

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

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

I am ☐ Petitioner

☐ Petitioner's Attorney

(Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of Protection for

\_\_\_\_\_  
Respondent

**Findings of Fact and Conclusions of  
Law on Petition to Appoint a  
Guardian for an Adult - Severe  
Intellectual Disability**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

The matter before the court is a petition to appoint a guardian for the respondent named above. This matter is being resolved by the documents filed in the case, including any stipulations (agreements) reached by the parties, and the hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

The Respondent: (select all that apply)

☐ was present at the hearing.

☐ was excused from attending the hearing by the judge. (Utah Code 75-5-604)

☐ was represented by \_\_\_\_\_ (lawyer's name).

☐ was not represented by a lawyer.

The Petitioner: (select all that apply)

☐ was present at the hearing.

☐ was not present at the hearing.

☐ was represented by \_\_\_\_\_ (lawyer's name).

☐ was not represented by a lawyer.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed, **the court finds:**

1. The court has jurisdiction under Utah Code 75-5-604.
2. The court has venue because the respondent lives or is present in the county listed at the top of this form, or the respondent is admitted to an institution by an order of this court.
3. Service on all interested persons of a copy of the petition and notice of the time and place of the hearing has been made as required by law.
4. The respondent is an adult.
5. \_\_\_\_\_  
(name of guardians) is a competent person or persons or suitable institution to be the respondent's guardian.
6. The guardian should be appointed because they are the: (Choose all that apply.)
  - ☐ parent of the respondent
  - ☐ adult sibling of the respondent.
  - ☐ grandparent of the respondent.
  - ☐ adult relative of the respondent with whom the respondent has resided for more than six months before the filing of this petition.
  - ☐ one of the closest adult relatives of the respondent.
  - ☐ 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.
  - ☐ competent person or suitable institution.
  - ☐ Office of Public Guardian.

☐ Other: \_\_\_\_\_ (describe)

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

☐ the guardian is highest in priority by Utah law.

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

---

---

---

---

---

8. There is clear and convincing evidence that 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.

9. The respondent has the following lifelong functional limitations:

---

---

---

---

---

---

10. The respondent has been diagnosed with a severe intellectual disability by a physician or psychologist, and that disability has existed since the adult was a minor.

☐ The report about the respondent written by a physician or psychologist satisfies the requirements of Utah Code 75-5-607.

11. **Guardianship Authority**

Utah law prefers full guardianship for a respondent with a severe intellectual disability.  
(Utah Code 75-5-609)

[ ] **Full guardianship.** Full guardianship is necessary or desirable to provide the respondent with continuing care and supervision. The guardian has full authority (plenary) or full authority to make decisions on behalf and for the benefit of the protected person.

**OR**

[ ] **Limited guardianship.** The court finds a limited guardianship in the following areas is sufficient because:

---

---

---

---

**The court concludes:**

12. The respondent is:

- an incapacitated person, and
- an adult with a severe intellectual disability.

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

14. The respondent requires a guardian with the authority listed in paragraph 11.

15. \_\_\_\_\_  
(name of guardians) is a competent person or suitable institution to be the respondent's guardian.

Judge's signature may instead appear at the top of the first page of this document.

Signature ►

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

Approved as to form.

_____	Signature ►	_____
Date		

	Petitioner or Attorney	_____
--	------------------------	-------

_____	Signature ►	_____
Date		

	Respondent or Attorney	_____
--	------------------------	-------

**The Certificate of Service** proves you gave copies of this document to everyone involved in your case. It is saying, "I gave everyone the papers they need to see." (Utah Rule of Civil Procedure 5)

1. **Fill out the sections below:** Write the information for each person you are sending a copy to. You have space to include two people and may add more pages if needed.

2. **Serve it:** You need to give a copy of the document including the certificate of service page to the other person. Give it to them on or before the day you give the document to the court.

3. **File it:** You need to give this document including the certificate of service page to the court. Make sure you also keep a copy for yourself.

### Certificate of Service

I confirm that I provided a copy of this Findings of Fact and Conclusions of Law to the following people.

I provided a copy to <b>Name of Person</b>	I provided the copy by <b>[x]check one</b>	I provided the copy to this <b>address</b> <b>(based on ← option checked)</b>	I provided the copy on <b>Date</b>
1.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
2.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Your  
Signature ►

Date  
(when you filled this out)

Your Printed  
Name