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A NEWSLETTER FROM

MEZA TALBOTT LAW

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IN THIS ISSUE

■ Back to School:
Study Tips | P3

■ What's Next After
Your Move? | P7

■ Super Easy Fish and
Veggie Gratin | P8

The Process of Becoming Your Parent's Guardian

Follow Procedural Requirements

All court proceedings demand strict observation of proper procedure. Two of the most common issues are notice and venue.

Notice

You may be required to send a notice to other parties who may be interested in the guardianship proceedings. Generally, this group includes other close family members of the proposed ward. In many cases, even when evident that a guardianship is necessary, the bulk of the legal proceedings consist of a lawsuit over who serves as guardian. Instead of engaging in a power struggle, wise siblings should try to evaluate their parent's best



SEE 'GUARDIAN' PAGE 2

interests and act accordingly.

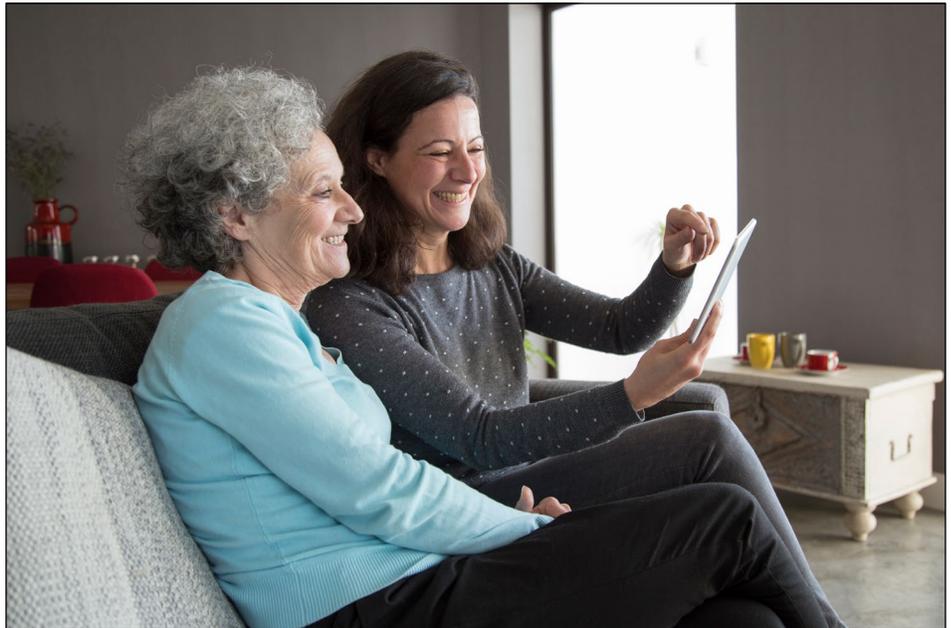
Venue

You must establish proper venue. Generally, a court in the proposed ward's county of primary residence will have venue. Venue is also important because, as the guardian, you should be intimately and locally involved in your ward's life. Perhaps you believe that you would be the better guardian, but, if you have a sibling who lives in the same city as your deteriorating parent, it might be in your parent's best interest for the nearby sibling to serve as guardian.

Submit a Motion for Appointment of an Ad Litem

Along with the petition, most states require you to submit a motion for the appointment of a guardian ad litem. An ad litem, usually a licensed attorney, is a "friend of the court" who is appointed to facilitate the guardianship proceeding and to reassure the court that the necessary legalities have been satisfied.

The ad litem's primary role



is to represent the proposed ward. You need your own attorney to assist you as the proposed guardian, and your mom needs her own attorney to assist her as the proposed ward. The ad litem ensures that your parent has a voice in the proceedings, the result of which could drastically impact her life.

Without an ad litem to listen to your mom's wishes and to advocate on her behalf, the court cannot objectively evaluate whether a guardianship is proper. Not only does the ad litem provide the court with essential information and argument, but the ad litem also protects a

proposed ward who may be experiencing abuse. In some sad cases, unscrupulous family members bring frivolous guardianship proceedings in an attempt to gain control of the proposed ward's business or investments for selfish reasons. The ad litem attorney should expose such machinations.

