

This is a tier 2 case.

Name

Address

City, State, Zip

Phone

Email

I am Petitioner
 Petitioner's Attorney (Utah Bar #: _____)

If you do not respond to this document within applicable time limits, judgment could be entered against you as requested.

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>In the Matter of Protection for _____, Respondent</p>	<p>Petition to Appoint a Guardian for an Adult</p> <p><input type="checkbox"/> Attorney for the respondent requested</p> <p><input type="checkbox"/> Court visitor requested</p> <p>_____ Case Number</p> <p>_____ Judge</p>
--	---

1. I request that the court appoint _____ (name of proposed guardian), who is a competent person or suitable institution, as guardian for _____ (name of respondent).
2. The court has jurisdiction under Utah Code 75-1-302.
3. The court has venue because the respondent resides or is present in this county.

4. The interested persons who must be served are described in Schedule A, which is attached. Service of a copy of this petition and notice of the time and place of the hearing will occur as described in Schedule A.

5. Information about the respondent:

Name

Address

City, State, Zip

Phone

Email

Social Security Number

Date of Birth

Driver License Number

6. Information about the proposed guardian:

Name

Address

City, State, Zip

Phone

Email

Social Security Number

Date of Birth

Driver License Number

7. Information about the proposed guardian's next of kin or other contact person:

Name

Address

City, State, Zip

Phone

Email

8. The proposed guardian has priority for appointment because they: (Choose all that apply.)
- [] have been nominated by the respondent (Choose one.)
 - [] in a signed writing substantially conforming to the requirements of Utah Code 75-5-311.
 - [] by some means other than a signed writing substantially conforming to the requirements of Utah Code 75-5-311.
 - [] are the respondent's spouse.
 - [] are the respondent's adult child.
 - [] are the respondent's parent.
 - [] are a person nominated by will or other writing signed by the respondent's deceased spouse.
 - [] are a person nominated by will or other writing signed by the respondent's deceased parent.
 - [] are the respondent's relative with whom the respondent has resided for more than six months before the filing of the petition.
 - [] have been nominated by _____ (name) who is caring for the respondent or paying benefits to the respondent.
 - [] are a specialized care professional who does not profit financially or otherwise from or receive compensation for acting as guardian, except for the direct costs of providing guardianship services, and does not otherwise have a conflict of interest in providing those services.
 - [] are the Office of Public Guardian.
 - [] had a court order granting sole legal decision making authority over the respondent when respondent turned 17 years and six months old, and this petition is being filed within 2 years after the day respondent turns 18. The case number is _____.

are the respondent's parents, or two people who share joint legal decision-making authority over the respondent.

are _____
(describe relationship to the respondent)

9. _____ (name) has been nominated as guardian for the respondent but is not the proposed guardian. (If no one or the proposed guardian has been nominated, enter "no one.") The nomination was made by: (Choose all that apply.)

- the respondent;
- the respondent's spouse;
- the respondent's parent;
- the respondent's caregiver.

10. The court should appoint the proposed guardian because: (Choose one.)

- the proposed guardian is highest in priority established by statute.
- there is good cause not to follow the statutory priority because:

11. List any other guardianship or conservatorship orders or pending cases regarding the respondent. (If there are no other orders or proceedings, enter "none.")

12. The respondent's ability to:

- receive and evaluate information; or
- make and communicate decisions; or
- provide for necessities such as food, shelter, clothing, health care, or safety

is impaired to the extent that they lack the ability, even with appropriate technological assistance, to meet the essential requirements for financial protection or physical health, safety, or self-care.

13. The respondent has the following functional limitations, and a guardian is necessary or desirable as a means of providing the respondent with continuing care and supervision:

14. A report about the respondent, written by a physician or psychologist, is attached.

(Only required if respondent is a minor. Utah Code 75-5-317.)

The report is based on an evaluation done in the last six months. I ask the court to waive any additional evaluation.

15. The respondent's incapacity is proved by the following clear and convincing evidence: (Describe examples of the respondent's inabilities and functional limitations, so that, even with appropriate technological assistance, they unable to meet the essential requirements for financial protection or physical health, safety, or self-care. Attach supporting documents, including statements of any witnesses who are familiar with the respondent and/or evaluations of respondent's physician or other evaluator.)

16. A guardianship is necessary or desirable as a means of providing the respondent with continuing care and supervision because:

(Explain what alternatives other than a guardianship have been tried and why they did not succeed. Or explain why alternatives have not been tried.)

The respondent requires a guardian with plenary or full authority because:
 (Explain why nothing less than a full guardianship is adequate to provide the respondent with continuing care and supervision.)

19. The estimated value of the respondent's assets is: (Attach additional pages if needed. Refer to paragraph 19.)

General Description	Estimated Value	Unknown
Home and other real estate	\$	[]
Bank and credit union accounts	\$	[]
Investments	\$	[]
Personal property	\$	[]
Other	\$	[]
Total	\$	[]

20. The respondent's estimated monthly income from all sources is: (Attach additional pages if needed. Refer to paragraph 20.)

General Description	Estimated Value	Unknown
Home and other real estate	\$	[]
Bank and credit union accounts	\$	[]
Investments	\$	[]
Personal property	\$	[]
Other	\$	[]
Total	\$	[]

21. The respondent: (Choose one.)

[] will be represented by _____, (name)
 an attorney selected by the respondent.

needs an attorney appointed by the court, and I am filing with this petition a Request to Appoint an Attorney.

22. The respondent: (Choose one.)

will be present at the hearing.

should be excused from attending the hearing: (Choose one.)

and I am filing with this petition a Request to Assign a Court Visitor to inquire about whether to excuse the respondent from attending the hearing under Utah Code 75-5-303.

because of clear and convincing evidence from a physician that the respondent has: (Choose all that apply. Attach physician's affidavit.)

fourth stage Alzheimer's disease;

extended comatosis; and/or

an intellectual disability with an IQ score under 20 to 25.

23. I request that the court:

- schedule a hearing on this petition;
- give notice as required by Utah Code Section 75-5-309;
- enter an order declaring the respondent to be an incapacitated person and appointing _____ (name) as guardian with the authority requested in paragraph 17 or 18, to serve: (Choose one.)
 - without bond.
 - with bond in the amount of \$_____.
- issue a Letter of Guardianship to the guardian describing the guardian's authority.

24. I ask the court to make the order immediately effective upon the respondent's 18th birthday, which is _____ (date).

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ► _____

Date

Printed Name _____