and educational condition, adaptive behavior, and social skills. Such evaluations may be based on prior evaluations not more than three (3) months old, except that evaluations of the respondent's intellectual condition may be based on individual intelligence test scores not more than one (1) year old;</li> <li>(c) An opinion as to whether guardianship or conservatorship is needed, the type of guardianship or conservatorship needed, if any, and the reasons therefor;</li> </ul>
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		<p>(d) An opinion as to the length of time guardianship or conservatorship will be needed by the respondent, if at all, and the reasons therefor;</p> <p>(e) If limited guardianship or conservatorship is recommended, a further recommendation as to the scope of the guardianship or conservatorship, specifying particularly the rights to be limited and the corresponding powers and duties of the limited guardian or limited conservator;</p> <p>(f) A description of the social, educational, medical, and rehabilitative services currently being utilized by the respondent, if any;</p> <p>(g) A determination whether alternatives to guardianship or conservatorship are available;</p> <p>(h) A recommendation as to the most appropriate treatment or rehabilitation plan and living arrangement for the respondent and the reasons therefor;</p> <p>(i) A listing of all medications the respondent is receiving, the dosage, and a description of the impact of the medication upon the respondent's mental and physical condition and behavior;</p> <p>(j) An opinion whether attending a hearing on a petition filed under <a href="#">KRS 387.530</a> would subject the respondent to serious risk of harm;</p> <p>(k) The names and addresses of all individuals who examined or interviewed the respondent or otherwise participated in the evaluation; and</p> <p>(l) Any dissenting opinions or other comments by the evaluators.</p>
Louisiana	LA Code Civ Pro Art. 4545 (2021)	<p><b>Art. 4545. Appointment of examiner.</b></p> <p>After the filing of a petition for interdiction, the court may appoint an examiner who has training or experience in the type of infirmity alleged. The court may compel the defendant to submit to</p>

		<p>an examination by the examiner. Not less than seven days prior to a hearing, the examiner shall provide a written report to the court, all counsel of record, and any unrepresented parties. The report shall include such matters as the court directs. The report may consider the infirmities suffered by the defendant, the appropriateness of interdiction, including whether a less restrictive means of intervention is available, the type of interdiction that is appropriate, and any other relevant matters.</p>
<b>Maine</b>	18-C ME Rev. Stat. § 5-306(1) (2021)	<p><b>§5-306. Professional Evaluation.</b></p> <p><b>1. Evaluation; report.</b> In every adult guardianship matter, the respondent must be examined by a medical practitioner who is acceptable to the court and who is qualified to evaluate the respondent's alleged cognitive and functional abilities. The individual conducting the evaluation shall file a report in a record with the court at least 10 days before any hearing on the petition. <b>Unless otherwise directed by the court, the report must contain:</b></p> <ul style="list-style-type: none"> <li>A. A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations;</li> <li>B. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills;</li> <li>C. A prognosis for improvement and recommendation for the appropriate treatment, support or habilitation plan; and</li> <li>D. The date of the examination on which the report is based.</li> </ul> <p>As used in this subsection, “medical practitioner” means a licensed physician, a licensed physician assistant, a certified psychiatric clinical nurse specialist, a certified nurse practitioner or a licensed clinical psychologist.</p>
<b>Maryland</b>	MD. Estates and Trusts Code Ann. § 13-705(c) (2021)	<p><b>§ 13-705. Appointment of guardian of disabled person.</b></p> <p>(c)</p> <p>(1) Procedures and venue in these cases shall be as described by Title 10, Chapters 100 and 200 of the Maryland Rules.</p>

		<p>(2) Notwithstanding the provisions of paragraph (1) of this subsection, a petition for guardianship of a disabled person shall include signed and verified certificates of competency from the following health care professionals who have examined or evaluated the disabled person:</p> <p>(i) Two licensed physicians; or  (ii)  1. One licensed physician; and  2.  A. One licensed psychologist;  B. One licensed certified social worker-clinical; or  C. One nurse practitioner.</p> <p>(3) An examination or evaluation by at least one of the health care professionals under paragraph (2) of this subsection shall occur within 21 days before filing a petition for guardianship of a disabled person.</p>
<p><b>Massachusetts</b></p>	<p>Am MA Gen. L Ch. 190b Art. V § 5-303(c) – (e) (2021)</p>	<p><b>§5-303 Procedure of Court Appointment of a Guardian of an Incapacitated Person.</b></p> <p>(c) Unless otherwise directed by the court, a medical certificate filed under this article shall be signed by a registered physician, certified psychiatric nurse clinical specialist, nurse practitioner or licensed psychologist and shall contain:</p> <p>(1) a description of the nature, type, and extent of the person's specific cognitive and functional limitations;</p> <p>(2) an evaluation of the person's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;</p> <p>(3) a prognosis for improvement and a recommendation as to the appropriate treatment or habilitation plan; and</p> <p>(4) the date of any examination upon which the report is based.</p>

