

# INDEX

REFERENCES ARE TO CHAPTERS AND SECTIONS

## ABUSE OF PERSONS

Domestic violence

generally, **43:1-43:39**

for detailed treatment see index heading DOMESTIC VIOLENCE

## ACCOUNTS AND ACCOUNTING

Separation and separation agreements. See index heading SEPARATION AND SEPARATION AGREEMENTS

## ALIMONY

Modification of alimony award, **42:10**

Petition, modification of alimony, supplemental petition for, **42:10**

## ANSWERS

Cohabitation. See index heading COHABITATION

Husband and wife. See index heading HUSBAND AND WIFE

Spousal support and maintenance. See index heading SPOUSAL SUPPORT AND MAINTENANCE

## ANTENUPTIAL AGREEMENTS

Generally, **41:17-41:22**

Checklist, actions involving antenuptial agreements, **41:19**

Complaints

declaratory judgments, **41:20, 41:21**

duress, antenuptial agreement void for, **41:20**

material misrepresentation as to type of document signed, **41:21**

overreaching, antenuptial agreement void for, **41:20**

separation, antenuptial agreement void for duress or overreaching, **41:20**

surviving spouse, complaint against representative of estate of deceased spouse, **41:21**

Declaratory judgments, complaints for, **41:20, 41:21**

Disclosure, **41:18**

Duress, antenuptial agreement void for, **41:20**

Fraud, complaint as to material misrepresentation as to type of document signed, **41:21**

Material misrepresentation as to type of document signed, complaint as to, **41:21**

Motion to strike surviving spouse's election to take elective share, **41:22**

Overreaching, antenuptial agreement void for, **41:20**

**ANTENUPTIAL AGREEMENTS—Cont'd**

Separation, antenuptial agreement void for duress or overreaching, **41:20**

Signatures, complaint as to material misrepresentation as to type of document signed, **41:21**

Surviving spouse

complaint against representative of estate of deceased spouse, **41:21**

motion to strike surviving spouse's election to take elective share, **41:22**

Waiver of rights under antenuptial agreement, **41:22**

**ASSAULT AND BATTERY**

Domestic violence, tort liability, **43:36, 43:38**

**BANKS AND BANKING**

Marital property, complaint for unauthorized withdrawal from joint bank account, **41:10**

**CENTERS OR SHELTERS**

Domestic violence centers, **43:2**

**CEREMONIAL MARRIAGE**

Generally, **40:1-40:10**

**CERTIFICATES AND CERTIFICATION**

Marriage creation and validity, certificate of solemnization, **40:8**

**CHILDBIRTH**

Wrongful birth resulting from physician's negligence, **42:21**

**CHILDREN AND MINORS**

Marriage creation and validity, affidavit regarding capacity to marry, **40:4-40:7**

Spousal support and maintenance. See index heading SPOUSAL SUPPORT AND MAINTENANCE

Wrongful birth resulting from physician's negligence, **42:21**

**COERCION AND DURESS**

Marital property, antenuptial agreement void for duress, **41:20**

**COHABITATION**

Generally, **40:17-40:30**

Agreements. See "Contracts or agreements" in this index heading

Answer

meretricious relationship as defense, **40:29**

quantum meruit as defense, **40:30**

Checklists

declaratory relief, cohabitation agreements, **40:21**

defenses to action to enforce cohabitation agreement, **40:26**

## INDEX

### COHABITATION—Cont'd

#### Checklists—Cont'd

- enforcement of cohabitation agreements, **40:19**
- equitable remedies, cohabitation agreement, **40:25**
- implied cohabitation agreement, breach of, **40:24**
- oral cohabitation agreement, breach of express, **40:23**
- specific performance, cohabitation agreements, **40:20**
- written cohabitation agreement, breach of express, **40:22**

#### Complaint

- declaratory judgment, property rights of unmarried cohabitants, **40:27**
- express cohabitation agreement, breach of, **40:27**
- quantum meruit, household services, **40:28**

#### Contracts or agreements

- checklists. See “Checklists” in this index heading
- complaint for breach of express cohabitation agreement, **40:27**
- declaratory relief, cohabitation agreements, **40:21**
- defenses to action to enforce cohabitation agreement, **40:26**
- enforcement of cohabitation agreement. See “Enforcement of cohabitation agreement” in this index heading
- equitable remedies, cohabitation agreement, **40:25**
- express cohabitation agreement. See “Express cohabitation agreement” in this index heading
- implied cohabitation agreement, breach of, **40:24**
- specific performance, cohabitation agreements, **40:20**
- written cohabitation agreement, breach of, **40:22**

#### Declaratory relief

- checklists, cohabitation agreements, **40:21**
- property rights of unmarried cohabitants, declaratory judgment, **40:27**

#### Defenses

- answer. See “Answer” in this index heading
- enforcement of cohabitation agreement, defenses to action for, **40:26**
- meretricious relationship, **40:29**
- quantum meruit, **40:30**

#### Enforcement of cohabitation agreement

- checklists, **40:19**
- defenses, **40:26**

#### Equitable remedies, cohabitation agreement, **40:25**

#### Express cohabitation agreement

- complaint for breach of express cohabitation agreement, **40:27**
- oral agreement, breach of, **40:23**
- written agreement, breach of, **40:22**

#### Household services, quantum meruit complaint, **40:28**

#### Implied cohabitation agreement, generally, **40:24**

#### Meretricious relationship as defense, **40:29**

#### Oral cohabitation agreement, breach of, **40:23**

**COHABITATION—Cont'd**

Procedural guide, **40:18**

Property rights of unmarried cohabitants, declaratory judgment, **40:27**

Quantum meruit

    defense, quantum meruit as, **40:30**

    household services, complaint for, **40:28**

Specific performance, cohabitation agreements, **40:20**

Written cohabitation agreement, breach of, **40:22**

**COMMON-LAW MARRIAGE**

Generally, **40:11-40:16**

**COMPLAINTS**

Cohabitation. See index heading COHABITATION

Domestic violence. See index heading DOMESTIC VIOLENCE

Husband and wife. See index heading HUSBAND AND WIFE

Postnuptial agreements. See index heading POSTNUPTIAL AGREEMENTS

Separation and separation agreements. See index heading SEPARATION AND  
SEPARATION AGREEMENTS

Spousal support and maintenance. See index heading SPOUSAL SUPPORT AND  
MAINTENANCE

**CONFIDENTIAL MATTERS**

Domestic violence, confidential filing of address, **43:20**

**CONSENT OR APPROVAL**

Marriage creation and validity, consent of parent or guardian, **40:4, 40:5**

**CONSORTIUM, LOSS OF**

Husband and wife, complaint, **42:19, 42:20**

**CONTRACTS AND AGREEMENTS**

Antenuptial agreements

    generally, **41:17-41:22**

    for detailed treatment see index heading ANTENUPTIAL AGREEMENTS

Cohabitation. See index heading COHABITATION

Husband and wife

    generally, **42:22-42:26**

    for detailed treatment see index heading HUSBAND AND WIFE

Implied contract, cohabitation agreement, breach of, **40:24**

Postnuptial agreements. See index heading POSTNUPTIAL AGREEMENTS

Separation agreements. See index heading SEPARATION AND SEPARATION  
AGREEMENTS

**COTENANCY AND JOINT OWNERSHIP**

Partition. See index heading PARTITION

## INDEX

### CRIMINAL LAW

Domestic violence, criminal violations of injunctions, **43:5**

### CUSTODY OF CHILDREN

Change or modification

generally, **42:8**

visitation, **42:8**

Petitions, supplemental petition, modification of custody or visitation, **42:8**

### DATING VIOLENCE

Generally, **43:6 et seq.**

For detailed treatment see index heading DOMESTIC VIOLENCE

### DECLARATORY JUDGMENTS

Cohabitation. See index heading COHABITATION

Marriage creation and validity, establishment of common-law marriage,  
**40:14**

Separation and separation agreements. See index heading SEPARATION AND  
SEPARATION AGREEMENTS

### DEEDS

Separation and separation agreements. See index heading SEPARATION AND  
SEPARATION AGREEMENTS

### DEFENSES

Cohabitation. See index heading COHABITATION

### DISCLOSURE

Antenuptial agreements, **41:18**

Postnuptial agreements, declaratory judgment for failure to make fair  
disclosure of estate, **41:25**

### DOMESTIC VIOLENCE

Generally, **43:1-43:39**

Abolition of rule of interspousal tort immunity, **43:35**

Affidavits

foreign order for protection, affidavit in support of registration of, **43:34**

registration of foreign order for protection, **43:34**

show cause order for violation of final judgment of injunction, **43:32,**  
**43:33**

supplemental affidavit in support of petition for injunction, **43:19**

Battery, tort liability, **43:36, 43:38**

Centers, **43:2**

Complaints. See “Tort liability” in this index heading

Confidential filing of address, **43:20**

Criminal violations of injunctions, **43:5**

**DOMESTIC VIOLENCE—Cont'd**

Dating violence, **43:6 et seq.**

Dissolution of marriage, tort liability in dissolution proceedings, **43:37**

Dissolution proceedings, tort liability in, **43:37**

Extension of injunction for protection against domestic violence, **43:21, 43:25**

Final judgment of injunction for protection against domestic violence, **43:12, 43:13, 43:24, 43:28, 43:31, 43:32**

Foreign protection orders

affidavit in support of registration of foreign order for protection, **43:34**

recognition of, **43:7**

registration of foreign order for protection, **43:34**

Injunctions

generally, **43:4**

criminal violations of injunctions, **43:5**

dating violence, generally, **43:6**

denial of petition for injunction, **43:16**

extension of injunction, **43:21, 43:25**

final judgment of injunction for protection against domestic violence, **43:12, 43:13, 43:24, 43:28, 43:31**

hearing on petition for injunction, **43:15**

law enforcement, enforcement of injunction for protection against domestic violence or repeat violence, **43:14**

modification of injunction, **43:22**

notice, final judgment of injunction for protection against domestic violence, **43:12, 43:13, 43:24, 43:28, 43:31**

petitions, protection against violence, **43:8, 43:18, 43:26, 43:29**

repeat violence, injunction for protection against, generally, **43:6, 43:14**

show cause order for violation of final judgment of injunction, **43:32, 43:33**

supplemental affidavit in support of petition for injunction, **43:19**

temporary injunction, generally

see “Temporary injunction” in this index heading

Intentional infliction of wounds on spouse, tort liability, **43:39**

Interspousal tort immunity, abolition of rule of, **43:35**

Investigations by law enforcement, **43:3**

Law enforcement

injunctions, enforcement of injunction for protection against domestic violence or repeat violence, **43:14**

investigations, **43:3**

Modification of injunction for protection against domestic violence, **43:22**

Notice, final judgment of injunction for protection against domestic violence, **43:12, 43:13, 43:24, 43:28, 43:31**

