

Check list for guardianships

Medical or psychological testimony as to the nature and extent of the incapacity. If the incapacity is not contested than this can usually be provided by a deposition upon written interrogatories - written questions and answers, made by a physician or psychologist, under oath, which satisfy the requirements of the guardianship law.

In addition, from the statute we need the following information:

The petition, which shall be in plain language, must include:

- The name, age, residence and post office address of the alleged incapacitated person,
- The names and addresses of the spouse, parents and presumptive adult heirs of the alleged incapacitated person,
- The name and address of the person or institution providing residential services to the alleged incapacitated person,
- The names and addresses of other service providers,
- The name and address of the person or entity whom petitioner asks to be appointed guardian,
- An averment that the proposed guardian has no interest adverse to the alleged incapacitated person,
- The reasons why guardianship is sought, a description of the functional limitations and physical and mental condition of the alleged incapacitated person,
- The steps taken to find less restrictive alternatives,
- The specific areas of incapacity over which it is requested that the guardian be assigned powers,
- The qualifications of the proposed guardian,
- If a limited or plenary guardian of the estate is sought, the petition must also include the gross value of the estate and net income from all sources to the extent known.