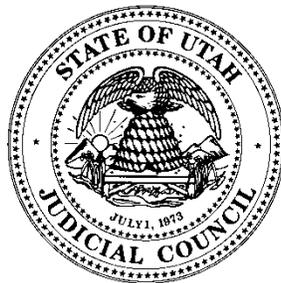




Utah State Courts

Volunteer Court Visitor Program
Records Research



November 1, 2012

(1) Acknowledgments

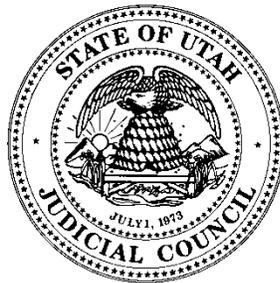
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Contributors to that manual are not included here.

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(2) Message from the chief justice

Congratulations on becoming a court visitor, and thank you. You have embarked on what I hope will be a personally rewarding experience. You will be helping the court to appoint and monitor guardians of incapacitated adults. Your contribution of time and effort will make a real difference to the court, to the guardians responsible for vulnerable adults, and to the vulnerable adults themselves.

The court has prepared this series of manuals to introduce you to the world in which people under guardianship live and to serve as a continuing resource as you do your work.

Your contributions will improve the lives of incapacitated adults in our community, provide information on which the judge can base decisions, teach guardians to perform their duties with integrity, and protect incapacitated adults from abuse, neglect and exploitation.

The Utah courts value your important contributions. Again, thank you.

A handwritten signature in black ink, appearing to read 'Matthew B. Durrant', with a long horizontal line extending to the right.

Matthew B. Durrant
Chief Justice, Utah Supreme Court
Presiding Officer, Utah Judicial Council

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(3) Role of the court visitor

The researcher's role is to prepare the case file before the hearing at which the guardian might be appointed.

(4) Case file preparation

(a) Will the respondent attend the hearing?

[Utah Code Section 75-5-303](#) requires that the respondent attend the hearing except in a few circumstances.

(b) If not, has a visitor been assigned?

If the petitioner proposes that the respondent not attend the hearing, either the petitioner must present clear and convincing evidence that the respondent:

- has fourth stage Alzheimer's Disease;
- is in an extended coma; or
- has an intellectual disability with IQ under 25.

Or the court must order an investigation by a court visitor.

(c) Does the respondent have a lawyer?

[Utah Code Section 75-5-303](#) requires that the court appoint a lawyer for the respondent if the respondent does not have a lawyer.

(d) Is an interpreter needed?

[Rule 3-306](#) requires that the court will appoint an interpreter for any person who is unable to understand or communicate in English.

(e) Are all required documents in the file?

- Petition
- Notice of hearing
- Schedule A (List of persons to be served with petition and notice of hearing)
- Proof of service (on respondent, respondent's spouse, respondent's parents) at least 10 days before the hearing
- Certificate of mailing (to everyone else on Schedule A) at least 10 days before the hearing
- Clerk's certificate of posting public notice at least 10 days before the hearing
- Physician's report; other statements or affidavits about respondent's capacity

- Other documents often filed with the petition, but not necessary until appointment:
 - Completion of testing certificate
 - Proposed order/Letters
 - Acceptance of Appointment