

Checklist to petition for the appointment of a temporary guardian for an adult

- You must complete a form before you file it. These instructions will help you complete the forms.
- The judicial services representative cannot complete a form for you.
 - Attach a copy of any document referred to in the form.
 - Keep a copy of all documents for your records.
 - Attend all court hearings.
 - Some forms may not apply in your case.
 - Check with your court about local requirements.

(1) Coversheet

- Print your name, address, phone number and email address and those of the other parties and lawyers (if known).
- You are not claiming damages, so leave that line blank or print “none.” The respondent has the right to demand a jury trial, but the petitioner does not, so check “no.”
- Because you are not requesting damages, check “Tier 2. No monetary damages are requested.”
- On page 2, check the box next to “guardianship.” This determines your filing fee. If you ultimately file a Petition to Appoint a Guardian for an Adult, you will have to pay only one filing fee.

(2) Petition to Appoint a Temporary Guardian for an Adult

- A temporary guardian has authority only for 30 days or a shorter time ordered by the judge. A temporary guardianship is intended only for responding to an emergency when there is no time to follow the normal procedures for appointing a regular guardian or when that guardian is not acting.
- If a protected person already has a guardian, the court has at some earlier time determined that the protected person is incapacitated. In a Petition to Appoint a Temporary Guardian for an Adult, the petitioner is claiming that the regular guardian is not performing his or her duties. The court can appoint a temporary guardian and the regular guardian’s authority temporarily ends.
- If a respondent does not already have a guardian, the appointment of a temporary guardian is not a determination that the respondent is incapacitated. The court is instead determining that there is an emergency and that no one has the authority to act on the respondent’s behalf.

- Print your name and contact information at the top of the first page. Check whether you are the petitioner or the attorney for the petitioner.
- Print the county name and the court address in the blank lines.
- Print the name of the person for whom you are seeking the temporary guardian.
- The judicial services representative will assign a case number and a judge when the case is filed.
- Paragraph (1): Describe the emergency.
- Paragraph (2): Describe why immediate action is needed.
- Paragraph (3): Mark the correct box to show whether the respondent/protected person already has a guardian. If the protected person already has a guardian, print that guardian's name on the blank line. The petitioner is claiming that the regular guardian is not performing his or her duties. If the respondent does not already have a guardian, consider whether there is anyone else who has authority to act: a healthcare agent; a trustee; or someone with power of attorney.
- Paragraph (4): Print the name and contact information of the proposed temporary guardian.
- Paragraph (5): Describe the relationship between the proposed temporary guardian and the respondent/protected person and the proposed temporary guardian's interest in the respondent/protected person.
- Paragraph (6): Print the number of days that the temporary appointment is needed. It must be 30 or fewer days.
- Paragraph (7): Describe the authority the temporary guardian needs to address the emergency.
- Date and sign the form.
- Attach the Proposed Findings of Fact and Conclusions of Law and Order
- File the original form and attachments with the judicial services representative.
- The judicial services representative will assign a judge and a case number and arrange for you to see the judge.

(3) Proposed Findings of Fact and Conclusions of Law and Order

- There are two documents: the Findings of Fact and Conclusions of Law; and the Order, and they are usually prepared together.
- Print your name and contact information at the top of the first page. Check whether you are the petitioner or the attorney for the petitioner.
- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.

- Mark the box describing the petitioner’s pleadings and other papers. These are known as “ex parte” documents because they will be considered by the judge without being served on the other party.
- If there is a hearing, it will usually be an interview by the judge. If there is a hearing, mark the box and print the hearing date on the blank line. Mark the correct boxes to show whether the petitioner was at the hearing and whether the petitioner was represented by an attorney.
- If there is a hearing, the judge will decide the issues and may direct you to prepare the Findings of Fact, Conclusions of Law and Order. Listen carefully to the judge’s decision. The documents must agree with that decision.