		<p>(d) A person alleged to have an intellectual disability shall be examined by a clinical team consisting of a physician, a licensed psychologist and a social worker, each of whom is experienced in the evaluation persons<sup>1</sup> with an intellectual disability, who shall report their conclusions to the Court.</p> <p>(e) The court may require additional medical or psychological testimony as to the mental and physical condition of the person alleged to be incapacitated or disabled and may require that such person submit to examination. The court may also appoint 1 or more persons, expert in incapacity or disability, to examine such person and report the conclusions thereof to the court.</p>
<p><b>Michigan</b></p>	<p>MI Comp. L §700.5304(1) – (3) (2021)</p>	<p><b>§700.5304 Evaluation and report; hearing.</b></p> <p>(1) If necessary, the court may order that an individual alleged to be incapacitated be examined by a physician or mental health professional appointed by the court who shall submit a report in writing to the court at least 5 days before the hearing set under section 5303. A report prepared as provided in this subsection shall not be made a part of the proceeding's public record but shall be available to the court or an appellate court in which the proceeding is subject to review, to the alleged incapacitated individual, to the petitioner, to their respective legal counsels, and to other persons as the court directs. The report may be used as provided in the Michigan rules of evidence.</p> <p>(2) The alleged incapacitated individual has the right to secure an independent evaluation, at his or her own expense or, if indigent, at the expense of the state. Compensation for an independent evaluation at public expense shall be in an amount that, based upon time and expense, the court approves as reasonable.</p> <p>(3) A report prepared under this section shall contain all of the following:</p> <p>(a) A detailed description of the individual's physical or psychological infirmities.</p> <p>(b) An explanation of how and to what extent each infirmity interferes with the individual's ability to receive or evaluate information in making decisions.</p>

		<p>(c) A listing of all medications the individual is receiving, the dosage of each medication, and a description of the effects each medication has upon the individual's behavior.</p> <p>(d) A prognosis for improvement in the individual's condition and a recommendation for the most appropriate rehabilitation plan.</p> <p>(e) The signatures of all individuals who performed the evaluations upon which the report is based.</p>
<b>Minnesota</b>	MN Stat. §524.5-301-317 (2021)	<b>Part 3. Guardian of Incapacitated Person (§§ 524.5-301 — 524.5-317)</b>
<b>Mississippi</b>	MS Code Ann. § 93-20-305 (2) & (3) (2021)	<p><b>§ 93-20-305 Professional evaluation.</b></p> <p>(2) The chancery judge shall be the judge of the number and character of the witnesses and proof to be presented, except that the proof must include certificates made after a personal examination of the respondent by the following professionals, each of whom shall make in writing a certificate of the result of that examination to be filed with the clerk of the court and become a part of the record of the case</p> <p>(a) Two (2) licensed physicians; or</p> <p>(b) One (1) licensed physician and either one (1) licensed psychologist, nurse practitioner, or physician's assistant.</p> <p>(3) The personal examination may occur face-to-face or via telemedicine, but any telemedicine examination must be made using an audio-visual connection by a physician licensed in this state and as defined in Section 83-9-351. A nurse practitioner or physician assistant conducting an examination shall not also be in a collaborative or supervisory relationship, as the law may otherwise require, with the physician conducting the examination. A professional conducting an examination under this section may also be called to testify at the hearing.</p>
<b>Missouri</b>	MO Rev. Stat. § 475.075(6) & (7) (2021)	<b>§ 475.075. Hearing on capacity or disability—notice—service—contents of petition, appointment of attorney.</b>

		<p>6. The court may direct that the respondent be examined by a physician, licensed psychologist, or other appropriate professional if the other professional has experience or training in the alleged mental, physical, or cognitive impairment. The court-appointed physician, licensed psychologist, or other professional shall, prior to examination, explain to the respondent in simple language, the following:</p> <p>(1) That the purpose of the examination is to produce evidence which may be used to determine whether the respondent is incapacitated, disabled, partially incapacitated, or partially disabled;</p> <p>(2) That respondent has the right to remain silent;</p> <p>(3) That anything respondent says may be used at the court hearing, and in making the determination of incapacity or disability.</p> <p>7. The court-appointed physician, licensed psychologist, or other professional shall submit a report in writing to the court and to counsel for all parties. It shall not be a valid objection to the review of the report by the court or the attorneys for the parties that the court will be responsible for the ultimate determination of incapacity or partial incapacity. If other objections to the report are made by any party, the court may order a hearing for the limited purpose of determining whether the court shall admit the report. The court may allow a reasonable fee for the services rendered by the physician, licensed psychologist, or other professional to be taxed as costs in the proceeding.</p>
<p><b>Montana</b></p>	<p>MT Code 72-5-315(3) (2021)</p>	<p><b>72-5-315 Procedure for court appointment of guardian — hearing — examination — interview — procedural rights.</b></p> <p>(3) The person alleged to be incapacitated must be examined by a physician appointed by the court who shall submit a report in writing to the court and must be interviewed by a visitor sent by the court. Whenever possible, the court shall appoint as visitor a person who has particular experience or expertise in treating, evaluating, or caring for persons with the kind of disabling condition that is alleged to be the cause of the incapacity. The visitor shall also interview the person who appears to have caused the petition to be filed and the person who is nominated to</p>

