

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT

6<sup>TH</sup> Circuit – Probate Division- Concord  
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Concord NH 03301

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Case Name: Guardianship of [REDACTED]

Case Number: 317-2010-GI-00337

This matter came before the court for a review of the 3<sup>rd</sup> Account (6/15/12 – 6/14/13) as well as the Annual Report of Guardian (6/15/12 – 2/19/13) filed by the guardian, Jeannette Marino (Marino). See Index # 52 and #53. Marino is no longer guardian of the person of the ward, but remains as guardian of the estate and trustee of a Special Needs Trust (SNT) for the benefit of the ward. See Case No. 317-2010-TU-00853. After review, the court denies the account and will schedule this matter for a hearing.

The ward, [REDACTED] is indigent. As listed on Schedule G of the 3<sup>rd</sup> Account, her total income for the year was \$9,618.58, consisting primarily of Social Security payments. She also received four non-recurring payments during the accounting year totaling \$726.58 primarily for refunds for a security deposit, Comcast, and a refund identified as "Rx Ctr/EMS."

In comparison, Marino charged guardian fees for the reporting period of June 2012 through February 2013 in the amount of **\$12,836.80, an amount that is 34% greater than the ward's income for a full year.** The court finds this to be unreasonable but will allow for an opportunity to argue otherwise.

Schedule 1 of the 3<sup>rd</sup> Account lists payments made to or on behalf of the ward. The guardian did not list the dates of payment or to whom payments were made as required, but does list such categories as Spending, Rent, and Transfer to SNT. It appears that the guardian paid for four months of rent and there are two entries for "NHH Room/Board." The court is

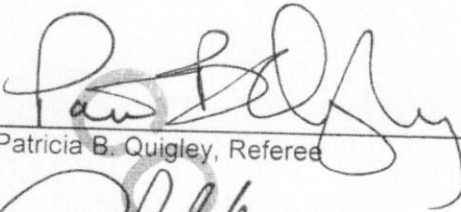
unaware as to how the ward had sufficient funds to pay her rent and other expenses during the remainder of the year.

This matter shall be scheduled for a hearing on the issue of the reasonableness of the fees charged by Marino. The court will consider her fees and services provided as guardian of the person, guardian of the estate and trustee of the Special Needs Trust. The court has jurisdiction and responsibility to determine the reasonableness of the fees of the guardian and trustee. RSA 464-A:23, RSA 564-B:1-105 and 7-708, Circuit Court Probate R. 88. Given that the ward is a recipient of State benefits and the ward's special needs trust has a repayment provision to the benefit of the State of New Hampshire, DHHS shall be provided with notice of the hearing, but shall not have an obligation to attend.

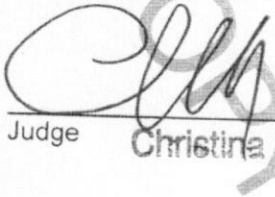
Date: 10/31/13

APPROVED:

Date: 11/4/13



Patricia B. Quigley, Referee



Judge Christina M. O'Neill