
Name

Address

City, State, Zip

Phone

Email

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**

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: (Choose all that apply.)

- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

- was present.
- was not present.
- was represented by _____ (name).
- was not represented.

Respondent

was present.

was excused from attending.

was represented by _____ (name).

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 Section 75-1-302.
2. The court has venue because the respondent resides or is present in this county.
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, or will be an adult within the next six months.
5. _____
(name of guardian(s)) is a competent person or persons or suitable institution to be the respondent's guardian.
6. The guardian(s) receive priority for appointment because they: (Choose all that apply.)
 - have been nominated by the respondent (Choose one.)
 - in a signed writing substantially conforming to the requirements of Section 75-5-311.
 - by some means other than a signed writing substantially conforming to the requirements of Section 75-5-311.
 - are the respondent's spouse.
 - are the respondent's adult child.
 - are the respondent's parent.
 - are nominated by will or other writing signed by the respondent's deceased spouse.
 - are nominated by will or other writing signed by the respondent's deceased parent.
 - are the respondent's relative(s) with whom the respondent has resided for more than six months before the filing of the petition.

have been nominated by _____
(name) who is caring for the respondent or paying benefits to the respondent.

is a 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.

had a court order granting sole legal decision making authority over the respondent when respondent turned 17 years and six months old, and this petition is being filed within 2 years after the day the respondent turns 18.

are the respondent's parents, or two people who share joint legal decision-making authority over the respondent.

are _____
(describe relationship to the respondent)

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

the guardian is highest in priority established by statute.

There is good cause not to follow the statutory priority because:

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 s/he lacks 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 functional limitations, and a guardian is necessary or desirable as a means of providing the respondent with continuing care and supervision:

Choose paragraph 10 or 11, but not both.

10. Limited guardianship.

The respondent requires a guardian with limited authority to: (Choose all that apply.)

- make decisions about the respondent's custody and residence;
- make decisions about the respondent's training and education;
- provide for the respondent's care, comfort, and maintenance;
- take reasonable care of the respondent's clothing, furniture, vehicles, and other personal effects;
- commence protective proceedings if the respondent's property needs protection;
- give consent necessary to enable the respondent to receive medical or other professional care, counsel, treatment, or service;
- 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.)

11. Full guardianship.

The respondent requires a guardian with plenary or full authority because no alternative exists and nothing less than a full guardianship is adequate to provide the respondent with continuing care and supervision.

12. The report about the respondent written by a physician or psychologist satisfies the requirements of Utah Code 75-5-317.

The court concludes:

- 13. The respondent is an incapacitated person and a guardianship is necessary or desirable as a means of providing the respondent with continuing care and supervision.
- 14. The respondent requires a guardian: (Choose one.)
 with limited authority as provided in paragraph 10.
 with plenary or full authority.
- 15. _____
(name of guardian(s)) is a competent person or suitable institution to be the respondent's guardian.
- 16. This order should be immediately effective upon the respondent's 18th birthday, which is _____ (date).

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

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Petitioner or Attorney _____

Date

Signature ► _____
Respondent or Attorney _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact and Conclusions of Law on Petition to Appoint a Guardian on the following people.

Person's Name	Service Method	Service Address	Service Date
(Petitioner or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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.)		
(Respondent or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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

 Signature ►

 Printed Name