		serve as guardian and visit the present place of abode of the person alleged to be incapacitated and the place it is proposed that the person will be detained or reside if the requested appointment is made and submit the visitor's report in writing to the court. Whenever possible without undue delay or expense beyond the ability to pay of the alleged incapacitated person, the court, in formulating the judgment, shall utilize the services of any public or charitable agency that offers or is willing to evaluate the condition of the allegedly incapacitated person and make recommendations to the court regarding the most appropriate form of state intervention in the person's affairs.
<b>Nebraska</b>	NE Code § 30-2619(c) (2021)	<p><b>§ 30-2619. Procedure for court appointment of a guardian or standby guardian of a person alleged to be incapacitated.</b></p> <p>(c) The person alleged to be incapacitated may be examined by a physician appointed by the court. The physician shall submit his or her report in writing to the court and may be interviewed by a visitor, if so appointed pursuant to sections 30-2619.01 and 30-2624, sent by the court.</p>
<b>Nevada</b>	NV Rev. Stat. § 159.044 (2)(i) & (3) (2021)	<p><b>159.044. Petition for appointment of guardian: Who may submit; content; needs assessment required for proposed protected person.</b></p> <p>2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:</p> <p>...</p> <p>(i) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation must include, without limitation:</p> <p>(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:</p>

		<p>(I) The need for a guardian;</p> <p>(II) Whether the proposed protected person presents a danger to himself or herself or others;</p> <p>(III) Whether the attendance of the proposed protected person at a hearing would be detrimental to the proposed protected person;</p> <p>(IV) Whether the proposed protected person would comprehend the reason for a hearing or contribute to the proceeding; and</p> <p>(V) Whether the proposed protected person is capable of living independently with or without assistance; and...</p> <p>3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed protected person must provide the court with an assessment of the needs of the proposed protected person completed by a licensed physician which identifies the limitations of capacity of the proposed protected person and how such limitations affect the ability of the proposed protected person to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed protected person must be filed.</p>
<b>New Hampshire</b>	NH Rev. Stat. § 464-A:1-47 (2021)	<b>Chapter 464-A Guardians and Conservators (§§ 464-A:1 — 464-A:47)</b>
<b>New Jersey</b>	NJ Rev. Stat. § 3B:12-24-35 (2021)	<b>Article 4. Incapacitated Persons (§§ 3B:12-24 — 3B:12-35)</b>
<b>New Mexico</b>	NM Stat. Ann. § 45-5-303(E) (2021)	<p><b>§ 45-5-303. Procedure for court appointment of a guardian of an incapacitated person.</b></p> <p>E. The person alleged to be incapacitated shall be examined by a qualified health care professional appointed by the court who shall submit a report in writing to the court. The report shall:</p>



		<p>(1) describe the nature and degree of the alleged incapacitated person’s incapacity, if any, and the level of the alleged incapacitated person’s intellectual, developmental and social functioning; and</p> <p>(2) contain observations, with supporting data, regarding the alleged incapacitated person’s ability to make health care decisions and manage the activities of daily living.</p>
<b>New York</b>	NY Ment. Hygiene L § 81.09(b)(1) & (c)(7) (2021)	<p><b>§ 81.09. Appointment of court evaluator.</b></p> <p>(b)</p> <p>1. the court may appoint as court evaluator any person including, but not limited to, the mental hygiene legal service in the judicial department where the person resides, a not-for-profit corporation, an attorney-at-law, physician, psychologist, accountant, social worker, or nurse, with knowledge of property management, personal care skills, the problems associated with disabilities, and the private and public resources available for the type of limitations the person is alleged to have. The name of the court evaluator shall be drawn from a list maintained by the office of court administration;</p> <p>(c) The duties of the court evaluator shall include the following:</p> <p>...7. retaining an independent medical expert where the court finds it is appropriate, the cost of which is to be charged to the estate of the allegedly incapacitated person unless the person is indigent.</p>
<b>North Carolina</b>	NC Gen. Stat. § 35A-1111(b) (2021)	<p><b>§ 35A-1111. Multidisciplinary evaluation.</b></p> <p>(b) If a multidisciplinary evaluation is ordered, the clerk shall name a designated agency and order it to prepare, cause to be prepared, or assemble a current multidisciplinary evaluation of the respondent. The agency shall file the evaluation with the clerk not later than 30 days after the agency receives the clerk’s order. The multidisciplinary evaluation shall be filed in the proceeding for adjudication of incompetence, in the proceeding for appointment of a guardian under Subchapter II of this Chapter, or both. Unless otherwise ordered by the clerk, the agency shall send copies of the evaluation to the petitioner and the counsel or guardian ad litem for the</p>

