

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for:

Respondent

Petition to Appoint a Parent as Guardian for their Adult Child (Utah Code 75-5-317)

I am requesting an Attorney for the respondent (see #16 below)

I am requesting a Court visitor (see #17 below)

Case Number _____

Judge _____

1. The alleged incapacitated person in a guardianship case is the respondent. I ask the court to appoint a guardian for _____. (name of respondent)

Information about the respondent.

Address _____

City, State, Zip _____

Phone

Email

Date of Birth

2. The court may appoint one or more people to serve as guardians. If the court appoints two guardians, they are co-guardians and share legal decision-making for the incapacitated person. Co-guardians share the rights and responsibilities in a guardianship.

3. I ask the court to appoint as guardian: (select all that apply)

Me, the petitioner in this matter.

A co-guardian _____ (name)

Another person or institution _____ (name)

Information about the proposed guardians.

Proposed guardian's relationship to the respondent

Proposed co-guardian's relationship to the respondent

Address

Address

City, State, Zip

City, State, Zip

Phone

Phone

Email

Email

Date of Birth

Date of Birth

4. Utah law requires that if parents or two adults had shared legal responsibility for the respondent when the respondent reached 17 years and 6 months of age, the court shall appoint both individuals as the respondent's guardians. (Utah Code 75-5-317)

List all individuals who had legal responsibility for the respondent when the respondent was 17 years and 6 months of age:

Parent _____ (name)

Parent _____ (name)

Other _____ (name and relationship)

Other _____ (name and relationship)

Choice of Guardians

5. Utah law gives a list of people who have priority to be the guardian for a respondent:
- person chosen by the respondent
 - respondent’s spouse
 - respondent’s adult child
 - a parent of the incapacitated person or a person nominated by will, written instrument, or other writing signed by a deceased parent
 - other, as listed in Utah Code 75-5-311

6. Has any other person (other than the proposed guardians) been nominated to serve as guardian for the respondent?

No.

Yes. _____ (name) has been nominated to be the guardian. The nomination was made by: (Choose all that apply.)

the respondent;

the respondent’s spouse;

the respondent’s parent;

the respondent’s caregiver.

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

the proposed guardians are highest in priority by Utah law. (See paragraphs 5 and 6 above)

there are good reasons not to follow the priority list: (explain)

8. Are there any other guardianship, conservatorship, or custody orders or pending cases about the respondent?

No.

Yes. Describe any pending cases:

9. Has Adult Protective Services received a referral about the respondent or about the proposed guardians or conservators? (Utah Code 75-5-605)

No.

Yes. Describe:

Incapacity

Utah law states that incapacity means the respondent's ability to receive and evaluate information, make and communicate decisions, and 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 help, to meet the essential requirements for financial protection or physical health, safety, or self-care. To grant guardianship for an individual, the court must find that the individual is incapacitated. Utah Code 75-1-201(24).

10. The respondent's incapacity is shown by the following functional limitations:
(Describe the respondent's inabilities and functional limitations, so that, even with appropriate help, they are unable to meet the essential requirements for financial protection or physical health, safety, or self-care.)

11. Utah law requires a written report by a physician or psychologist for respondents. If the respondent is at least 17 years and 6 months of age but not yet 18 years of age, the report must contain the following information: (Utah Code 75-5-317(2)(c))
- a specific description of the physical, psychiatric, or psychological diagnosis of the person;
 - a comprehensive assessment listing any functional impairments of the person and an explanation of how these impairments may affect the ability to make decisions and communicate informed decisions;
 - an analysis of the tasks of daily living the person is capable of performing independently or with assistance;
 - a list of the medications the alleged incapacitated person is receiving, including dosage and effects;
 - a prognosis for improvement in the person's condition and a recommendation for the most appropriate care plan; **and**
 - other information the physician or psychologist considers appropriate.

[] I understand I must file a written report from a physician or psychologist along with this petition for guardianship.

