

**This is a private record.**

\_\_\_\_\_  
My Name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

I am the  Petitioner  
 Attorney for the  Petitioner  Respondent and my Utah Bar number is  
\_\_\_\_\_

\_\_\_\_\_  
In the District Court of \_\_\_\_\_ County, Utah

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

|   |   |
|---|---|
| <p>In the Matter of Protection for<br/>_____<br/>Respondent</p> | <p><b>Findings of Fact and Conclusions of Law</b></p> <p>_____<br/>Case Number</p> <p>_____<br/>Judge</p> |
|---|---|

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 That:**

- (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.
- (5) \_\_\_\_\_ (name of guardian) is a competent person or suitable institution to be the respondent's guardian.
- (6) The guardian has priority for appointment because s/he: (Choose all that apply.)
  - has 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.
  - is the respondent's spouse.
  - is the respondent's adult child.
  - is the respondent's parent.
  - is a person nominated by will or other writing signed by the respondent's deceased spouse.
  - is a person nominated by will or other writing signed by the respondent's deceased parent.

is the respondent's relative with whom the respondent has resided for more than six months before the filing of the petition.

has 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.

is \_\_\_\_\_  
(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:

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(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:

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Choose (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.)

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(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.

**The Court Concludes That:**

(12) 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.

(13) The respondent requires a guardian: (Choose one.)

with limited authority as provided in Paragraph (10).

with plenary or full authority.

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

Approved as to form.

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Petitioner or Attorney \_\_\_\_\_

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Respondent's Attorney \_\_\_\_\_

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
Date  
Judge \_\_\_\_\_

### Certificate of Service

I certify that I served a copy of this document on the following people.

| Person's Name                   | Method of Service   | Served at this Address | Served on this Date |
|---------------------------------|---|------------------------|---------------------|
| (Petitioner or Attorney)        | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Fax (Person agreed to service by fax.)<br><input type="checkbox"/> Email (Person agreed to service by email.)<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                        |                     |
| (Respondent's Attorney)         | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Fax (Person agreed to service by fax.)<br><input type="checkbox"/> Email (Person agreed to service by email.)<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                        |                     |
| (Clerk of Court)                | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Electronic File   |                        |                     |
| (Interested Person or Attorney) | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Fax (Person agreed to service by fax.)<br><input type="checkbox"/> Email (Person agreed to service by email.)<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                        |                     |
| (Interested Person or Attorney) | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Fax (Person agreed to service by fax.)<br><input type="checkbox"/> Email (Person agreed to service by email.)<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                        |                     |

\_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Typed or Printed Name