		<p>respondent not later than 30 days after the agency receives the clerk’s order. The evaluation shall be kept under such conditions as directed by the clerk and its contents revealed only as directed by the clerk. The evaluation shall not be a public record and shall not be released except by order of the clerk.</p>
<p><b>North Dakota</b></p>	<p>N.D. Cent. Code, § 30.1-28-03(3) &amp; (5) (2021)</p>	<p><b>30.1-28-03. (5-303) Procedure for court appointment of a guardian of an incapacitated person.</b></p> <p>3. Upon the filing of a petition, the court promptly shall set a date for hearing on the issues of incapacity, appoint an attorney to act as guardian ad litem, appoint an expert examiner to examine the proposed ward, and appoint a visitor to interview the proposed guardian and the proposed ward. The proposed guardian shall attend the hearing on the petition unless excused by the court for good cause.</p> <p>5. The expert examiner shall examine the proposed ward and submit a written report to the court. The written report must contain:</p> <p>a. A description of the nature and degree of any current incapacity or disability, including the medical or psychological history, if reasonably available;</p> <p>b. A medical prognosis or psychological evaluation specifying the estimated severity and duration of any current incapacity or disability;</p> <p>c. A statement as to how or in what manner any underlying condition of physical or mental health affects the proposed ward’s ability to provide for personal needs; and</p> <p>d. A statement as to whether any current medication affects the demeanor of the proposed ward or the ability of the proposed ward to participate fully in any court proceeding or in any other procedure required by the court or by court rule.</p>
<p><b>Ohio</b></p>	<p>Ohio Rev. Stat. Ann. 2111.031 (2021)</p>	<p><b>§ 2111.031 Appointment of physicians and other persons to determine need for guardianship.</b></p> <p>In connection with an application for the appointment of a guardian for an alleged incompetent, the court may appoint physicians and other qualified persons to examine, investigate, or represent the alleged incompetent, to assist the court in deciding whether a guardianship is necessary. ...</p>

		<p>This section does not affect or apply to the duties of a probate court investigator under sections 2111.04 and 2111.041 of the Revised Code.</p>
<p><b>Oklahoma</b></p>	<p>30 OK Stat. § 3-108(B) &amp; (C) (2021)</p>	<p><b>§ 3-108. Evaluations of Subject of Proceeding in Connection with Proceeding.</b></p> <p>B. Any evaluations made pursuant to the Oklahoma Guardianship and Conservatorship Act, as appropriate for the condition or alleged condition of the person being evaluated, shall be performed by:</p> <ol style="list-style-type: none"> <li>1. A physician;</li> <li>2. A psychologist;</li> <li>3. A social worker with a graduate degree in social work and field training or experience in working with incapacitated or partially incapacitated persons; or</li> <li>4. Other expert with knowledge of the particular incapacity or disability which the individual is alleged or has been found to have, or knowledge of the skills required to meet the essential requirements for the individual’s physical health or safety or to manage that individual’s financial resources.</li> </ol> <p>C. An evaluation report prepared and signed by the person or persons performing the evaluation shall be submitted to the court prior to the hearing at which the court shall consider the report. The report shall include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. A description of the nature and extent of the incapacity of the person, if any;</li> <li>2. A description of the mental, emotional and physical condition of the person, his ability to function in the ordinary activities of daily life and, if appropriate, the educational condition, adaptive behavior and social skills of the person;</li> <li>3. An opinion regarding the kind and extent of assistance, if any, required by the person;</li> <li>4. An assessment and review of any services necessary to provide for the well-being of the person in the following areas: <ol style="list-style-type: none"> <li>a. physical health,</li> </ol> </li> </ol>

		<p>b. mental health,  c. social skills, and  d. adequate and appropriate living conditions;  5. An opinion regarding:  a. the probability that the extent of the incapacity, if any, of the person may significantly lessen or increase, and  b. the type of services or treatment, if any, appropriate for the subject of the proceeding or which could facilitate improvement in the condition of the subject of the proceeding; and  6. A description of any tests or other evaluative techniques used.</p>
<b>Oregon<sup>1</sup></b>	OR Rev. Stat. § 125.005-852 (2021)	<b>Chapter 125- Protective Proceedings (§§ 125.005 — 125.852)</b>
<b>Pennsylvania</b>	20 PA Con. Stat. § 5518 (2021)	<p><b>§ 5518. Evidence of incapacity.</b></p> <p>To establish incapacity, the petitioner must present testimony, in person or by deposition from individuals qualified by training and experience in evaluating individuals with incapacities of the type alleged by the petitioner, which establishes the nature and extent of the alleged incapacities and disabilities and the person’s mental, emotional and physical condition, adaptive behavior and social skills. The petition must also present evidence regarding the services being utilized to meet essential requirements for the alleged incapacitated person’s physical health and safety, to manage the person’s financial resources or to develop or regain the person’s abilities; evidence regarding the types of assistance required by the person and as to why no less restrictive alternatives would be appropriate; and evidence regarding the probability that the extent of the person’s incapacities may significantly lessen or change.</p>
<b>Rhode Island</b>	RI Gen. L. § 33-15-4(a)(1-3) (2021)	<p><b>33-15-4. Limited guardianship.</b></p> <p>(a)  (1) Absent a finding, based on a decision making assessment tool, that an individual is totally incapacitated, the court shall limit the scope of the powers and duties of a guardian to the terms</p>