## INDEX

### **DOMESTIC VIOLENCE—Cont'd**

#### Orders

foreign protection orders. See “Foreign protection orders” in this index heading

injunctions. See “Injunctions” in this index heading

#### Petitions

injunctions, protection against violence, **43:8, 43:9, 43:18, 43:26, 43:29**

repeat violence, petition for protection against, **43:9, 43:18**

Privileges or immunities, abolition of rule of interspousal tort immunity, **43:35**

#### Protection orders

foreign protection orders. See “Foreign protection orders”

injunctions. See “Injunctions” in this index heading

Recognition of foreign protection orders, **43:7**

Registration of foreign order for protection, affidavit in support of, **43:34**

Repeat violence, injunction for protection against, generally, **43:6 et seq.**

Sexual violence, generally, **43:29-43:31 et seq.**

Show cause order for violation of final judgment of injunction, **43:32, 43:33**

#### Temporary injunction

generally, **43:10, 43:11, 43:23, 43:27, 43:30**

dismissal of temporary injunction, **43:17**

Termination of marriage, tort liability in dissolution proceedings, **43:37**

#### Tort liability

generally, **43:35-43:39**

abolition of rule of interspousal tort immunity, **43:35**

battery, **43:36, 43:38**

complaints

battery by spouse during marriage, **43:38**

intentional infliction of wounds on spouse, **43:39**

dissolution proceedings, tort liability in, **43:37**

intentional infliction of wounds on spouse, complaint for, **43:39**

interspousal tort immunity, abolition of rule of, **43:35**

privileges or immunities, abolition of rule of interspousal tort immunity, **43:35**

### **ENFORCEMENT**

Cohabitation. See index heading COHABITATION

### **ENTIRETIES, TENANCY BY**

Marital property, **41:2**

### **FAMILY AND RELATIVES**

Husband and wife. See index heading HUSBAND AND WIFE

**FINALITY AND CONCLUSIVENESS**

Domestic violence, final judgment of injunction for protection against, **43:12, 43:13, 43:24, 43:28, 43:31, 43:32**

Spousal support and maintenance, support unconnected with dissolution of marriage, **42:15, 42:16**

**FOREIGN STATE**

Domestic violence. See index heading DOMESTIC VIOLENCE

Marriage creation and validity, foreign divorce decree, **40:10**

**FRAUD AND MISREPRESENTATION**

Marital property, complaint as to material misrepresentation as to type of document signed, **41:21**

**GUARDIANSHIP**

Marriage, creation and validity, guardian's consent, **40:5**

**HEIRS**

Partition, complaint to partition real property held in common by surviving spouse and heirs of surviving spouse, **41:16**

**HUSBAND AND WIFE**

Generally, **40:1-40:30**

Answer. See "Contracts of spouses" in this index heading

Antenuptial agreements

generally, **41:17-41:22**

for detailed treatment see index heading ANTENUPTIAL AGREEMENTS

Common-law marriage

generally, **40:11-40:16**

for detailed treatment see index heading COMMON-LAW MARRIAGE

Complaints. See "Torts of spouses" in this index heading

Contracts of spouses

generally, **42:22-42:26**

answer

estoppel to void agreement by failure of spouse to sign, **42:26**

lease agreement, failure to sign, **42:24**

rent due under lease, unpaid, **42:24**

rescission of deposit receipt agreement and return of deposit, **42:26**

signature, failure to sign contract or agreement, **42:24-42:26**

specific performance for sale and purchase of real estate, **42:25**

estoppel to void agreement by failure of spouse to sign, **42:26**

lease agreement, failure to sign, **42:24**

rent due under lease, unpaid, **42:24**

rescission of deposit receipt agreement and return of deposit, **42:26**

signature, failure to sign contract or agreement, **42:24-42:26**

specific performance for sale and purchase of real estate, **42:25**



## INDEX

### **HUSBAND AND WIFE—Cont'd**

#### Contracts of spouses—Cont'd

third party, contracts between spouse and, **42:23**

#### Creation and validity of marriage

generally, **40:1-40:30**

for detailed treatment see index heading MARRIAGE

#### Domestic violence

generally, **43:1-43:39**

for detailed treatment see index heading DOMESTIC VIOLENCE

#### Emotional distress, negligent infliction of, **42:19**

#### Estoppel to void agreement by failure of spouse to sign, **42:26**

#### Lease agreement, failure to sign, **42:24**

#### Loss of consortium, complaint, **42:19, 42:20**

#### Maintenance and support

generally, **42:1-40:16**

for detailed treatment see index heading SPOUSAL SUPPORT AND MAINTENANCE

#### Marriage creation and validity. See index heading MARRIAGE

#### Negligence. See “Torts of spouses” in this index heading

#### Partition

generally, **41:11-41:16**

for detailed treatment see index heading PARTITION

#### Physician’s negligence, wrongful birth resulting from, **42:21**

#### Postnuptial agreements

generally, **41:23-41:26**

for detailed treatment see index heading POSTNUPTIAL AGREEMENTS

#### Property rights and interests

generally, **41:1-41:26**

for detailed treatment see index heading MARITAL PROPERTY

#### Rent due under lease, unpaid, **42:24**

#### Rescission of deposit receipt agreement and return of deposit, **42:26**

#### Rights, duties, and liabilities, generally, **42:1-42:26**

#### Signature, failure to sign contract or agreement, **42:24-42:26**

#### Specific performance for sale and purchase of real estate, **42:25**

#### Support and maintenance

generally, **42:1-40:16**

for detailed treatment see index heading SPOUSAL SUPPORT AND MAINTENANCE

#### Third party

contracts between spouse and third party, **42:23**

torts of spouses, **42:18**

#### Torts of spouses

generally, **42:17-42:21**

childbirth, wrongful birth resulting from physician’s negligence, **42:21**

**HUSBAND AND WIFE—Cont'd**

Torts of spouses—Cont'd

complaints

emotional distress, negligent infliction of, **42:19**

loss of consortium, **42:19**

physician's negligence, wrongful birth resulting from, **42:21**

domestic violence. See index heading DOMESTIC VIOLENCE

emotional distress, negligent infliction of, **42:19**

loss of consortium, complaint, **42:19**

third parties, torts involving, **42:18**

vasectomy, wrongful birth resulting from physician's negligence, **42:21**

wrongful birth resulting from physician's negligence, **42:21**

Validity of marriage

generally, **40:1-40:30**

for detailed treatment see index heading MARRIAGE

**INJUNCTIONS**

Domestic violence

generally, **43:4**

for detailed treatment see index heading DOMESTIC VIOLENCE

**INTENT**

Domestic violence

tort liability for intentional infliction of wounds on spouse, **43:39**

**INTERPOUSAL TORT IMMUNITY**

Domestic violence

abolition of rule of interspousal tort immunity, **43:35**

**INVESTIGATIONS AND INVESTIGATORS**

Domestic violence

investigations by law enforcement, **43:3**

**JOINT BANK ACCOUNTS**

Marital property, complaint for unauthorized withdrawal from joint bank

account, **41:10**

**LANDLORD AND TENANT**

Husband and wife, failure to sign lease agreement, **42:24**

**LAW ENFORCEMENT OFFICERS AND AGENCIES**

Domestic violence. See index heading DOMESTIC VIOLENCE

**LEASES AND RENTAL AGREEMENTS**

Rent, husband and wife, unpaid rent due under lease, **42:24**

## INDEX

### MARITAL PROPERTY

Generally, **41:1-41:26**

Antenuptial agreements

generally, **41:17-41:22**

for detailed treatment see index heading ANTENUPTIAL AGREEMENTS

Checklists

action involving property rights and interests of spouses, generally, **41:4**

antenuptial agreements, actions involving, **41:19**

partition, **41:13**

postnuptial agreements, actions involving, **41:24**

Dissolution proceedings, marital and nonmarital assets and liabilities in, generally, **41:3**

Married women's rights, **41:1**

Partition

generally, **41:11-41:16**

for detailed treatment see index heading PARTITION

Postnuptial agreements

generally, **41:23-41:26**

for detailed treatment see index heading POSTNUPTIAL AGREEMENTS

Separation agreements. See index heading SEPARATION AND SEPARATION AGREEMENTS

Tenancy by the entireties, **41:2**

### MARITAL RELATIONSHIP

Generally

see index heading HUSBAND AND WIFE

Ceremonial marriage

generally, **40:1-40:10**

for detailed treatment see index heading MARRIAGE

Cohabitation

generally, **40:17-40:30**

for detailed treatment see index heading COHABITATION

### MARRIAGE

Generally, **40:1-40:26**

Affidavits

capacity to marry. See "Capacity to marry" in this index heading  
certificate of solemnization, affidavit of witness to performance of marriage ceremony, **40:8**

Antenuptial agreements

generally, **41:17-41:22**

for detailed treatment see index heading ANTENUPTIAL AGREEMENTS

Capacity to marry

generally, **40:4-40:7**

**MARRIAGE—Cont'd**

Capacity to marry—Cont'd

affidavits

consent of parent or guardian, **40:4, 40:5**

expectant parent, minor female as, **40:6**

guardian's consent, **40:5**

minors, **40:4-40:7**

parent of child, minor as, **40:5**

prior marriage of minor, **40:7**

consent of parent or guardian, affidavits, **40:4, 40:5**

expectant parent, minor female as, **40:6**

guardian's consent, affidavit of, **40:5**

minors, affidavits, **40:4-40:7**

parent of child, minor as, **40:5**

prior marriage of minor, affidavit as to, **40:7**

Ceremonial marriage, generally, **40:1-40:10**

Certificate of solemnization, affidavit of witness to performance of marriage ceremony, **40:8**

Checklists

ceremonial marriage, requirements for valid marriage, **40:3**

common-law marriage, validity of, **40:13**

Cohabitation

generally, **40:17-40:30**

for detailed treatment see index heading COHABITATION

Common-law marriage

generally, **40:11-40:16**

allegation of common-law marriage, **40:16**

checklist, validity of common-law marriage, **40:13**

complaint

allegation of common-law marriage, **40:16**

declaratory judgment, establishment of common-law marriage, **40:14**

divorce, marital relationship resumed following, **40:15**

declaratory judgment, establishment of common-law marriage, **40:14**

divorce, marital relationship resumed following, **40:15**

procedural guide, **40:12**

Complaint

establishment of valid marriage, **40:9**

marital status, complaint to determine, **40:10**

Consent of parent or guardian, capacity to marry affidavit, **40:4, 40:5**

Declaratory judgment, establishment of common-law marriage, **40:14**

Establishment of valid marriage, complaint for, **40:9**

Expectant parent, minor female as, **40:6**

Foreign divorce decree, validity of, **40:10**

Guardian's consent, capacity to marry affidavit, **40:5**

Marital status, complaint to determine, **40:10**

## INDEX

### **MARRIAGE—Cont'd**

Minors, affidavit regarding capacity to marry, **40:4-40:7**

Parent of child, minor as, **40:5**

Prior marriage of minor, capacity to marry affidavit, **40:7**

Procedural guide

    ceremonial marriage, **40:2**

    common-law marriage, **40:12**

Resumption of marital relationship following divorce, **40:15**

### **MARRIED WOMEN'S RIGHTS**

Marital property, **41:1**

### **MEDICAL CARE AND TREATMENT**

Spousal support and maintenance, medical services furnished to other spouse,  
**42:12**

