

INSTRUCTIONS FOR FILING AN EMERGENCY GUARDIANSHIP

These instructions are intended as a **guideline only** and should not be relied upon as a comprehensive list of duties in an emergency guardianship.

A person can apply to be Emergency Guardian of the Person only, Estate only, or Person & Estate of an alleged incompetent when the applicant believes that an adult is mentally incompetent and the situation is life threatening. The application may be heard ex-parte (without a hearing) and simply signed by the Judge.

If the emergency guardian is appointed, the appointment is valid for 72 hours. At the hearing the Court will set a date and time within the 72 hours to have a further hearing to determine whether the emergency guardianship should continue for 30 more days.

Notice of the continued hearing will be given to the incompetent.

NOTE: IF THE WARD APPEARS AT THE EMERGENCY HEARING, THE COURT CAN HAVE THE EXTENSION HEARING IMMEDIATELY AFTERWARDS IF ALL OF THE PAPERWORK IS PROPER.

It will usually be necessary to apply for full guardianship prior to the expiration of the emergency guardianship.

A filing fee is required at the time of filing. Please confirm the amount with the deputy clerk since filing fees may have changed subsequent to the publication of this instruction sheet.

PROCEDURAL STEPS

WHEN TO FILE

STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING	
Application for Appointment of Emergency Guardianship (GU 01) - Complete form.	Prior to hearing
Affidavit of Guardian Applicant (66.05) - Complete form	Prior to hearing
Entry Setting Hearing (GU 02) - Complete form	Prior to hearing
Next of Kin of Proposed Ward (15.0) - List all <i>next of kin</i> (those people who are close blood relatives) of the alleged incompetent - Be sure to specify <i>complete</i> addresses of all those listed	Prior to hearing
Statement of Expert Evaluation (17.1) - Applicant must have a licensed physician or licensed clinical psychologist evaluate the alleged incompetent and complete the form - Court needs the original from the doctor	Prior to hearing
Supplement for Emergency Guardian of Person (17.1A) - Licensed physician must complete this form with specificity and Item 1.C, Page 1 of the Statement of Expert Evaluation, Form 17.1 must be checked - Court needs the original from the doctor	Prior to hearing
Guardian’s Bond (15.3) - For Guardianship of the Estate of a proposed ward, the applicant is required to execute a bond when the proposed ward’s total property value is over \$10,000 - Applicant must execute and date form - Bond must be executed by surety company - Bond amount is normally twice the value of the proposed ward’s personal property	Prior to hearing Only needs to be filed if applying for Guardianship of the Estate
Oath of Guardian (15.9) - Complete form, but do not sign . Oath must be executed in front of the Judge	Prior to hearing
Letters of Guardianship (15.4) - Complete form The deputy clerk will sign and date if guardianship is granted	Prior to hearing

<p>Judgment Entry Appointing Emergency Guardian (GU 03)</p> <ul style="list-style-type: none"> - Complete form except for new hearing date and time. - At the hearing if appointment is granted, Judge will set another date and time to continue the appointment 	<p>Prior to hearing</p>
<p>Affidavit of Service (GU 04)</p> <ul style="list-style-type: none"> - Must be served upon ward and all interested parties by the Guardian appointed 	<p>Prior to or bring to Court at the hearing set on Form GU 03</p>
<p>Judgment Entry Continuing Appointment (GU 05)</p> <ul style="list-style-type: none"> - Complete form - Judge will issue another date for appointment to be continued to - The date will be within 30 days and will allow you to file for full Guardianship and have hearing before emergency appointment terminates 	<p>Bring to Court day of hearing set on form 17.04</p>
<p>STEP 2: REVIEWING OF FORMS, FILING OF FORMS, AND SETTING HEARING DATE</p>	
<p>When all forms have been completed, present them to the deputy clerk with the filing fee of \$150.00</p> <p>If the hearing is scheduled for the day you filed, the deputy clerk will docket the pleadings and take the file to the Judge.</p>	
<p>STEP 3: THE HEARING</p>	
<p>At the hearing, the doctor must provide testimony or a report that the situation is life threatening and that an emergency guardian should be appointed.</p> <p>If you are applying to be guardian o the estate you must have the bond in place to be appointed.</p> <p>The deputy clerk will give you a copy of the entry.</p> <p>You must provide a copy of this entry to the incompetent before the next hearing.</p> <p>You must also be preparing the papers for a full guardianship in the meantime so the hearing can be set and service met.</p>	