<sup>1</sup> Or we use Guardianship section: Chapter 125- Protective Proceedings (§§ 125.005 — 125.852)

		<p>best suited to allow the individual found partially incapacitated to participate as fully as possible in decisions affecting him or her. One such decision making assessment tool must be completed by the respondent’s primary care physician, if one exists and is available, otherwise by a physician who has examined and treated the respondent. The probate court may consider such additional decision making assessments tools signed and submitted by one or more non-physicians or consulting physicians. ...</p> <p>(2) A decision-making assessment tool, in the form as shown in § 33-15-47, must be filed with the petition in each case, provided, that the probate court may excuse the filing of a decision-making assessment tool only on a petition for temporary guardianship in extraordinary or emergency circumstances and upon the provision of other competent evidence.</p> <p>(3) The individual’s primary care physician must complete the decision-making assessment tool, however, if the individual’s primary care physician is not available or if the individual does not have a primary care physician the decision-making assessment tool must be completed by a physician who has examined and treated the individual. Professionals, or other persons acquainted with the individual being assessed, may also complete additional decision-making assessment tools.</p>
<p><b>South Carolina</b></p>	<p>SC Code Ann. § 62-5-303D(A) (2021)</p>	<p><b>§ 62-5-303D. Evaluation and Report.</b></p> <p>(A) Each examiner shall complete a notarized report setting forth an evaluation of the condition of the alleged incapacitated individual. The original report must be filed with the court by the court’s deadline, but not less than forty-eight hours prior to any hearing in which the report is introduced as evidence. For good cause, the court may admit an examiner’s report filed less than forty-eight hours prior to the hearing. All parties are entitled to review the reports after filing, which must be admissible as evidence. The evaluation shall contain, to the best of the examiner’s knowledge and belief:</p> <p>(1) a description of the nature and extent of the incapacity, including specific functional impairments;</p>

		<p>(2) a diagnosis and assessment of the alleged incapacitated individual’s mental and physical condition, including whether he is taking any medications that may affect his actions;</p> <p>(3) an evaluation of the alleged incapacitated individual’s ability to exercise the rights set forth in Section 62-5-304A;</p> <p>(4) when consistent with the scope of the examiner’s license, an evaluation of the alleged incapacitated individual’s ability to learn self-care skills, adaptive behavior, and social skills, and a prognosis for improvement;</p> <p>(5) the date of all examinations and assessments upon which the report is based;</p> <p>(6) the identity of the persons with whom the examiner met or consulted regarding the alleged incapacitated individual’s mental or physical condition; and</p> <p>(7) the signature and designation of the professional license held by the examiner.</p>
<p><b>South Dakota</b></p>	<p>SD Codified L. § 29A-5-306 (2021)</p>	<p><b>29A-5-306. Evaluation of condition of individual included in petition — Contents.</b></p> <p>The petition shall include a report evaluating the condition of the person alleged to need protection which shall contain, to the best information and belief of its signatories:</p> <p>(1) A description of the nature, type and extent of the person’s incapacity, including the person’s specific cognitive and functional limitations;</p> <p>(2) Evaluations of the person’s mental and physical condition and, where appropriate, educational condition, adaptive behavior and social skills;</p> <p>(3) If the appointment of a guardian is requested, a description of the services, if any, currently being provided for the person’s health, care, safety, habilitation, or therapeutic needs and a recommendation as to the most suitable living arrangement and, if appropriate, treatment or habilitation plan and the reasons therefor;</p> <p>(4) If the appointment of a conservator is requested, a description of the services, if any, currently being provided for the management of the person’s estate and financial affairs;</p> <p>(5) An opinion as to whether the appointment of a guardian or conservator is necessary, the type and scope of the guardianship or conservatorship needed, and the reasons therefor;</p>

