

CHAPTER 3 – SELF-TEST – ANSWER SHEET

1. A guardian or conservator can be employed by the elderly care home in which the protected person lives?

Answer: 2. False - A guardian or conservator is not permitted to be employed by or affiliated with any facility that is providing substantial services to the protected person.

2. You are accused of not caring properly for the protected person and an interested party brings an action in court to remove you and appoint another. You can use funds belonging to the protected person to defend yourself in court.

Answer: 2. False - No guardian or conservator may use funds out of the estate in defense of an allegation of wrongdoing on behalf of the protected person against the guardian or conservator.

3. You are in need of cash and want to borrow money from the protected person just until your next pay. You can do the same since it is a small amount and for a short period of time.

Answer: 2. False - The law prohibits the making of loans from the accounts of the protected person to a conservator or his or her spouse.

4. The protected person has little money. You are willing to loan the protected person a sum of money needed at an interest rate below what the local bank would charge. You can make this loan to the protected person.

Answer: 2. False - a person who has an interest as a creditor of a protected person may not be either a guardian or conservator.

5. The protected person has little money. You are willing to loan the protected person a sum of money, interest free, in order to pay bills that may result in loss of property if not paid, until the protected person can pay you back. You can do the same without violating the law.

Answer: 1. True - But only because the loan was without interest and necessary for the protection of the estate. If either were not the case, such a loan would not be permitted.

6. The protected person has little money. You are willing to gift the protected person the sum of money needed. You can make this gift to the protected person.

Answer: 1. True - There is no legal prohibition on giving gifts to the protected person.

7. The protected person has little money. There is not enough money to pay for the bills of the protected person. As the conservator or guardian, you must pay the bills of the protected person from your own funds.

Answer: 2. False - You are not required as a guardian or conservator to use your own assets to support the protected person.

8. December 31 is a few days away. You have not filed your guardian report or conservator accounting for this year. You don't feel you will have time to do so before January of the next year. You can wait on completing and filing the same past the December 31 deadline.

Answer: 2. False - Knowingly failing to file the required reports and accounting is a violation that can result in a fine between \$100 and \$500 per violation.

9. Criminal charges are brought against you for embezzling the protected person's money. You can sell property of the protected person to hire an attorney in the criminal case.

Answer: 2. False - You may not use assets of the protected person to defend yourself against allegations of wrongdoing.

10. You will be reported for investigation of elder abuse by parties, attorneys and mental hygiene commissioners if there are any factual circumstances or evidence which support such allegations.

Answer: 1. True - Parties, attorneys and mental hygiene commissioners are required by law to report alleged elder abuse violations.