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COURT PROCEDURE FOR FILING INCOMPETENT GUARDIANSHIP

The Application for Appointment of Guardian must be filed with the Probate Court in the county where the alleged incompetent resides or has a legal settlement at the time of the application.

1. The following initial paperwork must be filed when opening a case:
    a. 17.0 Application for Appointment of Guardian (all income and property of the proposed ward must be listed, including: social security, pensions, income from employment etc. if filing for guardian of the estate).
    b. Supplement to Application For Guardianship of Incompetent
    c. 15.0 Next of Kin of Proposed Ward
    d. 15.1 Waiver of Notice and Consent (if applicable)
    e. 15.2 Fiduciary's Acceptance Guardian
    f. Background Check Results (procedure included with this packet)
    g. 17.1 Statement of Expert Evaluation
    h. 66.05 Affidavit of Applicant/Guardian
    i. Self Representation Acknowledgement
    j. Payment for court costs ($330)
    k. Copies of ANY and ALL POWERS OF ATTORNEY

2. Upon filing the above documents, a case number is given and a hearing date is set.

3. The Court will prepare a notice of hearing to the prospective ward and notify the court investigator. The Court will also serve any next of kin entitled to notice who has not waived notice of hearing. Said notice shall be served by certified mail at least seven (7) days prior to the hearing.

4. The court investigator shall serve the prospective ward notice at least (7) seven days prior to the hearing. The court investigator will file proof of service with the court along with a report and recommendation.

5. On the day of the hearing, the applicant along with his/her counsel shall appear. Additional parties, such as the next of kin and/or in some cases the perspective ward and ward's counsel, may also choose to appear.

6. Upon approval of the guardianship, the guardian must file the following document:
    a. 15.3 Guardian's Bond, if applicable (twice the amount of personal property)

7. The following documents shall be filed in cases where guardianship is granted for person and estate or estate only:
    a. 15.5 Guardian's Inventory - to be filed within (3) three months from the issuance of Letters of Guardianship. The inventory shall reflect whether the ward has a safe deposit box and the location of said box, and whether the ward has a will and the location of said will.
    b. 15.8 Guardian's Account/Supplement - to be filed (1) one year from the issuance of Letters of Guardianship and once each year thereafter. (This is a Local Court Rule)
    c. 15.7 Application to Expend Funds/Supplement - to be filed after the Inventory has been filed.
    d. Any filings with account numbers **must be redacted** and the Confidential Disclosure form provided.

8. For Guardianships granted for person and estate or for person only, a Guardian's Report and Annual Plan shall be filed every year along with a current Statement of Expert Evaluation.