

# 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.