### **MENTAL ANGUISH**

Husband and wife, negligent infliction of emotional distress, **42:19**

### **MERETRICIOUS RELATIONSHIP**

Cohabitation, meretricious relationship as defense, **40:29**

### **MISTAKE**

Marital property, reformation of deed on ground of mutual mistake, **41:7**

### **MOTIONS**

Marital property, motion to strike surviving spouse's election to take elective  
share, **41:22**

### **NECESSARIES**

Spousal support and maintenance. See index heading SPOUSAL SUPPORT AND  
MAINTENANCE

### **NEGLIGENCE**

Consortium, loss of resulting from negligence, **42:20**

Husband and wife. See index heading HUSBAND AND WIFE

### **NOTICE**

Domestic violence, final judgment of injunction for protection against, **43:12,**  
**43:13, 43:24, 43:28, 43:31**

### **ORAL CONTRACTS AND AGREEMENTS**

Cohabitation agreement, breach of oral, **40:23**

### **ORDERS**

Domestic violence. See index heading DOMESTIC VIOLENCE

**OUSTER**

Marital property, damages for wrongful ouster of wife from marital home,  
**41:6**

**OVERREACHING**

Marital property, antenuptial agreement void for overreaching, **41:20**

**PARTITION**

Accounting, husband and wife. See “Husband and wife” in this index heading

Checklists, spouse, partition action by spouse against former spouse, **41:13**

Complaint, husband and wife. See “Husband and wife” in this index heading

Former spouse, partition action against, **41:13, 41:14**

Heirs of surviving spouse, complaint to partition real property held in common by surviving spouse and, **41:16**

Husband and wife

generally, **41:11-41:16**

accounting

former spouses, complaint for partition and sale of real property between, **41:14**

property settlement agreement, complaint regarding property dealt with in, **41:15**

checklist, partition action by spouse against former spouse, **41:13**

complaint

accounting, **41:14, 41:15**

property settlement agreement, property dealt with in, **41:15**

surviving spouse and heirs of surviving spouse, complaint to partition real property held in common by, **41:16**

former spouse, partition action against, **41:13, 41:14**

heirs of surviving spouse, complaint to partition real property held in common by surviving spouse and, **41:16**

procedural guide, **41:12**

property settlement agreement, property dealt with in, **41:15**

surviving spouse and heirs of surviving spouse, complaint to partition real property held in common by, **41:16**

Procedural guides, husband and wife, **41:12**

Property settlement agreement, property dealt with in, **41:15**

Surviving spouse and heirs of surviving spouse, complaint to partition real property held in common by, **41:16**

**PERSONAL PROPERTY**

Marital property, preliminary injunction and declaratory judgment, **41:8**

**PHYSICIANS AND SURGEONS**

Husband and wife, wrongful birth resulting from physician’s negligence,  
**42:21**

## INDEX

### POSTNUPTIAL AGREEMENTS

Generally, **41:23-41:26**

Cancellation of postnuptial agreement, declaratory judgment for, **41:25**

Checklist, actions involving postnuptial agreements, **41:24**

Complaint

    cancellation of postnuptial agreement, declaratory judgment for, **41:25**

    declaratory judgment, cancellation of postnuptial agreement, **41:25**

    disclosure of estate, declaratory judgment for failure to make fair, **41:25**

    inequitable conduct, **41:26**

    property settlement agreement, reformation of, **41:26**

    reformation of property settlement agreement, **41:26**

    unilateral mistake, **41:26**

Declaratory judgment, cancellation of postnuptial agreement, **41:25**

Disclosure of estate, declaratory judgment for failure to make fair, **41:25**

Inequitable conduct, complaint for, **41:26**

Property settlement agreement, complaint for reformation of, **41:26**

Reformation of property settlement agreement, complaint for, **41:26**

Unilateral mistake, complaint for, **41:26**

### PREGNANCY

Marriage creation and validity, minor female as expectant parent, **40:6**

### PRELIMINARY INJUNCTION

Marital property, right to personal property, **41:8**

### PRIVILEGES AND IMMUNITIES

Domestic violence, abolition of rule of interspousal tort immunity, **43:35**

### PROPERTY AND PROPERTY RIGHTS

Cohabitation, declaratory judgment, **40:27**

Dissolution proceedings, marital and nonmarital assets and liabilities in, generally, **41:3**

Marital property

    generally, **41:1-41:26**

    for detailed treatment see index heading MARITAL PROPERTY

Married women's rights, **41:1**

Specific performance, **42:25**

### PROTECTIVE ORDERS

Domestic violence. See index heading DOMESTIC VIOLENCE

### QUANTUM MERUIT

Cohabitation. See index heading COHABITATION

### RAPE

Dating violence, **43:6 et seq.**

**REAL PROPERTY**

Specific performance, **42:25**

**REGISTRATION**

Domestic violence, affidavit in support of registration of foreign order for protection, **43:34**

**REPEAT VIOLENCE**

Domestic violence. See index heading DOMESTIC VIOLENCE

**RESCISSION**

Husband and wife, rescission of deposit receipt agreement and return of deposit, **42:26**

**RETAILERS**

Spousal support and maintenance, necessities furnished to other spouse by retailer, **42:11**

**SEPARATE MAINTENANCE**

Generally, **42:1-40:16**

For detailed treatment see index heading SPOUSAL SUPPORT AND MAINTENANCE

**SEPARATION AND SEPARATION AGREEMENTS**

Accounts and accounting

joint bank account, complaint for unauthorized withdrawal from, **41:10**  
separate funds of spouse, complaint for trust in property purchased with,  
**41:9**

Antenuptial agreement void for duress or overreaching, **41:20**

Cancellation of deed conveying interest of wife in marital home to husband,  
**41:6**

Complaints

accountings, trust in property purchased with separate funds of spouse,  
**41:9**

cancellation of deed conveying interest of wife in marital home to  
husband, **41:6**

damages, unauthorized withdrawal from joint bank account, **41:10**  
deeds, **41:5-41:7**

joint bank account, damages for unauthorized withdrawal from, **41:10**  
mutual mistake, reformation of deed on ground of, **41:7**

ouster, damages for wrongful ouster of wife from marital home, **41:6**

personal property, preliminary injunction and declaratory judgment, **41:8**  
preliminary injunction, right to personal property, **41:8**

sole owner of real property, spouse furnishing entire purchase price as,  
**41:7**

trust in property purchased with separate funds of spouse, **41:9**



## INDEX

### **SEPARATION AND SEPARATION AGREEMENTS—Cont'd**

Damages, unauthorized withdrawal from joint bank account, **41:10**

Declaratory judgments

deeds, **41:5, 41:6**

preliminary injunction, right to personal property, **41:8**

sole owner of real property, spouse furnishing entire purchase price as,  
**41:7**

Deeds

generally, **41:5-41:7**

cancellation of deed conveying interest of wife in marital home to  
husband, **41:6**

complaints, **41:5-41:7**

declaratory judgments, **41:5, 41:6**

reformation of deed on ground of mutual mistake, **41:7**

separation of spouses, **41:5-41:7**

Joint bank account, complaint for unauthorized withdrawal from, **41:10**

Mutual mistake, reformation of deed on ground of, **41:7**

Ouster, damages for wrongful ouster of wife from marital home, **41:6**

Personal property, preliminary injunction and declaratory judgment, **41:8**

Preliminary injunction, right to personal property, **41:8**

Reformation of deed, complaint for reformation of deed on ground of mutual  
mistake, **41:7**

Sole owner of real property, spouse furnishing entire purchase price as, **41:7**

Trust in property purchased with separate funds of spouse, **41:9**

### **SETTLEMENT AGREEMENTS**

Marital property, complaint for reformation of property settlement agree-  
ment, **41:26**

Partition, property dealt with in property settlement agreement, **41:15**

### **SEX AND SEXUAL OFFENDERS**

Dating violence. See index heading DOMESTIC VIOLENCE

Domestic violence. See index heading DOMESTIC VIOLENCE

### **SHELTERS OR CENTERS**

Domestic violence centers, **43:2**

### **SHOW CAUSE**

Domestic violence, show cause order for violation of final judgment of  
injunction, **43:32, 43:33**

### **SIGNATURES**

Husband and wife, failure to sign contract or agreement, **42:24-42:26**

Marital property, complaint as to material misrepresentation as to type of  
document signed, **41:21**

**SPECIFIC PERFORMANCE**

Cohabitation agreements, **40:20**

Husband and wife, specific performance for sale and purchase of real estate,  
**42:25**

Real property, **42:25**

**SPOUSAL SUPPORT AND MAINTENANCE**

Generally, **42:1-40:16**

Answer

credit, services provided based solely on own, **42:14**

necessaries, items not, **42:13**

Checklist, complaint to recover from spouse for necessities, **42:5**

Children

final judgment, support unconnected with dissolution of marriage, **42:15**,  
**42:16**

modification of child support, supplemental petition for, **42:9**

petition for support unconnected with dissolution of marriage with dependent or minor children, **42:6**

petition for support unconnected with dissolution of marriage with no dependent or minor children, **42:7**

Common-law doctrine of necessities, liability to third parties, **42:3**

Complaint

checklist, complaint to recover from spouse for necessities, **42:5**

medical services furnished to other spouse, **42:12**

retailer, necessities furnished to other spouse by, **42:11**

Credit, services provided based solely on own credit as answer, **42:14**

Final judgment, support unconnected with dissolution of marriage, **42:15**,  
**42:16**

Medical services furnished to other spouse, **42:12**

Modification of child support, supplemental petition for, **42:9**

Necessaries

answer, items not necessities, **42:13**

checklist, complaint to recover from spouse for necessities, **42:5**

common-law doctrine, **42:3**

complaint

checklist, complaint to recover from spouse for necessities, **42:5**

retailer, necessities furnished to other spouse by, **42:11**

retailer, necessities furnished to other spouse by, **42:11**

Petition for support unconnected with dissolution of marriage with dependent or minor children, **42:6**

Petition for support unconnected with dissolution of marriage with no dependent or minor children, **42:7**

Retailer, necessities furnished to other spouse by, **42:11**

Third parties, common-law doctrine of necessities, **42:3**

## INDEX

### SPOUSES

Generally, **40:1-40:30**

For detailed treatment see index heading HUSBAND AND WIFE

### SUPPORT

Spousal support. See index heading SPOUSAL SUPPORT AND MAINTENANCE

### SURVIVING SPOUSE

Partition, complaint to partition real property held in common by surviving spouse and heirs of surviving spouse, **41:16**

