
In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

Respondent

**Order Appointing 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 orders:**

1. The above-named respondent, having been found to be incapacitated within the statutory definition, is now a protected person under the jurisdiction of the court.

2. _____ (name) is appointed as guardian of the above-named respondent, who is now a protected person, to serve:

☐ without bond.

☐ with bond in the amount of \$_____.

3. The protected person is an individual with a severe intellectual disability and does not have the capacity to execute or consent to any contract or written agreement.

4. Utah law prefers a full guardianship for individuals with a severe intellectual disability. (Utah Code 75-5-309)

☐ **Full guardianship.** Full guardianship is necessary or desirable to provide the protected person 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 it is sufficient to limit the guardianship to the following areas:

5. **Protected Person Rights**

☐ The protected person is under a **full** guardianship and has the right to:

- Have a relative, physician, psychologist, physician assistant, or any interested person speak about or raise any issue of concern on behalf of the protected person in any court hearing about the guardianship;
- Receive a copy of all documents filed in court regarding the guardianship;
- Receive information about guardianships from the court;

- Ask questions and express concerns or complaints about a guardian to the court;
- To the extent practicable, receive timely, effective, and appropriate health care and medical treatment that does not violate the protected person's rights;
- Have all services provided by a guardian at a reasonable rate of compensation
- Have a court review any request for payment by a guardian to avoid excessive or unnecessary fees or duplicative billing; and
- Receive prudent financial management of the protected person's property, including Supplemental Social Security Income and Supplemental Security Disability Insurance.

OR

☐ The protected person is under a **limited** guardianship and is entitled to the rights described in Utah Code 75-5-301.5 for an incapacitated person.

Reporting Requirements

6. In accordance with Utah Code 75-5-611, the guardian shall provide to the court an annual report of the protected person's status, including a report of the physical and mental condition of the individual, the individual's estate that has been subject to the guardian's possession, and the individual's place of residence and others living in the same household, unless exempt under Utah Code 75-5-611(13)(b).

☐ The guardian is the parent, grandparent, or sibling of the protected person and is not required to file annual reports. (Utah Code 75-5-611(13)(b))

OR

☐ The guardian is required to file with the court the following reports:

- ☐ **Inventory.** Filed within 90 days from the date of appointment.
- ☐ **Report on the Status of the Protected Person.** Filed every year and is due no later than 60 days after the date of the appointment.
- ☐ **Financial Accounting.** Filed every year and is due no later than 60 days after the date of the appointment.

7. The guardian must notify the following interested persons of any significant

health care or treatment the protected person receives: (Utah Code 75-5-611(8)(a))

Name: _____

Name: _____

Name: _____

Name: _____

8. Upon qualification of and acceptance by the guardian, the clerk of court shall issue the appropriate letters of guardianship.

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 Order Appointing Guardian for an Adult – Severe Intellectual Disability to the following people.

I provided a copy to Name of Person	I provided the copy by [x]check one	I provided the copy to this address (based on ← option checked)	I provided the copy on Date
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.)		

Date
(when you filled this out)

Your
Signature ►
Your Printed
Name

