

# **The Handbook for Guardians and Conservators**

a practical guide to New Mexico  
law

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- when (s)he needs to use the bathroom?);
- dressing, hair care and other grooming;
- taking medications on time and in proper amounts;
- meals (can the ward shop, cook, clean up, properly store food and remember to eat regularly?);
- clothes (can the ward shop for clothes?);
- cleaning the house, doing laundry and other chores;
- using the telephone;
- handling an emergency at home; using the phone to call 911; being able to exit the home independently if needed;
- using the bus, taxi or other transportation services;
- paying bills and managing his or her money.

Other factors to consider are: (1) how good is the ward's memory; (2) how good is the ward's ability to make decisions; (3) is the ward violent, mean or uncooperative; (4) is the ward confused or disoriented, and, if so, how often; and (5) is the ward a danger to himself or herself or others. What kind of help you arrange for the ward will depend on how you evaluate your ward's needs and abilities.

If you were not named conservator of your ward's estate or do not already have his or her power of attorney for financial matters, you should meet with the conservator to find out about your ward's assets in order to make arrangements that (s)he can afford. If you spend money not approved by the conservator, you may have to repay that money out of your own pocket. (See page 27 for a discussion of this relationship.)

## **Choosing a place to live**

### ***Staying at home***

One of your most important jobs is to decide where your ward will live, keeping in mind your ward's wishes and lifestyle and what (s)he can afford. The first place to consider is your ward's current residence. If your ward is living at home, (s)he should be able to stay at home if (s)he wants as long as help is available to ensure (s)he will be safe while remaining as independent as possible. The following are some suggestions for keeping the ward at home, considering what (s)he can afford:

- hire part-time or full-time help to prepare meals, do laundry and other housekeeping jobs (it is usually safer to obtain help through

- reputable licensed and bonded agencies, but if the ward cannot afford such help, be sure to screen in-home help carefully);
- adapt the house where necessary to your ward's physical needs with wheelchair ramps, grab bars etc.;
  - clean the house and yard;
  - buy a fire extinguisher, and smoke and heat detectors;
  - subscribe to an emergency response medical system (e.g., Lifeline);
  - get a safe return bracelet;
  - change the locks and/or consider installing a burglar alarm or other security system;
  - if someone else is living in the home to hear the alarm, install a wander guard system;
  - if your ward is renting, see what repairs the landlord can make and how (s)he can adapt the house or apartment for you;
  - get relatives, friends and neighbors or social service agencies to help with your ward. Make sure you are aware of all the community resources like Meals on Wheels, adult day care, home health/homemaker assistance and the disabled and elderly waiver program administered by the state. (See list of resources in Appendix).

These suggestions will also help if your ward moves into your home.

If the ward has the assets to pay for extra help, it is your job to arrange for as much help as possible to ensure the ward's safety and independence. **It is not your job as guardian to preserve the ward's assets for your inheritance or for the inheritance of other family members.** The ward's money should be spent on his or her care first and foremost. No one but the ward has a right to his or her assets during the ward's lifetime.

### ***Moving into Residential Care Home or Other Facility***

**If the ward cannot safely live at home or does not have the resources or family support to do so, you must explore other living arrangements.** A residential care home with several other residents, assisted living where (s)he has his or her own room but eats with the other residents or a nursing home are all possible choices.

There are several types of facilities grouped under the description of **licensed adult residential care facilities**. They range from small homes known as **residential care homes** to the larger, hotel-type **assisted living** facilities. Residential care homes provide a room, cleaning services and meals. Sometimes