### TENANCY BY THE ENTIRETIES

Marital property, **41:2**

### TERMINATION OF MARRIAGE

Domestic violence, tort liability in dissolution proceedings, **43:37**

Resumption of marital relationship following divorce, **40:15**

Spousal support and maintenance

generally, **42:1-40:16**

for detailed treatment see index heading SPOUSAL SUPPORT AND MAINTENANCE

Support and maintenance, spouse

generally, **42:1-40:16**

for detailed treatment see index heading SPOUSAL SUPPORT AND MAINTENANCE

### THIRD PARTIES

Husband and wife. See index heading HUSBAND AND WIFE

Spousal support and maintenance, common-law doctrine of necessities, **42:3**

### TORTS

Domestic violence

generally, **43:35-43:39**

for detailed treatment see index heading DOMESTIC VIOLENCE

Husband and wife

generally, **42:17-42:21**

for detailed treatment see index heading HUSBAND AND WIFE

### TRUSTS AND TRUSTEES

Marital property, trust in property purchased with separate funds of spouse, **41:9**

### VALIDITY OF MARRIAGE

Generally, **40:1-40:16**

### VASECTOMY

Physician's negligence, wrongful birth resulting from, **42:21**

**VISITATION AND VISITATION RIGHTS**

Petitions, supplemental petition for modification of visitation, **42:8**

**WAIVER AND ESTOPPEL**

Husband and wife, estoppel to void agreement by failure of spouse to sign,  
**42:26**

Marital property, waiver of rights under antenuptial agreement, **41:22**

**WIFE**

Generally, **40:1-40:30**

For detailed treatment see index heading HUSBAND AND WIFE

**WRITING AND WRITTEN MATTERS**

Cohabitation agreement, breach of, **40:22**

**WRONGFUL BIRTH**

Negligence, wrongful birth resulting from physician's negligence, **42:21**

# INDEX

REFERENCES ARE TO CHAPTERS AND SECTIONS

## **ABSENTEES**

Conservatorship

generally, **46:217, 46:218**

for detailed treatment see index heading CONSERVATORSHIP

## **ACCOUNTS AND ACCOUNTING**

Guardians, accounting by

generally, **46:100 et seq., 46:174 et seq.**

for detailed treatment see index heading GUARDIANSHIP

## **AGENCY**

Guardians. See index heading GUARDIANSHIP

## **APPEARANCE**

Guardianship, appearance at adjudicatory hearing, **46:6**

## **APPOINTMENTS**

Conservator

generally, **46:2, 46:218**

for detailed treatment see index heading GUARDIANSHIP

Guardian

generally, **46:47-46:96**

for detailed treatment see index heading GUARDIANSHIP

## **APPRAISERS**

Guardianship

generally, **46:139-46:142**

for detailed treatment see index heading GUARDIANSHIP

## **ARMED FORCES**

Conservatorship, **46:217**

## **ATTORNEYS**

Court-appointed

incapacity adjudications

generally, **46:3, 46:22, 46:170**

duration of representation, **46:98**

ward when guardian requests extraordinary authority, **46:104**

Guardianship. See index heading GUARDIANSHIP

**ATTORNEYS' FEES**

Guardianship. See index heading GUARDIANSHIP

**BANKS AND BANKING**

Guardianship

generally, **46:110**

for detailed treatment see index heading GUARDIANSHIP

Periodic withdrawals from restricted depository, **46:157 et seq.**

**BONDS AND SURETIES**

Guardianship

generally, **46:52, 46:86, 46:206**

for detailed treatment see index heading GUARDIANSHIP

**BURIAL EXPENSES**

Ward's property used for payment, **46:108, 46:109**

**CAPACITY OR INCAPACITY**

Adjudication of incapacity

generally, **46:3-46:34**

for detailed treatment see index heading GUARDIANSHIP

Guardianship. See index heading GUARDIANSHIP

**CERTIFICATES AND CERTIFICATION**

Guardianship, certificate by depository, **46:149**

**CHILDREN AND MINORS**

Assets, management or disposition, **46:105, 46:108**

Guardianship

generally, **46:51**

for detailed treatment see index heading GUARDIANSHIP

**COMPROMISE AND SETTLEMENT**

Guardianship, **46:105, 46:109**

**CONSERVATORSHIP**

Generally, **46:2, 46:217-4:226**

Absentees, generally, **46:217, 46:218**

Appointment of conservator

generally, **46:2, 46:218**

checklist, drafting petition for appointment of conservator, **46:223**

petitions, **46:225**

summary procedure for spouse of absentee, **46:219**

Authorization of action by spouse or next of kin

checklist, **46:224**

order, **46:220**

## INDEX

### **CONSERVATORSHIP—Cont'd**

#### Checklists

appointment of conservator, drafting petition for, **46:223**

authorization of action by next of kin, drafting petition for, **46:224**

Definitions, **46:2**

Discharge, **46:221**

Order authorizing action by spouse or next of kin, **46:220**

#### Petitions

appointment of conservator, **46:223, 46:225**

authorizing action by next of kin, **46:224**

authorizing action of conservatee's next of kin, **46:224**

checklists. See "Checklists" in this index heading

checklists for drafting petitions, **46:223 et seq.**

summary relief, **46:226**

Procedural guide, generally, **46:222**

Summary procedure for spouse of absentee, **46:219**

Summary relief, petition for, **46:226**

Termination of conservatorship, **46:221**

### **CONTRACTS AND AGREEMENTS**

Guardian's power regarding ward's contracts, **46:109**

Incapacitated person's right, **46:4**

### **CORPORATIONS**

Guardians, acting as, **46:47 et seq., 46:85, 46:110**

### **DEATH AND DEATH ACTIONS**

Guardianship. See index heading GUARDIANSHIP

Ward's death as basis for terminating guardianship

generally, **46:173**

for detailed treatment see index heading GUARDIANSHIP

### **DEBTOR AND CREDITOR**

Foreign guardianship, **46:41**

Guardianship

generally, **46:107**

for detailed treatment see index heading GUARDIANSHIP

Settlement of claims, **46:105, 46:109**

Veterans, **46:208**

### **DEPOSITORIES**

Guardianship, certificate by depository, **46:149**

### **DISCRIMINATION**

Incapacitated persons, **46:4**

**DISMISSAL**

Interim judicial review, **46:102**

**EDUCATION AND SCHOOLS**

Guardianship. See index heading GUARDIANSHIP

**ELECTIONS**

Incapacitated person's right to vote, **46:4**

**ELISOR FOR ALLEGED INCAPACITATED PERSON**

Appointing attorney and elisor for incapacitated person, **46:22**

Proof of service by elisor, **46:20, 46:21**

**EMERGENCIES**

Guardianship

generally, **46:36**

for detailed treatment see index heading GUARDIANSHIP

Temporary guardianship

generally, **46:36**

for detailed treatment see index heading GUARDIANSHIP

**EMPLOYER AND EMPLOYEE**

Incapacitated person's right to employment, **46:4**

**FOREIGN GUARDIANSHIP**

Generally, **46:41**

For detailed treatment see index heading GUARDIANSHIP

**FUNERAL EXPENSES**

Ward's property used to pay, **46:108, 46:109**

**GIFTS AND BEQUESTS**

Guardianship. See index heading GUARDIANSHIP

**GOOD OR BAD FAITH**

Guardianship. See index heading GUARDIANSHIP

**GOVERNMENT BENEFITS**

Guardianship. See index heading GUARDIANSHIP

Veterans

secretary of Veterans' Affairs as party in interest, **46:108, 46:210, 46:213**

support or education of ward's dependents, **46:108, 46:207, 46:216**

**GUARDIAN AD LITEM**

Conflicts between guardian and ward, **46:107**



## INDEX

### **GUARDIANSHIP**

Generally, **46:1-46:216**

#### Accountings

- annual accounting of guardian
  - generally, **46:100 et seq., 46:114**
  - annual accounting (guardianship report), **46:124**
  - simplified accounting, **46:125**
- continuation of ward's business, **46:112**
- final accounting of guardian
  - generally, **46:174**
  - notice of accounting, **46:199**
  - ward's receipt, **46:193**
- final report and consent to distribution, **46:192**
- master's review of guardianship accounting, **46:103**
- removed guardian's duty to provide, **46:172**
- veteran's guardianship, **46:210**

Actions by and against guardian and ward, generally, **46:107**

#### Adjudication of incapacity

- generally, **46:3-46:34**
- checklist, **46:10**
- dismissal of petitions
  - costs' assessment for dismissed petition, **46:6, 46:30**
  - examining committee's conclusions as basis, **46:5, 46:29**
  - order assessing costs against petitioner, **46:30**
  - order dismissing incapacity determination petition, **46:29**
- elisor for alleged incapacitated person, **46:20-46:22**
- examining committee
  - appointing committee, **46:24**
  - compensation, **46:31**
  - dismissal of incapacity determination petition, **46:5, 46:29**
  - duties, **46:25**
  - report, **46:25**
- hearing, **46:6**
- notification
  - generally, **46:10**
  - formal notice, **46:11, 46:12**
  - petition for incapacity determination, **46:18, 46:19**
  - proof of service by elisor of petition for incapacity determination, **46:20, 46:21**
  - proof of service of formal notice, **46:13, 46:14**
- orders
  - generally, **46:6**
  - appointing attorney, **46:22, 46:23**
  - certificate of service of order determining incapacity, **46:28**
  - limited incapacity, order determining, **46:27**

**GUARDIANSHIP—Cont'd**

Adjudication of incapacity—Cont'd

orders—Cont'd

total incapacity, order determining, **46:26**

petitions

generally, **46:3**

checklist for drafting petition, **46:10**

dismissal. See “Dismissal” in this index heading

petition to determine incapacity, **46:17**

procedures to determine incapacity, **46:5**

rights of alleged incapacitated person, **46:4, 46:6**

service of process and papers

examining committee’s report, **46:5**

petition to determine incapacity, **46:5, 46:18**

proof of service, **46:13, 46:14, 46:20, 46:21**

venue for proceeding, **46:7**

Agents

designating resident agent over foreign guardianship’s in-state transactions, **46:41**

oath of guardian and designation of agent, **46:84**

Annual guardianship report

person, guardian of, **46:120**

property, guardian of, **46:121**

Appearance at adjudicatory hearing, incapacitated persons, **46:6**

Appointment of guardian

generally, **46:47-46:96**

application for appointment as guardian

generally, **46:49**

form, **46:71**

bond, **46:52, 46:86, 46:206**

considerations in appointment of guardian, **46:48**

education, order exempting requirements, **46:73**

emergency temporary guardianship

generally, **46:36**

filing petition with petition to determine incapacity, **46:5**

letters of emergency temporary guardianship, **46:93**

oath of guardian, **46:97**

order appointing emergency temporary guardian, **46:74**

petition, **46:55**

guardian ad litem, **46:51, 46:107**

health care surrogate, **46:16, 46:43**

incapacitated person’s wishes as to who should be guardian, **46:48**

investigation of prospective guardian, order directing, **46:72**

letters of guardianship

generally, **46:54**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### Appointment of guardian—Cont'd