(a) Findings of Fact and Conclusions of Law

- Paragraph (3): Mark the correct box to show whether the respondent/protected person already has a guardian. If the protected person already has a guardian, print that guardian’s name on the blank line.
- Paragraph (5): Print the number of days of the temporary appointment as ordered by the judge. This might be the same as asked for in the petition or it might be different. It must be 30 or fewer days.
- Paragraph (6): Describe the authority of the temporary guardian as granted by the judge. This might be the same as asked for in the petition or it might be different.

(b) Order Appointing Temporary Guardian for an Adult

- Paragraph (1): Print the name of the temporary guardian.
- Paragraph (2): Print the number of days of the temporary appointment as ordered by the judge. This might be the same as asked for in the petition or it might be different. It must be 30 or fewer days.
- Paragraph (4): Describe the authority of the temporary guardian as granted by the judge. This might be the same as asked for in the petition or it might be different.

- Do not date and sign the documents. The judge will do this.
- File the original documents with the judicial services representative.

(4) Hearing

- When the Order Appointing Temporary Guardian for an Adult is signed, the judicial assistant will schedule a hearing. That hearing must be held no more than 5 days after the Order Appointing Temporary Guardian for an Adult is signed.

- The temporary guardian must serve a copy of the documents and the notice of the hearing on the respondent/protected person and anyone else ordered by the judge. For information and forms, see our webpage on [Serving Papers](#).
- Be sure to attend the hearing.

(5) Notice of hearing

- Print your name and contact information at the top of the first page.
- Check the correct box to show that the court is the District Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- Identify petitioner and respondent by name and address.
- Print the subject of the hearing on the blank line. Print the date and time of the hearing. Print also the judge's name and courtroom number for the hearing.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by a method of service most likely to give actual notice.
- File the original form with the judicial services representative.

(6) Acceptance of Appointment

- Print your name and contact information at the top of the first page.
- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order. Note that the person for whom the temporary guardian has been appointed is referred to as a "protected person" even though the temporary appointment is not a determination of incapacity.
- Mark the correct box to show whether you are accepting the appointment as guardian. Utah law does not permit the appointment of a temporary conservator.
- Paragraphs (2) through (5): Recognize the significance of these paragraphs. By accepting the appointment you are agreeing to do these things. You may be assuming other responsibilities not stated here.
- Date and sign the form.
- File the original form with the judicial services representative.
- Since this is a temporary appointment this form does not have to be served on anyone at this time. However, it will have to be served on all interested persons if the temporary guardian is ultimately appointed as the regular guardian.

(7) Letter of Temporary Guardianship

- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order. Note that the person for whom the temporary guardian has been appointed is referred to as a “protected person” even though the temporary appointment is not a determination of incapacity.
- Print the temporary guardian’s name on the blank line.
- Print the date that the temporary appointment terminates. To calculate the date on which the temporary appointment terminates add the number of days for which the temporary appointment is ordered (between 1 and 30) to the date that Order Appointing Temporary Guardian is signed. The day on which the order is signed is zero; the day after the order is signed is one, the day after that is two, and so on.
- Describe the authority of the temporary guardian as granted by the judge. This might be the same as asked for in the petition or it might be different.
- Present the form to the judicial services representative, and she will date and sign the form.
- The letter is evidence of your authority to make decisions for the protected person. You should have at least one certified copy of the order with you at all times, but it may be convenient to have the court make several certified copies.
- Some people and organizations that provide services for the protected person—such as banks, physicians, residential facilities, etc.—may need a copy of the letter for their records. They may need a photocopy, which you or they can make. They may need a certified copy. Only the court can make a certified copy. If you have several certified copies, give them one. If you give them your last certified copy, you will have to return to the court to get more.

(8) After the emergency is over

- If the protected person has a regular guardian, the guardian’s authority is suspended during the term of the temporary guardian, but the regular guardian’s authority is automatically reinstated when the temporary appointment expires. If the circumstances warrant, the petitioner should consider filing a petition to remove the guardian and appoint another. This website does not have information or forms for removing a guardian.
- If the respondent does not have a regular guardian, the temporary guardian’s authority lasts only until the temporary appointment expires. For more permanent authority, the petitioner must file a Petition to Appoint a Guardian for an Adult. For information and forms, see our webpage on [Guardianship for an Adult](#).