

MEMORANDUM OF REQUIREMENTS FOR GUARDIANSHIP OF THE DEVELOPMENTALLY DISABLED PERSON

66-404, Idaho Code requires the following evidence to be submitted by the Petitioner to the Department of Health and Welfare before an Evaluation Committee can be convened.

1. A confirmed diagnosis of a developmental disability

A developmental disability is a chronic disability of a person which appears before 22 years of age and:

- Is attributable to an impairment, such as an intellectual disability, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one of these impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments.
- Results in substantial functional limitations in three or more of the following areas of major life activity; self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency.
- Reflects the needs for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of life-long or extended duration and individually planned and coordinated.

The evidence will need to come in the form of a psychological evaluation, including full scale adult IQ testing, that has been completed by a licensed psychologist and is recent enough to evidence current capacity – and/or by way of a medical document which identifies the medical diagnosis and is signed by the medical professional. A full Wechlens Adult Intelligence Scale-IV Edition (WAIS-IV) or newer is recommended in congruence with the requirements for Adult Medicaid developmental disability waiver services. A full Stanford-Binet will be accepted but is discretionary with the Medicaid independent assessor's office for Medicaid services. A medical diagnosis will be accepted when intelligence testing is unfeasible.

Additionally, a standardized adaptive behavior assessment (e.g., SIB-R, Vineland 3, ABAS III, etc.) will also need to be completed in most cases and current with in the last year. The psychologist for the evaluation committee may request updated or different adaptive behavior testing upon review. The DHW representative of the evaluation committee will assist in the facilitation and referral for the necessary testing.

2. A background check of the Petitioner completed by the Idaho Department of Health and Welfare

This can be completed at: <https://chu.dhw.idaho.gov>; 1-800-340-1246.

3. Completion of the online guardianship training course mandated by Court Rule: I.C.A.R 54

Information and instructions can be found at:

<https://www.isc.idaho.gov/guardianship/guardianship-conservatorship>; 208-947-7452

4. *In compliance with Idaho Court Administrative Rule 54.5: The evaluation committee must assess the appropriateness of the proposed guardian’s care plan or conservator’s financial plan.*

This can be accomplished by completing the Guardians Proposed Care Plan typically submitted to the court, (Form CAO GC 9-6). See Attachment A

<https://courtsselfhelp.idaho.gov/guardianship-conservatorship>

If you have questions about these requirements, please contact one of the following Health and Welfare offices:

North Hub	West Hub	East Hub
Amanda Barras Clinical Supervisor Phone: 208-665-8990 Cell: 208-818-2328 Fax: 208-769-1473	Amanda DeYoung Clinical Supervisor Phone: 208-954-8990 Cell: 208-890-6886 Fax: 208-334-0926	Craig Anderson Clinical Supervisor Phone: 208-528-4040 Cell: 208-604-2797 Fax: 208-528-4044