Type of Guardianship

12. What alternatives to guardianship have been tried and why are they no longer enough?
(Examples of alternatives to guardianship include: power of attorney, appointing a social security representative payee, creating a living trust, special needs trust, appointing a health care agent, completing an advanced health care directive.)

13. Why is the appointment of a guardian necessary instead of using an alternative to guardianship?

14. Utah law prohibits a full guardianship unless no other alternative exists that will meet the needs of the respondent. **The court is required to prefer a limited guardianship.**

The respondent needs a guardian with the power **to make decisions** about the respondent's: (choose only those that apply)

- physical health and medical needs, treatment, and services.
- mental health and mental health counseling, treatment and services.
- living situation and residence.
- care, comfort, and maintenance.
- training and education.
- clothing, furniture, vehicles, and other personal effects.

The respondent needs a guardian with the power to **perform the following duties**: (choose only those that apply)

- commence protective proceedings if the property needs protection.
- give consent necessary to enable the respondent to receive medical or other professional care, counsel, treatment, or service.
_____ (name) should be notified if the respondent receives significant health care or treatment.
- institute proceedings to compel a person to perform their duty to support the respondent;
- receive money and tangible property deliverable to the respondent and apply the money and property for the respondent's support, care, and education;
- Other: (Describe additional authority that the guardian should have.)

15. If all boxes under paragraph 14 above are checked, this means you are asking for a full guardianship. Explain why nothing less than a full guardianship will meet the needs of the respondent:

Respondent Rights

16. Utah law states that the respondent must have a lawyer to represent them in a guardianship proceeding. The respondent has the right to choose their own lawyer. If they do not choose a lawyer, the court will appoint one for them.

The respondent: (Choose one)

has chosen _____ (name) as the lawyer to represent them in this proceeding. (Utah Code 75-5-303(2)(b)).

has not chosen a lawyer and needs the court to appoint one. **I am filing a Request to Appoint a Lawyer to Represent the Respondent form with this petition.**

17. Utah law states that the respondent must be present at the hearing and see or hear all evidence. If the respondent is unable to come to the hearing, the court will order an investigation by a court visitor.

The respondent:

is able to attend the hearing in a courthouse.

is able to attend the hearing by phone or video.

OR

is not able to attend the hearing with or without accommodations and a Court Visitor needs to be appointed to investigate. **I am filing a Request to Appoint a Court Visitor form with this petition.**

The respondent is unable to attend the hearing because: (explain)

Respondent Finances

18. An asset is a resource, item, or property that a person owns. The estimated value of the respondent's assets is:

General Description	Estimated Value	Unknown
Home and other real estate	\$	[]
Bank accounts	\$	[]
Investments (example: money market, retirement accounts, mutual funds)	\$	[]
Personal property (example: vehicles, jewelry, furniture, electronics, other)	\$	[]
Other (example: ABLE account)	\$	[]
Total	\$	[]

19. Income is money received on a recurring basis, such as monthly. The estimated monthly income the respondent receives from all sources is:

General Description	Estimated Value	Unknown
Wages or pension	\$	[]
Social Security Income (SSI)	\$	[]
Rental Income Received	\$	[]
Dividends, annuities, or other earned interest	\$	[]
Inheritance or trust funds	\$	[]
Other	\$	[]
Total	\$	[]

Request to the Court

20. I ask the court to:
- 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
 - appoint _____ (name

of proposed guardians) as guardians with the authority requested in paragraphs 14 and 15;

- to allow the guardians to serve without bond, or with bond as ordered by the court;
- issue a Letter of Guardianship to the guardians describing the guardians' authority.

21. The court has jurisdiction under Utah Code 75-1-302.
22. The court has venue because the respondent lives or is present in the county listed at the top of this form.
23. I will send a copy of this petition and a notice of hearing to all the people listed on the **People Who Must be Notified in Guardianship and Conservatorship Proceedings** form by the method listed on that form.
24. I ask the court to start the order on the respondent's 18th birthday, which is _____ (date), or the date of the order, whichever is later.

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).

Date

Signature ► _____
Printed Name _____