		<p>(6) If the petition states that the incapacity of the person alleged to need protection will prevent attendance at the hearing, an opinion as to whether such attendance would be detrimental to the person’s health, care or safety;</p> <p>(7) A statement as to whether the person alleged to need protection is on any medications that may affect the person’s actions, demeanor and participation at the hearing;</p> <p>(8) The signature of a physician, psychiatrist or licensed psychologist, and the signatures of any other individuals who made substantial contributions toward the report’s preparation; and</p> <p>(9) The date of any assessment or examination upon which the report is based and if any of the assessments or examinations were performed more than three months prior to the date of the filing of the petition, a statement by a physician, psychiatrist or licensed psychologist that there has been no material change in the condition of the person alleged to need protection since the dates that such assessments or examinations were performed.</p> <p>The court, for good cause shown, may grant leave to file the petition without an evaluation report. If such leave is granted, the court shall order the appropriate assessments or examinations and shall order that a report be prepared and filed with the court.</p> <p>No evaluation report need be prepared if the petition has been brought on the basis that the person alleged to need protection is an absentee.</p>
<p><b>Tennessee</b></p>	<p>TN Code Ann. § 34-3-105(a) – (c) (2021)</p>	<p><b>34-3-105. Examination, physical, psychological or otherwise, of respondent — Confidentiality.</b></p> <p>(a) If the respondent has been examined by a physician or, where appropriate, a psychologist or senior psychological examiner not more than ninety (90) days prior to the filing of the petition and the examination is pertinent, the report of the examination shall be submitted with the petition. If the respondent has not been examined within ninety (90) days of the filing of the petition, cannot get out to be examined or refuses to be voluntarily examined, the court shall order the respondent to submit to examination by a physician or, where appropriate, a psychologist or senior psychological examiner identified in the petition as the respondent's physician, psychologist or senior psychological examiner or, if the respondent has no physician, psychologist or senior psychological examiner, a physician, psychologist or senior psychological</p>

		<p>examiner selected by the court. The physician, psychologist or senior psychological examiner, on completing the examination, shall send a sworn written report to the court with copies to the petitioner and the guardian ad litem. The physician's, psychologist's or senior psychological examiner's report shall be made a part of the court record.</p> <p>(b) On motion by the petitioner, the respondent, the adversary counsel, the guardian ad litem, or on its own initiative, the court may order the respondent to submit to examination by such physicians, psychologists, senior psychological examiners or other specialists who have expertise in the specific disability of the respondent. The examiner shall send a sworn written report to the court with copies to the petitioner, the guardian ad litem and the person requesting the second examination. The court may assess the cost of the second examination against the property of the person with a disability or against the person requesting the examination.</p> <p>(c) Each physician's, psychologist's or senior psychological examiner's sworn report shall contain the following:</p> <p>(1) The respondent's medical history; provided, that this subdivision (c)(1) shall not be construed to expand the examiner's scope of practice;</p> <p>(2) A description of the nature and type of the respondent's disability;</p> <p>(3) An opinion as to whether a conservator is needed and the type and scope of the conservator with specific statement of the reasons for the recommendation of conservatorship; and</p> <p>(4) Any other matters as the court deems necessary or advisable.</p>
Texas	TX Estates Code § 1101.103 (2021)	<p><b>Sec. 1101.103. Determination of Incapacity of Certain Adults: Physician Examination.</b></p> <p>(a) Except as provided by Section 1101.104, the court may not grant an application to create a guardianship for an incapacitated person, other than a minor or person for whom it is necessary to have a guardian appointed only to receive funds from a governmental source, unless the applicant presents to the court a written letter or certificate from a physician licensed in this state that is:</p> <p>(1) dated not earlier than the 120th day before the date the application is filed; and</p>



		<p>(2) based on an examination the physician performed not earlier than the 120th day before the date the application is filed.</p> <p>(b) <b>The letter or certificate must:</b></p> <p>(1) describe the nature, degree, and severity of the proposed ward’s incapacity, including any functional deficits regarding the proposed ward’s ability to:</p> <p>(A) handle business and managerial matters;</p> <p>(B) manage financial matters;</p> <p>(C) operate a motor vehicle;</p> <p>(D) make personal decisions regarding residence, voting, and marriage; and</p> <p>(E) consent to medical, dental, psychological, or psychiatric treatment;</p> <p>(2) in providing a description under Subdivision (1) regarding the proposed ward’s ability to operate a motor vehicle and make personal decisions regarding voting, state whether in the physician’s opinion the proposed ward:</p> <p>(A) has the mental capacity to vote in a public election; and</p> <p>(B) has the ability to safely operate a motor vehicle;</p> <p>(3) provide an evaluation of the proposed ward’s physical condition and mental functioning and summarize the proposed ward’s medical history if reasonably available;</p> <p>(3-a) in providing an evaluation under Subdivision (3), state whether improvement in the proposed ward’s physical condition and mental functioning is possible and, if so, state the period after which the proposed ward should be reevaluated to determine whether a guardianship continues to be necessary;</p> <p>(4) state how or in what manner the proposed ward’s ability to make or communicate responsible decisions concerning himself or herself is affected by the proposed ward’s physical or mental health, including the proposed ward’s ability to:</p> <p>(A) understand or communicate;</p> <p>(B) recognize familiar objects and individuals;</p> <p>(C) solve problems;</p> <p>(D) reason logically; and</p>
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		<p>(E) administer to daily life activities with and without supports and services;</p> <p>(5) state whether any current medication affects the proposed ward’s demeanor or the proposed ward’s ability to participate fully in a court proceeding;</p> <p>(6) describe the precise physical and mental conditions underlying a diagnosis of a mental disability, and state whether the proposed ward would benefit from supports and services that would allow the individual to live in the least restrictive setting;</p> <p>(6-a) state whether a guardianship is necessary for the proposed ward and, if so, whether specific powers or duties of the guardian should be limited if the proposed ward receives supports and services; and</p> <p>(7) include any other information required by the court.</p> <p>(c) If the court determines it is necessary, the court may appoint the necessary physicians to examine the proposed ward. The court must make its determination with respect to the necessity for a physician’s examination of the proposed ward at a hearing held for that purpose. Not later than the fourth day before the date of the hearing, the applicant shall give to the proposed ward and the proposed ward’s attorney ad litem written notice specifying the purpose and the date and time of the hearing.</p> <p>(d) A physician who examines the proposed ward, other than a physician or psychologist who examines the proposed ward under Section 1101.104(2), shall make available for inspection by the attorney ad litem appointed to represent the proposed ward a written letter or certificate from the physician that complies with the requirements of Subsections (a) and (b).</p>
<p><b>Utah</b></p>	<p>UT Code Ann. § 75-5-303(4) &amp; (5)(b) (2021)</p>	<p><b>75-5-303. Procedure for court appointment of a guardian of an incapacitated person.</b></p> <p>(4) The person alleged to be incapacitated may be examined by a physician appointed by the court who shall submit a report in writing to the court and may be interviewed by a visitor sent by the court. The visitor also may interview the person seeking appointment as guardian, visit the present place of abode of the person alleged to be incapacitated and the place it is proposed that the person will be detained or reside if the requested appointment is made,</p>