##### letters of guardianship—Cont'd

emergency temporary guardianship, **46:93**

issuance and contents of, **46:54**

##### limited guardianship

person, **46:91**

person and property, **46:90**

property, **46:92**

##### minor, guardian over

person and property of minor, **46:94**

person of minor, **46:95**

property of minor, **46:96**

##### plenary guardianship

person, **46:88**

person and property, **46:87**

property, **46:89**

limited guardianship. See “Limited guardianship” in this index heading

#### minors

generally, **46:51**

order appointing guardian of minor, **46:81-46:83**

petition for appointment of guardian over minor

generally, **46:106**

person, **46:57**

person and property, **46:56**

property, **46:58**

preneed guardian, **46:39**

standby guardian, **46:37**

#### natural guardians

parents as natural guardians, **46:35, 46:106**

settlement of claims, **46:105 et seq.**

notice of petition, **46:18, 46:106, 46:205**

#### oaths

corporate guardian, **46:85**

emergency temporary guardian, **46:97**

guardian and designation of agent, **46:84**

perform faithfully duties of guardian, **46:97**

one guardian for both incapacitated spouses, **46:113**

#### orders appointing guardian

emergency temporary guardian, **46:74**

guardian of minor, **46:81-46:83**

limited guardian, **46:78 et seq.**

plenary guardian, **46:75 et seq.**

veteran as ward, **46:205**

voluntary guardian, **46:68**

**GUARDIANSHIP—Cont'd**

Appointment of guardian—Cont'd

persons eligible for appointment, **46:47, 46:205**

petitions

generally, **46:5, 46:50**

application for appointment, **46:49, 46:71**

limited guardianship petitions, **46:63-46:66**

minors, **46:51, 46:56 et seq., 46:106**

notice of petition, **46:18, 46:106, 46:205**

oath of guardian incorporated in petition, **46:97**

plenary guardianship petitions, **46:59-46:62**

standby guardian's appointment, confirming, **46:37**

veterans' guardianship. See "Veterans' guardianship" in this index heading

voluntary guardianship petitions, **46:40, 46:67**

plenary guardianship. See "Plenary guardianship" in this index heading

preneed guardian, **46:15, 46:38, 46:39**

procedure

application for appointment. See "Application for appointment" in this index heading

bond requirement. See "Bond" in this index heading

confirmation hearings. See "Confirmation hearings" in this index heading

letters of guardianship. See "Letters of guardianship" in this index heading

oaths. See "Oaths" in this index heading

orders of appointment. See "Orders of appointment" in this index heading

petitions. See "Petitions" in this index heading

venue, **46:7, 46:53**

proof of service by elisor of petition for incapacity determination, guardian appointment and notice, **46:20**

public guardian, **46:45**

special skills or expertise of guardian, **46:97**

standby guardian, **46:37**

veterans' guardianships, **46:205**

voluntary guardianships, **46:40, 46:67, 46:68**

Appraisers

appointment of appraiser

order, **46:140**

petition, **46:139**

report of appraiser

multiple, **46:142**

single, **46:141**

Attendance at adjudicatory hearing, incapacitated persons, **46:6**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### Attorneys, court-appointed

##### incapacitated persons

generally, **46:3, 46:22, 46:170**

duration of representation, **46:98**

for ward when guardian requests extraordinary authority, **46:104**

#### Attorney's fees and compensation

dismissed interim judicial review petition, **46:102**

entitlement to reasonable fees, **46:3, 46:9**

##### orders

authorizing payment for fees and expenses, **46:164**

court-appointed attorney's compensation, **46:34**

payment when terminating guardianship, **46:174**

petition for fees and expenses, **46:163**

#### Bad faith

assessment of costs for dismissed petitions, **46:6, 46:30**

meritless objections or petitions, costs award, **46:102**

#### Banks

as guardian, **46:110**

##### designation of depository

acceptance of designation and receipt, **46:147, 46:148**

order and investment powers, **46:145, 46:146**

petition and investment powers, **46:143-46:146**

##### designation of depository for ward's assets

periodic withdrawals from restricted depository. See "Periodic withdrawals from restricted depository" in this index heading

petition discharging depository, **46:188, 46:190**

inventorying ward's safety deposit box, **46:99, 46:137**

periodic payments to ward's guardian, petition and order, **46:154, 46:156**

periodic withdrawals from restricted depository

petition, **46:157**

petition and order, **46:157 et seq.**

#### Bond

generally, **46:52, 46:86, 46:206**

foreign guardian, **46:153**

settlement of claims, **46:105**

veteran's guardian, **46:206**

Burial expenses, ward's property used for payment, **46:108, 46:109**

Certificate by depository, **46:149**

#### Checklists

annual guardianship report or plan, **46:117**

determination of incapacity petition, **46:10**

initial guardianship report or plan, **46:116**

veteran's guardianship petition, **46:214**

**GUARDIANSHIP—Cont'd**

Children and minors

- appointment of guardian over minor
  - generally, **46:51**
  - order appointing guardian of minor, **46:81-46:83**
- assets, management or disposition, **46:105, 46:108**
- letters of guardianship of minor
  - person and property of minor, **46:94**
  - person of minor, **46:95**
  - property of minor, **46:96**
- order appointing guardian of minor
  - person and property, **46:81**
  - person of minor, **46:82**
  - property of minor, **46:83**
- parents as natural guardians, **46:35, 46:106**
- petition for appointment of guardian over minor
  - generally, **46:106**
  - person, **46:57**
  - person and property, **46:56**
  - property, **46:58**
- powers of guardian, **46:97, 46:109 et seq.**
- property management or disposition, **46:105, 46:108**
- settlement of claims, **46:105 et seq.**

Closed proceedings, **46:8**

Conflicts of interest

- generally, **46:107, 46:111**
- actions by and against guardian and ward, **46:107**
- attorney guardians, **46:9**

Consent

- discharge of guardianship, **46:196**
- medical and mental health treatment, **46:4**
- waiver of consent to distribution by personal representatives, **46:198**

Conservatorship

- generally, **46:2**
- for detailed treatment see index heading CONSERVATORSHIP

Contracts

- guardian's power regarding ward's contracts, **46:109**
- incapacitated person's right, **46:4**

Corporation as guardian

- application for appointment, **46:49**
- banking institution, **46:110**
- oath of corporate guardian, **46:85**

Costs and expenses

- generally, **46:9, 46:97, 46:174**
- bond for guardian, **46:52**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### **Costs and expenses—Cont'd**

- burial, **46:108 et seq.**
- dependents of ward, **46:159 et seq.**
- dismissed petitions
  - incapacity adjudication petitions, **46:6, 46:30**
  - interim judicial review petition, **46:102**
- estimated monthly expenses, **46:155**
- finances assessed guardian, **46:101**
- funeral, **46:108 et seq.**
- inventory audit fee
  - generally, **46:99, 46:114**
  - order waiving fee, **46:127**
  - petition for order to waive fee, **46:126**
- order authorizing payment, **46:166**
- petition for payment, **46:165**
- restricted depository, **46:157, 46:158**
- ward's property
  - periodic payments to ward's guardian, **46:154-46:156**
  - periodic withdrawals from restricted depository, **46:157, 46:158**
  - schedule of ward's estimated monthly expenses, **46:155**

#### **Court monitor**

- order appointing, **46:151**
- petition for court monitor, **46:150**

#### **Death**

- standby guardian, guardian's death as basis for appointing, **46:37**
- ward's death as basis for terminating guardianship
  - generally, **46:173**
  - order discharging guardian, **46:203**
  - petition discharging guardian, **46:202**
- wills
  - designating guardian, **46:48**
  - guardian's power regarding ward's will, **46:109**

#### **Debtor and creditor**

- actions by and against guardian and ward, **46:107**
- foreign guardianship, **46:41**
- guardian borrowing from ward, **46:111**
- guardian's duty towards, **46:97**
- settlement of claims, **46:105, 46:109**
- veterans, **46:208**

#### **Declarations naming preneed guardian, 46:15, 46:38**

#### **Definitions**

- conservatorship, **46:2**
- dependents, **46:108**
- guardian, **46:1**

**GUARDIANSHIP—Cont'd**

Definitions—Cont'd

incapacitated persons, **46:1**  
ward, **46:1**

Dependents of ward

guardian seeking determination of payment to ward's dependent, petition and order, **46:161 et seq.**  
obligations, **46:108 et seq.**  
residence of incapacitated person, **46:109, 46:113**  
veteran's guardianship obligations  
generally, **46:206 et seq.**  
petition by dependent for support and education, **46:216**  
ward's dependent seeking payments, petition and order, **46:159 et seq.**

Discharge of guardian

generally, **46:173, 46:174**  
death of ward  
generally, **46:173**  
order discharging guardian, **46:203**  
petition discharging guardian, **46:202**  
order approving distribution and authorizing discharge, **46:194, 46:195**  
order of discharge, **46:201, 46:203**  
petition, **46:187, 46:188, 46:202**  
veteran's guardianship, **46:212**  
ward's receipt and consent to discharge, **46:196**

Discrimination against incapacitated person, **46:4**

Dismissal of petitions

adjudicating incapacity  
costs' assessment for dismissed petition, **46:6, 46:30**  
examining committee's conclusions as basis, **46:5, 46:29**  
order assessing costs against petitioner, **46:30**  
order dismissing incapacity determination petition, **46:29**  
interim judicial review, **46:102**

Distributions

guardian's report of distribution, **46:200**  
order approving distribution and authorizing discharge, **46:194, 46:195**  
receipt, **46:197**  
ward's receipt and consent to discharge, **46:196**

Driver's license, incapacitated person's right, **46:4**

Duty of guardian, **46:97, 46:171 et seq.**

Education

duty of guardian to provide ward, **46:97**  
guardian's education, order exempting requirements, **46:73**  
incapacitated person's right, **46:4**  
source for payment, **46:108**