Expect the Court to Order Medical Evaluations

The court will often require medical examinations by third-party, court-appointed doctors. These ensure a degree of objectivity in the

Back to School

Study Tips for Success

As we approach that time of year where school is back in session, you may need some helpful study tips for you or your child. These helpful tips should make it easier to reach your academic goals.

Even if you don't have a test to study for, these study tips can help you focus when gaining knowledge on any topic.

A Distraction-Free Setting

A distraction-free setting is the first step to a successful study session.

- **Turn off any music or television before you start to study.** Some benefit from playing white noise or having a fan going, as sometimes the absence of any sound can be distracting for some.
- **Studying in solitude has benefits.** Being able to say things out loud can help you remember them. You can also do this with someone else, provided that person does not distract you.
- **Bring snacks and water.** If you get hungry, you



may want to take a break and go grab food, which wastes time that could be spent more productively. Try instead to come

prepared so you can get sustenance while studying.

[SEE 'BACK TO SCHOOL' PAGE 6](#)

evidence the court considers, especially in contested cases where the proposed guardian may be presenting biased arguments in favor of a guardianship.

The medical evaluations will be tailored to the proposed ward's unique circumstances. Generally, though, the proposed ward's mental, physical, and intellectual capacities should be examined and proper tests should be administered. The court-appointed doctors will then submit a report for the court and parties to consider.

Participate in a Hearing

Once the court has accepted the petition, it will consider evidence and testimony at a guardianship hearing.

At the hearing, the court will hear evidence about your parent's ability (or inability) to feed, clothe, and shelter herself, to care for her physical health, and to manage her property and financial affairs.

The court will inquire about

the abilities and qualifications of the proposed guardian. The court wants to know that the guardian will attentively care for the ward's health and general well-being and responsibly manage the ward's finances. It is a significant responsibility and one the court does not grant lightly to just anyone.

After hearing the evidence, if the court is satisfied that the proposed ward is indeed incapacitated and that a guardianship is in the proposed ward's best interests, the court will appoint a guardian over the ward.

Once You Are Appointed

One of the first things that you should do as a newly-appointed guardian is to establish a separate guardianship bank account with which to manage the ward's financial affairs. This is critical because mixing your assets with the ward's assets is irresponsible at best and a breach of fiduciary duty potentially constituting elder abuse at worst.

Keeping your finances

separate also makes accounting easier. If your siblings demand to know how exactly you have been spending your mom's money, you can easily show them the bank records. Precise record-keeping permits you to serve as a guardian with confidence. Not only will you have nothing to hide, but you can easily demonstrate that you've acted in the ward's best interests.

Regardless of the practical benefits of careful record-keeping, most states require a guardian to submit an annual accounting for review by the court and family members.

Beyond these legal and financial formalities, the guardian has the day-to-day responsibilities of ensuring that the ward is fed, housed, and healthy. These last until the ward regains capacity or passes away—truly a monumental obligation. 

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What's Next After You Move?

After your move, you may think your work is over. And for the most part, that's true. But there are still a couple of things that you should do.

Now, it's time to get your previous deposit back!

Remember, as long as you kept your previous home in good condition (walls, floors, appliances, etc.) and took lots of pictures before moving out, you are entitled to your deposit. Check your state

laws for how many days from your move-out date that a landlord has to return your deposit. Make sure you fully understand what your state laws allow in terms of deductions from the deposit (can they deduct for cleaning costs? How

many years have you lived in the residence and what is the cut-off for general "wear and tear"?), whether or not receipts for deductions need to be included, whether or not an itemized list with

SEE 'MOVE' PAGE 6

Taking Productive Breaks

Just because it's important to stay focused, that doesn't mean you should study for hours without any breaks. Breaks can also help you study.

- **Take a break once every hour** or every hour and a half. This can help your brain refocus on a task and help you to avoid burnout.
- **Take active breaks!** If you just take a break every hour to scroll through social media, it won't help you study. So when you do take a break, make it something that will help you. Try taking a walk, doing a workout, as aerobic exercise can help boost your brain power.
- **Breathe.** Take some time

on your breaks to practice some meditation and focus on your breathing. Meditation can also help to boost your attention span.