		<p>conduct other investigations or observations as directed by the court, and submit a report in writing to the court.</p> <p>(5)</p> <p>(b) The investigation by a court visitor is not required if there is clear and convincing evidence from a physician that the person alleged to be incapacitated has:</p> <p>(i) fourth stage Alzheimer’s Disease;</p> <p>(ii) extended comatosis; or</p> <p>(iii)</p> <p>(A) an intellectual disability; and</p> <p>(B) an intelligence quotient score under 25.</p>
<p><b>Vermont</b></p>	<p>14 V.S.A. § 3067 (2021)</p>	<p><b>§ 3067. Evaluation and report; background check; release of evaluation.</b></p> <p>(a) When a petition is filed pursuant to section 3063 of this title, or when a motion for modification or termination is filed pursuant to subdivision 3077(a)(4) of this title, the court shall order an evaluation of the respondent. Except as otherwise provided in this subsection, the cost of the evaluation shall be paid for out of the respondent’s estate or as ordered by the court. If the respondent is unable to afford some or all of the cost of the evaluation without expending income or liquid resources necessary for living expenses, the court shall order that the Department of Mental Health or the Department of Disabilities, Aging, and Independent Living provide the evaluation through qualified evaluators.</p> <p>(b) The evaluation shall be performed by someone who has specific training and demonstrated competence to evaluate a person in need of guardianship. The evaluation shall be completed within 30 days of the filing of the petition with the court unless the time period is extended by the court for cause.</p> <p>(c) The evaluation shall:</p>

		<p>(1) describe the nature and degree of the respondent’s disability, if any, and the level of the respondent’s intellectual, developmental, and social functioning;</p> <p>(2) contain recommendations, with supporting data, regarding:</p> <p>(A) those aspects of his or her personal care and financial affairs that the respondent can manage without supervision or assistance;</p> <p>(B) those aspects of his or her personal care and financial affairs that the respondent could manage with the supervision or assistance of support services and benefits;</p> <p>(C) those aspects of his or her personal care and financial affairs that the respondent is unable to manage without the supervision of a guardian;</p> <p>(D) those powers and duties as set forth in sections 3069 and 3071 of this title that should be given to the guardian, including the specific support services and benefits that should be obtained by the guardian for the respondent.</p>
<p><b>Virginia</b></p>	<p>VA Code Ann. § 64.2-2005(A) &amp; (B) (2021)</p>	<p><b>§ 64.2-2005. Evaluation report.</b></p> <p>A. A report evaluating the condition of the respondent shall be filed, under seal, with the court and provided to the guardian ad litem, the respondent, and all adult individuals and all entities to whom notice is required under subsection C of § 64.2-2004 within a reasonable time prior to the hearing on the petition. The report shall be prepared by one or more licensed physicians or psychologists or licensed professionals skilled in the assessment and treatment of the physical or mental conditions of the respondent as alleged in the petition. If a report is not available, the court may proceed to hold the hearing without the report for good cause shown, absent any objection by the guardian ad litem, or may order a report and delay the hearing until the report is prepared, filed, and provided.</p> <p>B. The report shall evaluate the condition of the respondent and shall contain, to the best information and belief of its signatory:</p> <p>1. A description of the nature, type, and extent of the respondent’s incapacity, including the respondent’s specific functional impairments;</p>

