

Chapter 1

Six Steps to Establishing Guardianship

Step 1

Initial Phase

- Check if any viable alternatives
- Determine if necessary
- Identify who should petition
- Determine which type of Guardianship/Conservatorship
- Identify who should be Guardian/Conservator
- Identify who must be notified
- Communicate with everyone

Step 2

Filling Out Petition

- Identify the proper court
- Fill out petition completely
- Provide sufficient detailed information
- Have all supporting documents together
- Have one original and one copy

Step 3

Filing the Petition

- Take it to the proper court
- Sign the original in front of the clerk (if not already signed in front of a Notary Public)
- Pay required fees
- Ask clerk to stamp “filed” on your copy and write down estate number on your copy
- Keep copy for your records

Step 4

Court Action

- If petition is adequate:
- Service on the proposed ward
 - Service upon others who have not waived right to notice
 - Court appointed evaluator
 - Attorney for Proposed Ward
 - Guardian ad litem (if needed)
- Court will schedule hearing

Step 5

The Hearing

- May be at the courthouse or other location
- Petitioner(s) and Proposed Guardian/Conservator must be present
- Doctor who signed affidavit does not need to be present
- Proposed Ward should be present if possible
- Be prepared to present evidence
- Court will make decision or defer for another time

Step 6

Court’s Decision

- If named guardian, take oath and receive letters of guardianship
- If named conservator, post bond for amount set by court, take oath, and receive letters of conservatorship

[Guardianship or Conservatorship is established]

Now you must faithfully perform your duties.