

Restoration Case Problem

Sally petitioned to have her son, Bobby Valentine, adjudicated incompetent.

Bobby is a 26 year old male.

At the hearing on incompetency and guardianship, the clerk heard testimony from the following parties:

- Petitioner, Sally Valentine
- Respondent, Bobby Valentine
- Guardian Ad Litem, Ben Matlock
- Sister of the Respondent, Sarah Valentine

Based on a review of the petition and the testimony at the hearing, the clerk adjudicated Bobby to be incompetent and appointed Tender County Department of Social Services as his guardian of the person on January 19, 2014.

The key evidence submitted at the original incompetency hearing that served as the basis for the clerk's decision included the following:

- Bobby suffers from bipolar disorder and severe anxiety that causes him to have paranoid delusions. These delusions include that he is the CEO of a major corporation, he is helping the president run the country and he is best friends with a famous music artist.
- He has been arrested multiple times and charged with disturbing the peace.
- He regularly abuses drugs, including marijuana.
- He lived with his grandmother until she recently kicked him out because of his paranoid violent behavior.
- He was found sleeping recently in the trunk of his car.
- He earns a regular, somewhat substantial income as a result of an internet gaming site he started online.
- He regularly makes harassing phone calls to various family members.
- He threatened to kill family members by burning them alive and his family members are terrified of him.
- He jumped in front of a moving car driven by his sister.
- He threw a rock at a car driven by his father.
- He regularly fails to follow through with the medical and psychological assistance made available to him for treatment.
- His mother and sister exploit him financially and use his income for their own purposes. His grandmother is too old to serve as his guardian.
- The clerk appointed DSS as guardian of the person and a private attorney as his guardian of the estate.

QUESTIONS

1. What could you do as Bobby's guardian to assist him in preparing to reach the point where he is ready to file for restoration to competency?
2. What do you want to know from Bobby or should you have learned through the course of serving as his guardian before you would feel ready to support his decision to file a petition for restoration?
3. DSS files the motion for restoration. What types of evidence would you present at the hearing? Who would you want to testify at the hearing?
4. You do not support Bobby's decision to file for restoration. What role do you play at the hearing if Bobby files for restoration without your support?
5. What weight would you give, if any, to the risk of relapse by Bobby in your decision to assist him with restoration?