		<p>2. A diagnosis or assessment of the respondent’s mental and physical condition, including a statement as to whether the individual is on any medications that may affect his actions or demeanor, and, where appropriate and consistent with the scope of the evaluator’s license, an evaluation of the respondent’s ability to learn self-care skills, adaptive behavior, and social skills and a prognosis for improvement;</p> <p>3. The date or dates of the examinations, evaluations, and assessments upon which the report is based; and</p> <p>4. The signature of the person conducting the evaluation and the nature of the professional license held by that person.</p>
<p><b>Washington</b></p>	<p>WA Rev. Code. RCW § 11.130.290(1) – (3) (2021)</p>	<p><b>11.130.290. Professional evaluation.</b></p> <p>(1) On receipt of a petition under RCW 11.130.270 and at the time the court appoints a court visitor under RCW 11.130.280, the court shall order a professional evaluation of the respondent.</p> <p>(2) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW selected by the court visitor who is qualified to evaluate the respondent’s alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.</p> <p>(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:</p>

		<p>(a) The professional's name, address, education, and experience;</p> <p>(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;</p> <p>(c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;</p> <p>(d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan;</p> <p>(e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;</p> <p>(f) Identification of persons with whom the professional has met or spoken with regarding the respondent; and</p> <p>(g) The date of the examination on which the report is based.</p>
West Virginia	WV Code § 44A-2-3 (2021)	<p><b>§ 44A-2-3. Evaluation report.</b></p> <p>The petition shall include a report by a licensed physician or psychologist evaluating the condition of the alleged protected person which shall contain, to the best information and belief of its signatory or signatories:</p> <p>(1) A description of the nature, type and extent of the person's incapacity, including the person's specific cognitive and functional limitations;</p> <p>(2) Evaluations of the person's mental and physical condition and, where appropriate, educational condition, adaptive behavior and social skills;</p> <p>(3) If the appointment of a guardian is requested, a description of the services, if any, currently being provided for the person's health, care, safety, habilitation, or therapeutic needs, and a recommendation as to the most suitable living arrangement and, where appropriate, treatment or habilitation plan and the reasons therefor;</p> <p>(4) An opinion as to whether the appointment of a guardian or conservator is necessary, the type and scope of the guardianship or conservatorship needed, and the reasons therefor;</p>

		<p>(5) If the petition states that the incapacity of the alleged protected person will prevent attendance at the hearing, an opinion as to whether such attendance would be detrimental to the person’s health, care, or safety;</p> <p>(6) If the alleged protected person will attend the hearing, a statement as to whether the individual is on any medications that may affect the person’s actions, demeanor and participation at the hearing;</p> <p>(7) The signature of the evaluating physician or psychologist, and the signatures of any other individuals who performed, supervised or reviewed the assessments or examinations upon which the report is based or who made substantial contributions toward the report’s preparation; and</p> <p>(8) The date or dates of the assessments and examinations upon which the report is based. The court, for good cause shown, may grant leave to file the petition without an evaluation report. If such leave is granted, the court shall order the appropriate assessments or examinations and shall order that a report be prepared and filed with the court.</p> <p>The court, for good cause shown, may grant leave to file the petition without an evaluation report. If such leave is granted, the court shall order the appropriate assessments or examinations and shall order that a report be prepared and filed with the court.</p>
<b>Wisconsin</b>	WI Stat. § 54.36(1) (2021)	<p><b>54.36. Examination of proposed ward.</b></p> <p>(1) Whenever it is proposed to appoint a guardian on the ground that a proposed ward allegedly has incompetency or is a spendthrift, a <b>physician or psychologist, or both, shall examine</b> the proposed ward and furnish a written report stating the physician’s or psychologist’s <b>professional opinion regarding the presence and likely duration of any medical or other condition causing</b> the proposed ward to have incapacity or to be a spendthrift. The privilege under s. 905.04 does not apply to the report. The petitioner shall provide a copy of the report to the proposed ward or his or her counsel, the guardian ad litem, and the petitioner’s attorney, if any. Prior to the examination on which the report is based, the guardian ad litem, physician, or psychologist shall inform the proposed ward that statements made by the proposed ward may be used as a basis for a finding of incompetency or a finding that he or she is a spendthrift, that he or she has a</p>

		<p>right to refuse to participate in the examination, absent a court order, or speak to the physician or psychologist, and that the physician or psychologist is required to report to the court even if the proposed ward does not speak to the physician or psychologist. The issuance of such a warning to the proposed ward prior to each examination establishes a presumption that the proposed ward understands that he or she need not speak to the physician or psychologist. Nothing in this section prohibits the use of a report by a physician or psychologist that is based on an examination of the proposed ward by the physician or psychologist before filing the petition for appointment of a guardian, but the court will consider the recency of the report in determining whether the report sufficiently describes the proposed ward's current state and in determining the weight to be given to the report.</p>
<b>Wyoming</b>	WY Stat. Title 3 (2021)	<b>Title 3 Guardian and Ward (Chs. 1 — 9)</b>