

INSTRUCTIONS
Petition for Appointment for Guardianship of an Adult

The Petition for Temporary or Permanent Appointment for Guardianship of an Adult is a document filed by a relative or other person on behalf of the person for whom the guardianship is sought, on behalf of the Community, or on the petition of a child if 12 years of age or older. The Court may appoint a guardian of the “incapacitated person” (any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability due to advanced age, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he/she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person). The petitioner can obtain an order from the Community Court to manage the person, his/her property and personal business.

Please read the following instructions carefully.

1. Fill out the Petition for Temporary or Permanent Appointment for Guardianship of an Adult.
2. Sign before a notary public or Clerk of the Court and return the Petition to the Court to be filed.
3. There is a \$25.00 filing fee. Please pay the fee at the Court's cashier window. Payment can be made by cash, cashier's check, money order, or Visa/Mastercard. Personal checks are not accepted.
4. The petitioner must provide a copy of the Petition to the adult's parents and spouse, if any, of the petitioner's intent to become guardian of the person.
5. The petitioner must present to the court testimony of at least one qualified physician who will submit a report to the court in writing. The testimony must be sufficient to show the presence of the incapacitating conditions and the likelihood of the continued presence of the conditions.
6. The Community Court will set a date and time for the Petition to be heard. If there is an immediate need for a hearing, please inform the Clerk, so a date and time can be set as soon as possible.
7. If you have any further questions, please ask the Clerk. If the Clerk cannot answer your questions, they will direct you to a lawyer in the local area. You may also email your questions to Court.Questions@gric.nsn.us.
8. Address & phone numbers to the Gila River Indian Community Courts:

Sacaton Court
721 W. Seed Farm Rd.
PO Box 368
Sacaton, Arizona 85247
Phone: (520) 562-9860
Fax: (520) 562-9867

Westend Judicial Center
Rt. 2, Box 808
Laveen, Arizona 85339
Phone: (520) 562-9862
Fax: (520) 562-9869

Person Filing: _____
Address: _____
City, State, Zip: _____
Telephone: _____



Representing Self without a Attorney or Attorney for Petitioner OR Respondent

GILA RIVER INDIAN COMMUNITY COURT

In the Matter of the Guardianship:

Case Number : _____

PETITION FOR TEMPORARY OR PERMANENT APPOINTMENT FOR GUARDIANSHIP OF AN ADULT

Name of Person to be Protected

UNDER OATH OR BY AFFIRMATION:

REQUIRED INFORMATION PURSUANT TO (GRIC Code § 9.207)

1. INFORMATION ABOUT THE PETITIONER (the person filing this petition)

(My)Name: _____ Address: _____

Telephone: _____ Date of Birth: _____

My interest in or relationship to the person to be protected is: _____

(examples: mother, father, sister, brother, grandparent, legal guardian)

2. INFORMATION ABOUT THE PERSON TO BE PROTECTED (also known as "*the proposed protected person*" or "*the ward*")

Name: _____

Address: _____

Telephone: _____ Date of Birth: _____

3. INFORMATION ABOUT THE PROPOSED GUARDIAN: (Complete this *only* if proposed guardian is **not** the Petitioner.)

Name: _____
Address: _____
Telephone: _____ Date of Birth: _____
Relationship to the person to be protected is: _____

(examples: mother, father, sister, brother, grandparent, legal guardian)

The proposed guardian named above has priority for appointment under GRIC Code § 9.207, because he or she is:

- (Already) A conservator, or guardian of property or other similar fiduciary appointed or recognized by the appropriate court of *any other jurisdiction* in which the person to be protected resides.
- The person nominated to serve as guardian/conservator in the protected person's most recent durable power of attorney.
- The spouse of the protected person.
- An adult child of the protected person.
- A parent of the protected person, or a person nominated by the will of a deceased parent.
- OTHER. Explain:** _____

4. INFORMATION ABOUT OTHER GUARDIAN or CONSERVATOR:

To the best of my knowledge: (Check one box.)

- No Guardian or Conservator has been appointed in any other court, and no court proceedings are pending for such appointment;**

OR

- Someone has been appointed Guardian and/or Conservator, or court proceedings are pending.** (If "yes", provide details below.)

Name: _____

Address: _____

Telephone: _____ Date of Birth: _____

Relationship to the person to be protected is: _____

Was appointed: GUARDIAN/CONSERVATOR for the ward named in #2 above in:

Name of Court: _____

Located in:

City and State: _____

Date Appointed: _____ Other Details: _____

To my knowledge **there are no other court cases** concerning the person to be protected,

OR

There **are or have been** other court cases involving the ward. (If other court cases of **any** type, including "custody" matters", describe below, including name of court, location, type of case, date.)

Information about *additional* court cases involving the ward are listed on attachment titled "Additional Cases" made part of this document by this reference.

5. INFORMATION ABOUT NEAREST RELATIVE:

(Check one or both. If the nearest relative is neither the petitioner nor the proposed guardian or conservator, explain.)

The nearest known relative is the petitioner the proposed guardian. (If "not", explain)

Name: _____

Address: _____

Telephone: _____

Relationship to the person to be protected is: _____

6. ASSETS OF THE PROPOSED PROTECTED PERSON (“the ward”): (Check one box)

The ward has **no** substantial assets or income.

OR

The ward **has** assets and/or annual income in the approximate amount of

\$ _____ List/Describe: _____

7. REASONS FOR GUARDIAN/CONSERVATORSHIP: The person to be protected needs a Guardian/Conservator because he or she (Attach supporting documentation to petition from physician, social services, or other agency to support.)

8. REASONS PERSON CANNOT MANAGE HIS or HER PROPERTY: (Check all that apply):

Mental illness, mental deficiency, or mental disorder

Physical Illness

Disability Due to Age

Substance Abuse/Chronic Intoxication

Other

9. REQUIRED STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

(Check the box for each TRUE statement. If any of these statements are not true, do NOT file this Petition unless you have been directed to do so by legal counsel.)

TRUE **Venue** (the court in which you are filing this Petition) is proper in this county because the person who is said to need a guardianship lives in or is present on this reservation, or the person to be protected has assets on this reservation.

TRUE The person who is requesting to be the guardian/conservator has completed the required document called **Affidavit of Person to be Appointed as guardian for an Adult** and is filing that Affidavit with this Petition as required by GRIC Code § 9.207.

TRUE I or the person I request to be appointed in Paragraph 3 is a suitable and proper person to act as guardian/conservator and is entitled to consideration for appointment under GRIC Code § 9.207.

PERSONS ENTITLED TO NOTICE of this matter under GRIC Code § 9.207 and to whom I will give notice of this case: (See instructions.)

	Name	Address	Relationship to the Ward
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____
D.	_____	_____	_____

Additional persons (or agencies) are listed on attachment (titled "Additional Parties Entitled to Notice", made part of this document by this reference.)

REQUESTS TO THE COURT Petitioner asks the Court to:

1. Schedule a hearing to determine if a guardianship/conservatorship is appropriate;
2. Appoint a lawyer/advocate to represent the proposed protected person, and if necessary, appoint a physician or other evaluator authorized by GRIC Code § 9.207;
3. After Petitioner gives notice of the hearing to all entitled or required by law to receive notice, hold a hearing to determine if the Court should order a guardianship/conservatorship;
4. Make a finding that the person needs protection under law including a guardian/conservator;
5. Appoint a guardian/conservator for the proposed protected person;
6. Make any other orders the Court decides are in the best interests of the person to be protected.

UNDER OATH OR AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Petitioner's Signature

Printed Name

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

Deputy Clerk or Notary Public