## INDEX

### **GUARDIANSHIP—Cont'd**

- Elisor for alleged incapacitated person
  - appointing attorney and elisor for alleged incapacitated person, **46:22**
  - proof of service by elisor
    - petition for incapacity determination, guardian appointment and notice, **46:20**
    - petition for incapacity determination and notice, **46:21**
- Emergency temporary guardianship
  - generally, **46:36**
  - filing petition with petition to determine incapacity, **46:5**
  - letters of emergency temporary guardianship, **46:93**
  - oath of guardian, **46:97**
  - order appointing emergency temporary guardian, **46:74**
  - petition, **46:55**
- Employment, incapacitated person's right, **46:4**
- Evidence
  - adjudication of incapacity by clear and convincing evidence, **46:6**
  - guardian requesting extraordinary authority, **46:104**
  - incapacitated person's witness rights, **46:8**
  - involuntary placement for treatment, required findings, **46:3**
  - necessity of guardian for veteran, **46:204**
  - witnesses, incapacitated person's hearing rights, **46:8**
- Examining committee
  - appointment and duties, **46:5, 46:25**
  - conclusions causing dismissal of incapacity determination petition, **46:5, 46:29**
  - orders
    - appointing examining committee, **46:24**
    - compensating examining committee, **46:31**
  - report of committee, **46:25**
- Execution of documents
  - guardianship plans, **46:116 et seq.**
  - petition for appointment of guardian for minor, **46:51, 46:56, 46:106**
  - petition to determine incapacity, **46:5, 46:17**
  - verification
    - inventory, **46:99, 46:114, 46:136**
    - petition for appointment of guardian for minor, **46:56, 46:106**
- Fees and compensation
  - attorneys
    - dismissed interim judicial review petition, **46:102**
    - entitlement to reasonable fees, **46:3, 46:9**
  - orders
    - authorizing payment for fees and expenses, **46:164**
    - court-appointed attorney's compensation, **46:34**
  - payment when terminating guardianship, **46:174**

**GUARDIANSHIP—Cont'd**

**Fees and compensation—Cont'd**

attorneys—Cont'd

petition for fees and expenses, **46:163**

county

claim of county for fees paid and petition for payment, **46:32**

order directing payment to county, **46:33**

examining committee, order compensating, **46:31**

guardian's fees

generally, **46:9**

order authorizing payment, **46:166**

payment when terminating guardianship, **46:174**

petition for payment, **46:165**

orders

attorney's fee and expenses, **46:164**

court-appointed attorney, **46:34**

directing payment to county, **46:33**

examining committee, order compensating, **46:31**

guardian's compensation and expenses, **46:166**

veterans' guardianships, **46:211**

**Foreign guardianship**

generally, **46:41**

managing nonresident ward's property, petition and order, **46:69 et seq.**

orders for foreign guardianship appointment, authorizing property

management, **46:70**

resident guardianship of property of nonresident incapacitated person,  
**46:42**

terminating guardianship, **46:173**

Funeral expenses, using ward's property to pay, **46:108, 46:109**

**Gifts and bequests**

guardian's powers regarding, **46:109**

incapacitated person's right, **46:4**

Good faith. See "Bad faith" in this index heading

**Government benefits**

incapacitated person's right, **46:4**

veterans

secretary of Veterans' Affairs as party in interest, **46:108, 46:210,**  
**46:213**

support or education of ward's dependents, **46:108, 46:207, 46:216**

**Guardianship report or plan**

generally, **46:97, 46:114**

checklist for drafting, **46:116, 46:117**

discharged guardian when terminating guardianship, **46:173**

final report, **46:173 et seq.**

guardian of person, **46:122, 46:123**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### Guardianship report or plan—Cont'd

- initial guardianship report or plan. See “Initial guardianship report or plan” in this index heading
- judicial review of, **46:102**
- master’s review of, **46:103**
- petition requiring guardian to file report, **46:168**
- procedural guide, **46:114**
- proof of service, **46:118-46:121**
- removed guardian providing reports and records, **46:172**
- resigned guardian providing reports and records, **46:171**
- sanctions for failure to file timely report, **46:100 et seq.**

Health care. See “Medical care” in this index heading

#### Hearings

- generally, **46:8**
- adjudicating incapacity
  - generally, **46:3**
  - incapacitated person’s hearing rights, **46:8**
- adjudication of incapacity, **46:8**
- electing to open or close hearings, **46:8**
- guardian requesting extraordinary authority, **46:104**
- guardianship report or plan
  - adequacy of, **46:98, 46:114**
  - amending guardianship plan or order, **46:102**
  - modifying guardianship plan, **46:98**
  - objections to guardianship reports, **46:102**
- open or closed proceedings, **46:8**
- recording
  - generally, **46:8**
  - duty of guardian, **46:97**
- removal of guardian, **46:172**
- restoration to capacity, **46:170**
- terminating guardianship, **46:174**
- timeliness
  - adjudication of incapacity, **46:6, 46:8**
  - objections to guardianship report, **46:102**
- veteran’s guardianship, **46:210**

#### Husband and wife

- both spouses incapacitated, sole guardian for, **46:113**
- dissolution of ward’s marriage, **46:104**
- guardian’s powers regarding ward’s home, **46:109, 46:113**
- incapacitated person’s right, **46:4**

#### Incapacitated persons

- generally, **46:3-46:203**

**GUARDIANSHIP—Cont'd**

**Incapacitated persons—Cont'd**

adjudication of incapacity. See “Adjudication of incapacity” in this index heading

defined, **46:1**

review rights, **46:4**

wishes as to who should be guardian, **46:48**

**Initial guardianship report**

person, guardian of, **46:118**

property, guardian of, **46:119**

**Inventory**

generally, **46:99**

appraisers, **46:139-46:142**

audit fee

generally, **46:99, 46:114**

order waiving fee, **46:127**

petition for order to waive fee, **46:126**

proof of service of inventory, **46:138**

safe deposit box, **46:99, 46:137**

submitted with initial guardianship report, **46:98, 46:114**

verification

generally, **46:99, 46:114**

requirement, **46:99, 46:114**

verified inventory of guardian, **46:136**

veteran's guardianship, **46:206**

**Investigations**

accounting records and supporting documentation, **46:101**

examining committee, **46:5, 46:24 et seq.**

prospective guardians, **46:72**

**Involuntary commitment, 46:104**

Involuntary placement for treatment, required findings, **46:3**

Jurisdiction, continuing jurisdiction retained by court, **46:102**

**Legislation on guardianship law**

generally, **46:1**

veterans, **46:204**

**Letters of guardianship**

generally, **46:54**

emergency temporary guardianship, **46:93**

issuance and contents of, **46:54**

limited guardianship

person, **46:91**

person and property, **46:90**

property, **46:92**

minor, guardian over

person and property of minor, **46:94**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### Letters of guardianship—Cont'd

##### minor, guardian over—Cont'd

person of minor, **46:95**

property of minor, **46:96**

##### plenary guardianship

person, **46:88**

person and property, **46:87**

property, **46:89**

#### Limited guardianship

##### letters of limited guardianship

person, **46:91**

person and property, **46:90**

property, **46:92**

##### order appointing limited guardian

person, **46:79**

person and property, **46:78**

property, **46:80**

petition for appointment, **46:63-46:66**

#### Limited incapacity, **46:27**

#### Marriage

both spouses incapacitated, sole guardian for, **46:113**

dissolution of ward's marriage, **46:104**

guardian's powers regarding ward's home, **46:109, 46:113**

incapacitated person's right, **46:4**

#### Medical care

annual guardianship plan's topic, **46:100**

application of income of ward's property, **46:108**

experimental biomedical or behavioral procedures, **46:104**

incapacitated person's rights, **46:4**

involuntary commitment of ward, **46:104**

physician's certificate or report on incapacity, restoration to capacity  
requirement, **46:170**

source of payment for, **46:108**

##### surrogate

generally, **46:43**

designation of health care surrogate, **46:16**

Minors. See "Children and minors" in this index heading

#### Natural guardians

parents as natural guardians, **46:35, 46:106**

settlement of claims, **46:105 et seq.**

#### Notification

adjudication of incapacity, petition to determine incapacity, **46:18**

appointment of guardian, notice of petition, **46:18, 46:106, 46:205**

filing petition for appointment of limited guardian, **46:66**

**GUARDIANSHIP—Cont'd**

**Notification—Cont'd**

- filing petition for appointment of plenary guardian, **46:62**
- final report, accounting and petition, **46:199**
- guardian's acts requiring court approval, **46:115**
- incapacitated person's right to receive, **46:4**
- removal of guardian, **46:172**
- request for notice and copies, **46:167**
- resignation of guardian, **46:171, 46:182**
- restoration to capacity, **46:170**
- service
  - guardian's action requiring court approval, **46:115**
  - petitioning for guardian over minor, **46:106**
- support and maintenance of ward's dependents, notice of petition for, **46:108, 46:207**
- terminating guardianship, **46:174**
- veteran's guardianship, **46:108, 46:205, 46:207, 46:209 et seq.**

**Oaths**

- corporate guardian, **46:85**
- emergency temporary guardian, **46:97**
- guardian and designation of agent, **46:84**
- perform faithfully duties of guardian, **46:97**

**Open proceedings, 46:8**

**Orders**

- adjudicating incapacity
  - generally, **46:6**
  - appointing attorney and elisor for alleged incapacitated person, **46:22**
  - appointing attorney on suggestion of capacity or petition for authority, **46:23**
  - certificate of service of order determining incapacity, **46:28**
  - dismissal of petitions, **46:29, 46:30**
  - examining committee, **46:24, 46:31**
  - fees and compensation. See "Fees and compensation" in this index heading
  - limited incapacity, order determining, **46:27**
  - total incapacity, order determining, **46:26**

**appointments**

- appraiser, **46:140**
- attorney and elisor for alleged incapacitated person, **46:22**
- attorney on suggestion of capacity or petition for authority, **46:23**
- emergency temporary guardian, **46:74**
- guardian of minor, **46:81-46:83**
- limited guardian, **46:78 et seq.**
- plenary guardian, **46:75 et seq.**
- veteran as ward, **46:205**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### **Orders—Cont'd**

##### appointments—Cont'd

voluntary guardian, **46:68**

assistance for ward's dependents, **46:160, 46:162**

authorizing action by conservatee's spouse or next of kin, **46:220**

authorizing periodic payments to ward's guardian, **46:155**

authorizing periodic withdrawals from restricted depository, **46:158**

continuation of ward's business, **46:112**

designating depository, **46:145, 46:146**

directing prospective guardian to submit to investigation, **46:72**

discharging guardian

generally, **46:201**

on death on ward, **46:203**

dismissal of petitions to adjudicate incapacity

order assessing costs against petitioner, **46:30**

order dismissing incapacity determination petition, **46:29**

examining committee

appointing examining committee, **46:24**

compensating examining committee, **46:31**

exempting guardian from education requirements, **46:73**

fees and compensation

attorney's fee and expenses, **46:164**

court-appointed attorney, **46:34**

directing payment to county, **46:33**

examining committee, order compensating, **46:31**

guardian's compensation and expenses, **46:166**

foreign guardianship appointment, authorizing foreign guardian to manage nonresident ward's property, **46:70**

guardian purchasing property or borrowing money from ward, **46:111**

guardianship reports

approving annual guardianship report, **46:132, 46:133**

approving initial guardianship report, **46:128, 46:129**

disapproving annual guardianship report, **46:134, 46:135**

disapproving initial guardianship report, **46:130, 46:131**

failure to file report, show cause order, **46:101**

requiring guardianship report, **46:169**

review of guardianship reports, order resulting from, **46:102**

interim judicial review, **46:153**

removing guardian, **46:185**

resignation of guardian, order accepting, **46:183**

restoration to capacity, **46:170**

settlement of claims, **46:105**

support and maintenance of ward's dependents, **46:108**

veteran's guardianship, **46:205, 46:207**

**GUARDIANSHIP—Cont'd**

**Orders—Cont'd**

waiving inventory audit fee, **46:126**

Parties, veterans' guardianships, Secretary of Veterans' Affairs as party in interest, **46:108, 46:210, 46:213**

