Instructions to Request Reimbursement of Room and Board Expenses in Guardianship Proceedings

Third Judicial District

These forms are designed for guardians who are sharing a residence with the protected person, and the guardian (or guardian's spouse) is paying for the housing expense with his or her own funds. The guardian may request that the court allow payment for the protected person's share of the housing expenses through the protected person's estate. The court must allow the request for reimbursement before the guardian may begin deducting these funds from the protected person's estate. The forms required to make this request include:

- Motion to Allow Payment of Room and Board (MOTION)
- Declaration in Support of Motion for Payment of Room and Board (DECLARATION)
- Notice Regarding Time for Filing Objections (NOTICE)
- Proof of Service
- Order Approving Payment of Room and Board (ORDER)
- Certificate of Document Preparation

STEP 1: Fill out the MOTION and DECLARATION

Fill out the MOTION and DECLARATION completely, except the line where it states, "I certify this is a true copy." You will fill that in after copies are made.

STEP 2: Prepare the Notice

The guardian is required by law to provide notice of the motion to the following people:
(1) The protected person
(2) Any person who has filed a request for notice in the proceeding,
(3) Any other fiduciary (such as conservator) who has been appointed for the protected person,
(4) Any attorney who has represented the protected person at any time during the proceeding,
(5) If the protected person is receiving money from the federal government through the Department of Veterans Affairs, notice must be provided to the representative of the regional office who has the responsibility of making payments to the protected person.

STEP 3: Make copies and file the MOTION and DECLARATION

Make one copy of the MOTION and DECLARATION for your records. Make another copy for each person you are required to provide notice to in Step 2. Sign your name on each copy where it says, "I certify this is a true copy."

STEP 4: Provide the Required Notice

Fill out the NOTICE except where it states, "I certify this is a true copy." The date for filing objections must be at least 15 days after you mail copies of the MOTION, DECLARATION and NOTICE. Make a copy of the NOTICE for yourself, the protected person, and any other person you are required to give notice to. Sign the copies where it says, "I certify this is a true copy." Send a copy of the NOTICE, MOTION and DECLARATION to each person you are required to provide notice to. Fill out the Proof of Service and sign it. Make a copy for your records.

STEP 5: File Papers at the Courthouse

File the original MOTION, DECLARATION, NOTICE, Proof of Service and Certificate of Document Preparation at the Courthouse. Wait until the deadline has expired for filing objections. Check back with the Probate Department to see if an objection has been filed.

STEP 6: Court's Decision

If an objection is filed, the court may require that you appear at a status conference or a hearing to resolve the issue. If no objection is filed, you may file the ORDER form after you have filled in the case heading and the "Submitted by" section. You may also submit a self-addressed stamped envelope and the court will send you notice of its decision. Or, you may check back with the Probate Department to find out if the ORDER was signed.