Test Yourself

One of the most effective ways to ace a test or grasp a topic is to test yourself prior to any type of official test.

- **Use mnemonic devices.** If you can use mnemonic devices to test yourself, they may help you remember specific facts for later.
- **Make flashcards.** Flashcards are a great way to quiz yourself on various information. You can make the main subject on one side and bullet points of key points to remember on the other.
- **Partner up.** If you're able

to work with another person who is willing to help or is studying the same subject, they can also test you by asking you questions. It may be helpful for the other person to ask questions beyond the key points you need to remember.

Remember that what works for someone else may not be exactly what works for you. It's okay to find what works for you. Maybe you study best with a cup of coffee, while your classmate studies best with a cup of herbal tea. Find what works for you and stick to it. There's always something new to learn about, so hopefully these tips get you started. 📌

Illustrations by katemangostar/Freepik



costs of repairs needs to be included, etc.

Haven't heard back from your previous landlord and it's past the state-mandated deadline for a landlord returning a deposit?

Send a letter to your previous landlord (and keep a copy!) to show that you tried to resolve the matter amicably, and then, if there is still no response, check your state laws to determine the steps you need to take to file a small claims lawsuit against your previous landlord. Remember, all parties want to avoid going to court, so it's best to make sure you send a letter to your landlord before taking legal action.

Need new furniture but already exhausted your wallet? Try Craigslist, Offer Up, and other similar websites for affordable and sometimes free furniture. Better yet, maybe you have family nearby, and they've been looking to get rid of that extra set of drawers that's collecting dust in their garage. There are always creative ways to avoid splurging on brand new



furniture (especially if you are moving to a rental).

Be a good neighbor.

Consider introducing yourself to your next-door neighbors and letting them know you've just moved in. If you want to go the extra mile, drop by with a baked good, a bottle of wine, or some other thoughtful neighborly gift. Being on good terms with your neighbors can be extremely helpful down the line when you need a helping hand, and it also helps for

your neighbors to see you as a human being (which means they might think twice before blasting music after 10PM).

And now, relax! The hardest part is over, and you can kick back and bask in your new space. Remember to take as long as you need to recuperate before diving into decorating, color schemes, new furniture, yard work, and everything else that comes with a new home. 📌

Illustrations by Freepik and Designs.ai

Super Easy Fish and Veggie Gratin

Prep 30 mins | Cook 30 mins

An easy weeknight fish that is good enough for entertaining and requires only 30 minutes of prep time.

INGREDIENTS

- 3 T unsalted butter
- 1 1/2 pounds mushrooms, sliced
- 3 cloves garlic, minced
- 2 pounds fish fillets, such as sole, mahimahi, tilapia or cod
- 3/4 cup panko or other bread crumbs
- 1 1/2 pounds tomatoes, sliced
- 6 ounces gruyere or swiss cheese, grated
- 2 T parmesan cheese, finely grated (optional)

INSTRUCTIONS

Heat oven to 350 degrees. Heat the butter over medium heat until melted and it begins to bubble. Add mushrooms and garlic and saute for about 10 minutes, stirring occasionally.

While the mushrooms are cooking, dry the fish and season the fillets on both sides with kosher salt and fresh cracked pepper. Put the panko on a plate and dip the fillets in the panko, coating each side of the fillets.

Spread the sauteed mushrooms in the bottom of a glass or ceramic 13" x 9" x 2" pan. Layer the fish fillets over the mushrooms. If you are using thicker fillets such as mahi mahi, the fish will not overlap. If you are using thinner fillets such as sole, the fillets may overlap a bit. Some overlap is OK.

Layer the tomato slices on top of the fish and sprinkle the grated cheese on top of everything. Add the optional parmesan cheese last. Bake for 30 minutes. Cut into squares and serve while hot.

NOTES

You can substitute other vegetables for the bottom layer of sauteed mushrooms. Consider using sauteed onions, zucchini or brussels sprouts. Or a combination of vegetables.