**Petitions**

adjudicating incapacity, **46:5**

generally, **46:3, 46:5, 46:17**

checklist for drafting petition, **46:10**

dismissal of petitions, **46:29**

notice, **46:18 et seq.**

service, **46:5**

appointment of appraiser, **46:139**

appointment of guardian

generally, **46:5, 46:50**

application for appointment, **46:49, 46:71**

limited guardianship petitions, **46:63-46:66**

minors, **46:51, 46:56 et seq., 46:106**

notice of petition, **46:18, 46:106, 46:205**

oath of guardian incorporated in petition, **46:97**

plenary guardianship petitions, **46:59-46:62**

public guardian, **46:45**

standby guardian's appointment, confirming, **46:37**

veterans' guardianship. See "Veterans' guardianship" in this index heading

voluntary guardianship petitions, **46:40, 46:67**

assistance for ward's dependents, **46:159, 46:161**

attorney's fee and expenses, **46:163**

continuing ward's business, **46:112**

court monitor, **46:150**

designating depository, **46:143-46:146**

directing guardian to contribute to support of ward's dependents, **46:108**

dismissal of petitions

adjudicating incapacity, **46:29**

interim judicial review, **46:102**

emergency temporary guardianship, **46:55**

guardian's compensation and expenses, **46:165**

interim judicial review of guardianship, **46:102, 46:152**

modifying guardianship plan, **46:98**

notification

appointment of guardian, notice of petition, **46:18, 46:106, 46:205**

service, **46:106**

support and maintenance of ward's dependents, notice of petition for, **46:108, 46:207**

periodic payments to ward's guardian, **46:154**



## INDEX

### **GUARDIANSHIP—Cont'd**

#### **Petitions—Cont'd**

- periodic withdrawals from restricted depository, **46:157**
- providing guardian
  - authorization to perform acts requiring court approval, **46:115**
  - extraordinary authority, **46:104**
- public guardian, appointment, **46:45**
- removal of guardian, **46:172, 46:184**
- requiring guardianship report, **46:168**
- resignation of guardian, **46:181**
- service
  - adjudication of incapacity, **46:5**
  - extraordinary authority of guardian, petition authorizing, **46:104**
  - notice
    - petitioning for guardian over minor, **46:106**
  - support and maintenance of ward's dependents, notice of petition, **46:108**
- suggestion of restored capacity, **46:175**
- termination of guardianship and discharge of guardian, **46:173, 46:187 et seq., 46:202**
- veteran's guardianship
  - appointment of guardian, **46:205, 46:214 et seq.**
  - authority to sell ward's real estate, **46:209**
  - support and education of ward's dependents, **46:207, 46:216**
- waiving inventory audit fee, **46:126**

#### **Plan**

- generally, **46:97, 46:114**
- checklist for drafting, **46:116, 46:117**
- discharged guardian when terminating guardianship, **46:173**
- final report, **46:173 et seq.**
- guardian of person, **46:122, 46:123**
- initial guardianship report or plan. See "Initial guardianship report or plan" in this index heading
- judicial review of, **46:102**
- master's review of, **46:103**
- petition requiring guardian to file report, **46:168**
- procedural guide, **46:114**
- proof of service, **46:118-46:121**
- removed guardian providing reports and records, **46:172**
- resigned guardian providing reports and records, **46:171**
- sanctions for failure to file timely report, **46:100 et seq.**

#### **Plenary guardianships**

- letters of guardianship
  - person, **46:88**
  - person and property, **46:87**

**GUARDIANSHIP—Cont'd**

Plenary guardianships—Cont'd

letters of guardianship—Cont'd  
property, **46:89**

order appointing plenary guardian  
person, **46:76**  
person and property, **46:75**  
property, **46:77**

petition for appointment, **46:59-46:62**

Powers and duties of guardian

accountings

annual accounting, **46:101**

master's review of, **46:103**

actions by and against guardian and ward, **46:107**

continuation of business of ward, **46:109, 46:112**

court approval, **46:109, 46:110, 46:115**

extraordinary authority, **46:104**

faithful performance of duties, **46:97**

guardianship report or plan

generally, **46:97, 46:114**

checklist for drafting, **46:116, 46:117**

discharged guardian when terminating guardianship, **46:173**

final report, **46:173 et seq.**

guardian of person, **46:122, 46:123**

initial guardianship report or plan. See "Initial guardianship report or plan" in this index heading

judicial review of, **46:102**

master's review of, **46:103**

petition requiring guardian to file report, **46:168**

procedural guide, **46:114**

proof of service, **46:118-46:121**

removed guardian providing reports and records, **46:172**

resigned guardian providing reports and records, **46:171**

sanctions for failure to file timely report, **46:100 et seq.**

inventory. See "Inventory" in this index heading

limited by approved guardianship report, **46:102**

prohibited activities, **46:111**

property management and disposition. See "Property management and disposition" in this index heading

removal of guardian, **46:172**

resignation of guardian, **46:171**

sanctions

guardian's failure to file timely annual guardianship report, **46:100 et seq.**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### **Powers and duties of guardian—Cont'd**

##### **sanctions—Cont'd**

removed guardian's failure to provide final report and accountings, **46:172**

veteran's guardian's failure to comply with real estate sale requirements, **46:209**

##### **settlement of claims**

generally, **46:105**

guardian's power with court approval, **46:109**

termination of guardianship and discharge of guardian, **46:174**

veteran's guardianship, **46:206 et seq.**

ward's restoration to capacity, **46:170**

without court approval, **46:110**

#### **Preneed guardianship**

generally, **46:38, 46:39**

declaration naming preneed guardian, **46:15**

Presence of incapacitated persons at adjudicatory hearing, **46:6**

Privacy, incapacitated person's right to, **46:4**

#### **Property management or disposition**

accountings. See "Accountings" in this index heading

actions by and against guardian and ward, **46:107**

appraisal, **46:139-46:142**

##### **bond**

generally, **46:52, 46:86, 46:206**

foreign guardian, **46:153**

settlement of claims, **46:105**

veteran's guardian, **46:206**

continuation of business of ward, **46:109, 46:112**

conveyance of property rights, **46:109, 46:113, 46:115, 46:209**

court approval, **46:109, 46:110, 46:115**

with court approval, **46:109, 46:115**

##### **court monitor**

order appointing, **46:151**

petition for court monitor, **46:150**

##### **dependents of ward**

obligations, **46:108 et seq.**

payment to ward's dependent, petition and order, **46:161 et seq.**

residence of incapacitated person, **46:109, 46:113**

veterans, **46:206 et seq.**

ward's dependent seeking payments, petition and order, **46:159 et seq.**

##### **depository**

acceptance of designation and receipt, **46:147, 46:148**

investment powers, **46:144, 46:146, 46:148**

**GUARDIANSHIP—Cont'd**

Property management or disposition—Cont'd

depository—Cont'd

order designating, **46:145, 46:146**

petition for designation, **46:143-46:146**

duties of guardian, **46:97**

foreign guardianships, **46:41**

guardianship expenses, **46:9**

guardianship report or plan. See “Guardianship report or plan” in this index heading

incapacitated person’s rights, **46:4**

inventory. See “Inventory” in this index heading

minor’s assets, **46:51, 46:105, 46:108**

periodic payments to ward’s guardian

order authorizing, **46:156**

petition, **46:154**

schedule of ward’s estimated monthly expenses, **46:155**

periodic withdrawals from restricted depository

order authorizing, **46:158**

petition, **46:157**

prohibited activities, **46:111**

public guardian, **46:46**

removed guardian’s obligations, **46:172**

resident guardianship of nonresident ward’s property, **46:42**

resigned guardian’s obligations, **46:171**

termination of guardianship

guardian’s report of distribution, **46:200**

obligations, **46:173 et seq.**

using ward’s property to pay

dependents of ward. See “Dependents of ward” in this index heading

finances assessed guardian, **46:101**

guardianship expenses, **46:9, 46:174**

veteran’s guardianship, **46:206 et seq.**

voluntary guardianship, **46:40**

without court approval, **46:110**

Public guardianship

generally, **46:44-46:46**

appointment, **46:45**

powers and duties of public guardian, **46:46**

Purpose of guardianship law, generally, **46:1**

Recording of hearings

generally, **46:8**

duty of guardian, **46:97**

Records and reports

accountings. See “Accountings” in this index heading

## INDEX

### **GUARDIANSHIP—Cont'd**

#### **Records and reports—Cont'd**

- annual guardianship report. See “Annual guardianship report” in this index heading
- appraiser’s reports, **46:141, 46:142**
- guardianship report or plan
  - generally, **46:97, 46:114**
  - checklist for drafting, **46:116, 46:117**
  - discharged guardian when terminating guardianship, **46:173**
  - final report, **46:173 et seq.**
  - guardian of person, **46:122, 46:123**
  - initial guardianship report or plan. See “Initial guardianship report or plan” in this index heading
  - judicial review of, **46:102**
  - master’s review of, **46:103**
  - petition requiring guardianship report, **46:168**
  - procedural guide, **46:114**
  - proof of service, **46:118-46:121**
  - removed guardian providing reports and records, **46:172**
  - resigned guardian providing reports and records, **46:171**
  - sanctions for failure to file timely report, **46:100 et seq.**
- initial guardianship report. See “Initial guardianship report” in this index heading
- inventory. See “Inventory” in this index heading
- medical examination
  - examining committee’s report on incapacity, **46:5, 46:25**
  - restoration to capacity, physician’s report, **46:170**
- service
  - annual guardianship report, **46:100, 46:114**
  - examining committee’s report, **46:5**
  - final report of discharged guardian, **46:173**
  - initial guardianship report, **46:98, 46:114**
  - proof of service of initial guardianship report, **46:118-46:121**
  - removed guardian’s reports, **46:172**
  - resigned guardian’s reports, **46:171**

#### **Removal of guardian**

- generally, **46:172**
- prohibited activity by guardian as basis for, **46:111**
- resignation of guardian. See “Resignation of guardian” in this index heading

#### **Reports. See “Records and reports” in this index heading**

#### **Residence of incapacitated person**

- determining, **46:4**
- factor for determining proper venue for guardianship proceedings, **46:7**

**GUARDIANSHIP—Cont'd**

Residence of incapacitated person—Cont'd

- foreign guardianship
  - generally, **46:41**
  - managing nonresident ward's property, petition and order, **46:69 et seq.**
  - orders for foreign guardianship appointment, **46:70**
  - terminating guardianship, **46:173**
  - guardian's powers regarding disposition of, **46:109, 46:113**

Resignation of guardian

- generally, **46:171**
- guardian's resignation, **46:181**
- notice of resignation, **46:182**
- order accepting resignation, **46:183**
- removal of guardian. See "Removal of guardian" in this index heading

Restoration to capacity

- annual guardianship plan addressing right of, **46:100**
- incapacitated person's right, **46:4**
- order appointing physician and notice, **46:176**
- order denying suggestion of capacity
  - after hearing, **46:180**
  - 90-day limit, **46:179**
- order of restoration
  - full, **46:178**
  - partial, **46:177**
- procedure, **46:170**
- recording of hearing, **46:8**
- suggestion of capacity, **46:175**

Reviews

- court monitor
  - order appointing, **46:151**
  - petition for, **46:150**
- incapacitated person's right
  - to have review, **46:4, 46:114**
  - to review guardian's annual report, **46:100**
- judicial review of guardianship reports
  - generally, **46:102**
  - order of interim judicial review, **46:153**
  - petition for interim judicial review, **46:152**
- master's review of guardianship reports, **46:103**

Rights of incapacitated persons, **46:3**

- generally, **46:3-46:34**
- delegated to guardian, **46:4, 46:97, 46:104**
- guardianship reports, **46:98, 46:114**
- hearing rights, **46:8**

## INDEX

### **GUARDIANSHIP—Cont'd**

#### Rights of incapacitated persons—Cont'd

receive notices, **46:4, 46:9**

reviews, **46:4, 46:10, 46:100**

Safety deposit box, inventory of box, **46:99, 46:137**

#### Sanctions

guardian's failure to file timely annual guardianship report, **46:100 et seq.**

removed guardian's failure to provide final report and accountings,  
**46:172**

veteran's guardian's failure to comply with real estate sale requirements,  
**46:209**

Schools. See "Education" in this index heading

#### Service of process and papers

accounting of removed guardian, **46:172**

##### adjudication of incapacity

examining committee's report, **46:5**

petition to determine incapacity, **46:5**

proof of service by elisor of petition for incapacity determination and  
notice, **46:21**

proof of service of formal notice, **46:13, 46:14**

annual guardianship report. See "Annual guardianship report" in this  
index heading

discharge of guardian, **46:173**

elisor for alleged incapacitated person, proof of service by, **46:20, 46:21**

extraordinary authority of guardian, petition authorizing, **46:104**

initial guardianship report. See "Initial guardianship report" in this index  
heading

inventory, proof of service, **46:138**

##### notice

guardian's action requiring court approval, **46:115**

petitioning for guardian over minor, **46:106**

objections to guardianship reports, **46:101, 46:114**

##### reports

annual guardianship report, **46:100, 46:114**

examining committee's report, **46:5**

final report of discharged guardian, **46:173**

initial guardianship report, **46:98, 46:114**

proof of service of initial guardianship report, **46:118-46:121**

removed guardian's reports, **46:172**

resigned guardian's reports, **46:171**

restoration to capacity, **46:170**

support and maintenance of ward's dependents, notice of petition, **46:108**

termination of guardianship, **46:174**

veterans, guardianship over, **46:205**

**GUARDIANSHIP—Cont'd**

Settlement of claims

generally, **46:105**

guardian's power with court approval, **46:109**

Social environment and activities, incapacitated person's right, **46:4**

Standby guardianship, generally, **46:37**

Termination of guardianship

generally, **46:170-46:203**

death of ward

generally, **46:173**

order discharging guardian, **46:203**

petition discharging guardian, **46:202**

discharge of guardian

generally, **46:173, 46:174**

death of ward

generally, **46:173**

order discharging guardian, **46:203**

petition discharging guardian, **46:202**

order approving distribution and authorizing discharge, **46:194, 46:195**

order of discharge, **46:201, 46:203**

petition, **46:187, 46:188, 46:202**

veteran's guardianship, **46:212**

ward's receipt and consent to discharge, **46:196**

distributions

guardian's report of distribution, **46:200**

order approving distribution and authorizing discharge, **46:194, 46:195**

receipt, **46:197**

ward's receipt and consent to discharge, **46:196**

duty of guardian, **46:97, 46:171 et seq.**

incapacitated person's review rights, **46:4**

notice of final report, accounting and petition, **46:199**

removal

generally, **46:172**

prohibited activity by guardian as basis for, **46:111**

resignation

generally, **46:171**

guardian's resignation, **46:181**

notice of resignation, **46:182**

order accepting resignation, **46:183**

restoration to capacity

annual guardianship plan addressing right of, **46:100**

incapacitated person's right, **46:4**

order appointing physician and notice, **46:176**



## INDEX

### **GUARDIANSHIP—Cont'd**

#### Termination of guardianship—Cont'd

##### restoration to capacity—Cont'd

order denying suggestion of capacity

after hearing, **46:180**

90-day limit, **46:179**

order of restoration

full, **46:178**

partial, **46:177**

procedure, **46:170**

recording of hearing, **46:8**

suggestion of capacity, **46:175**

veteran's guardianship, **46:212**

waiver issues, **46:189, 46:191**

#### Time

annual guardianship report, plan, or accounting, **46:100 et seq., 46:114**

discharge of guardian, **46:173**

electing to open or close hearings, **46:8**

examining committee

appointment of, **46:5, 46:24**

submittal and service of report, **46:5**

hearing on

adjudication of incapacity, **46:6, 46:8**

objections to guardianship report, **46:102**

initial guardianship report, **46:98, 46:102, 46:114**

interim judicial review, **46:102**

inventory, **46:99, 46:114, 46:206**

removal of guardian, **46:172**

restoration of capacity, **46:170**

review of guardianship reports, **46:102**

termination of guardianship, **46:174**

veteran's guardianship issues, **46:206 et seq.**

Travel, incapacitated person's right, **46:4**

Types of guardianship, generally, **46:35-46:43**

#### Venue

adjudication of incapacity, **46:7**

appointment of guardianship, **46:53**

#### Verification of documents

inventory

generally, **46:99, 46:114**

requirement, **46:99, 46:114**

verified inventory of guardian, **46:136**

petition for appointment of guardian for minor, **46:56, 46:106**

#### Veterans' guardianships

generally, **46:204-46:216**

**GUARDIANSHIP—Cont'd**

Veterans' guardianships—Cont'd

- accounting by guardian, **46:210**
- application of Veterans' Guardianship Law, **46:204**
- appointment of guardian, **46:205**
- checklist for drafting guardianship petition, **46:214**
- creditor claims against veteran benefits, **46:208**
- discharge and final settlement, **46:212**
- fees and compensation, **46:211**
- final settlement, **46:212**
- petition
  - appointment of guardian, **46:215**
  - checklist for drafting guardianship petition, **46:214**
  - by dependent for assistance, **46:216**
- powers and duties of guardian, **46:206**
- Secretary of Veterans' Affairs as party in interest, **46:108, 46:210, 46:213**
- selling ward's real estate, **46:209**
- support or education of ward's dependents, **46:108, 46:207, 46:216**

Visitors, incapacitated person's right to receive, **46:4**

Voluntary guardianships

- generally, **46:40**
- order appointing guardian, **46:68**
- petition, **46:67**

Voting, incapacitated person's right, **46:4**

Waiver

- discharge of guardian, **46:189, 46:191**
- inventory audit fee
  - generally, **46:99, 46:114**
  - order waiving fee, **46:127**
  - petition to waive fee, **46:126**

Ward

- defined, **46:1**
- wishes as to who should be guardian, **46:48**

Wife. See "Husband and wife" in this index heading

Wills

- designating guardian, **46:48**
- guardian's power regarding ward's will, **46:109**

Witnesses, incapacitated person's hearing rights, **46:8**

**HUSBAND AND WIFE**

Guardianship. See index heading GUARDIANSHIP

**INVENTORY**

Guardianship

- generally, **46:99**

## INDEX

### **INVENTORY—Cont'd**

#### Guardianship—Cont'd

for detailed treatment see index heading GUARDIANSHIP

### **INVOLUNTARY COMMITMENT**

Generally, **46:104**

### **LETTERS OF GUARDIANSHIP**

Generally, **46:54**

For detailed treatment see index heading GUARDIANSHIP

### **MEDICAL CARE AND TREATMENT**

#### Guardianship

generally, **46:43**

for detailed treatment see index heading GUARDIANSHIP

### **MERCHANT MARINE**

Conservatorship, **46:217**

### **MOTOR VEHICLES**

Licenses and registration, incapacitated person's right, **46:4**

### **NOTICE**

Guardianship, See index heading GUARDIANSHIP

### **PARTIES**

Veterans' guardianships, Secretary of Veterans' Affairs as party in interest,  
**46:108**

### **PRIVACY**

Incapacitated person's right to, **46:4**

### **PROCESS AND SERVICE OF PROCESS AND PAPERS**

Guardianship. See index heading GUARDIANSHIP

### **PROPERTY AND PROPERTY RIGHTS**

Conservatorship. See index heading CONSERVATORSHIP

Guardianship. See index heading GUARDIANSHIP

### **PUBLIC GUARDIANSHIP**

Generally, **46:44-46:46**

For detailed treatment see index heading GUARDIANSHIP

### **REMOVAL OR DISCHARGE FROM EMPLOYMENT OR OFFICE**

Conservatorship, **46:221**

Guardian. See index heading GUARDIANSHIP

**REPORTS**

Guardianship. See index heading GUARDIANSHIP

**RESIGNATION**

Guardian

generally, **46:171**

for detailed treatment see index heading GUARDIANSHIP

**SAFE DEPOSIT BOX**

Guardianship, inventory of box, **46:99, 46:137**

**STANDBY GUARDIANSHIP**

Generally, **46:37**

**TRAVEL**

Incapacitated person's right, **46:4**

**VENUE**

Guardianship. See index heading GUARDIANSHIP

**VETERANS**

Accounting by guardian, **46:210**

Appointment of guardian, **46:205**

Creditor claims against veteran benefits, **46:208**

Guardianships

generally, **46:204-46:216**

for detailed treatment see index heading GUARDIANSHIPS

Petitions

appointment of guardian, **46:215**

checklist for drafting guardianship petition, **46:214**

by dependent for assistance, **46:216**

Sale of real estate, **46:209**

Secretary of Veterans' Affairs as party in interest, **46:108, 46:210, 46:213**

Support or education of dependents, **46:108, 46:207, 46:216**

**VOLUNTARY GUARDIANSHIPS**

Generally, **46:40, 46:67, 46:68**

**WARD**

Defined, **46:1**

Guardianship

generally, **46:1-46:216**

for detailed treatment see index heading GUARDIANSHIP

**WILLS**

Guardianship. See index heading GUARDIANSHIP

## INDEX

### WITNESSES

Incapacitated person's hearing rights, **46:8**

### WORDS AND PHRASES

Conservatorship, **46:2**

Dependents, **46:108**

Guardian, **46:1**

Incapacitated persons, **46:1**

Ward, **46:1**