



The Arc
121 N. Central Avenue
Medford, OR 97501

T 541-779-4520
F 541-608-0267
www.thearcjackson.org

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PETITION FOR ADULT GUARDIANSHIP IN JACKSON COUNTY

*NOTE: You can only begin the guardianship process one day after your child turns age 18
AND IF,
Your child does not object.*

Be sure to make copies of each form you submit to the Court.

Disclaimer: If you have any questions about this process or the attached documents, please seek the advice of an attorney licensed to practice law in the State of Oregon. The Oregon State Bar's Attorney Referral Service telephone number is 800-452-4636, and the State Bar's web address is www.osbar.org.

1. Obtain "Petition of Appointment" Form 1469, "Limited Judgment" Form 1472, and "Affidavit of Service" (Also called "Certificate of Service") Form 1483. These forms can be purchased from a stationary store. * (It is recommended that you call and ask if they have them in stock.)

*Southern Oregon Stationary 541-779-3123 (\$2.50) or Legal Documents 541-773-8813 (\$5.00). Also available at www.stevensness.com.

2. Fill out Forms 1469 and 1472 (see samples – you must purchase your own Forms). Remember your child is the RESPONDENT on these forms. Hold onto "Notice to Respondent," "Respondent's Objection," and "Affidavit of Service" for now.

*NOTE: When both parents are seeking guardianship, make sure you put "Bob Jones **and/or** Mary Jones." That way if anything happens to either parent, the surviving parent can continue serving as Guardian without re-petitioning the court. **And on Form 1469, only three references are needed.***

3. Take Form 1469 to the Court House Probate window* located at 100 S. Oakdale in Medford and turn it in with the \$78.00 fee**. The clerk will give you a list of Court Visitors. (Hang onto Form 1472 until Step # 10)

*Probate office hours are: 9:00am - 11:00am & 3:00pm - 5:00pm, Monday through Friday.

**If you cannot afford the \$78.00 fee, you may call the clerk at 541-776-7171 ext. 130, and plead financial hardship.

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4. Once you obtain the Court Visitor list, it is up to you to call and set up the appointment for the Court Visitor to meet with you, your spouse, and your child.

NOTE: The Visitor may ask you to get your child's records together. e.g. IEP's, medical diagnosis, etc.

5. After you make the appointment with the Court Visitor, go back to the Court House and the clerk will have you fill out the "Order Appointing Court Visitor" naming the Court Visitor, whom you have chosen. You must also pay \$10.00 at this time.
6. When meeting at your home with the Court Visitor, you will need to pay \$300.00* directly to him/her. After the visit, the Visitor will submit a formal document with his/her findings to the Judge.

*This amount may be reduced if it is a financial hardship for you, but you must discuss this possibility with the Court Visitor. There are NO guarantees that the Visitor will reduce their fee – it is the Court Visitor's choice.

7. After the Court Visitor meeting, you must fill out the Forms: "Notice to Respondent" and "Respondent's Objection" (see samples – you may use them). (**"Respondent's Objection" MUST be in a 14 point font and on BLUE paper.**) Once documents are complete, have someone who lives outside of your home "serve" these two documents (three papers total) to your child. (A neighbor or a friend can serve the papers or for \$30.00 you can have the Sheriff do it).
8. When the papers are served, the person serving the papers must ask your child if he/she objects. If your child does not object, then he/she **does not sign anything and keeps the documents.** DO NOT DESTROY, KEEP THESE! If he/she does object, then he/she must check the objection box; and sign and date. You must send this signed document to the Court. (**Again, ONLY mail if your child objects to the Guardianship.**)
9. After the person serves your child the Forms, he/she must take the "Affidavit of Service" Form to a Notary Republic; sign, date, make a copy and send to:

*The Circuit Court
Attn: Probate Dept.
100 S. Oakdale
Medford, OR 97501*



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10. Two weeks after the "Affidavit of Service" is mailed by the person who served the papers to your child, you must send in the "Limited Judgment" (Form 1472) along with \$10.00. Remember to make a copy first!

11. Once you complete the 10 steps above you will receive back the final document determining Guardianship. The Guardianship document will have a red stamp on the bottom. **DO NOT LOSE THE RED-STAMPED ORIGINAL OR GIVE IT AWAY.** (If, for instance, SSI needs a copy, get either a verified copy from the Courthouse or let the Social Security office make a copy.) You will also receive a "Notice of Entry of Judgment", the "Visitor Report", and copies of the Forms you turned in throughout the process.

Total Cost - (As of April 2011, Please note that fees are subject to change.)

1. Filing Fee for "Petition of Appointment" Form 1469 -----\$78.00
 2. "Court Visitor" Fee ----- \$300.00
 3. Filing Fee for "Order Appointing Court Visitor" ----- \$10.00
 4. Filing Fee for "Limited Judgment" Form 1472 ----- \$10.00
- Total: ----- \$398.00**

BE

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



SAMPLE

In the Circuit Court of the State of Oregon

For the County of _____ PROBATE DEPARTMENT

In the Matter of the Guardianship Conservatorship of:
 _____,
 Respondent. }

Case No. _____
 PETITION FOR APPOINTMENT OF
 GUARDIAN CONSERVATOR
 (File in Duplicate)

COMES NOW _____ and petitions the court for the appointment of a fiduciary for the respondent named below and respectfully represents:

1.

The name, age, residence address, and current location of the respondent are:

Name _____ Birthdate _____ Age _____
 Residence address _____
 Current location _____

This petition does does not (indicate which) seek the appointment of a guardian for an adult respondent or temporary fiduciary who will exercise the powers of a guardian for an adult respondent, so a visitor must be appointed.

2.

The name, age, residence address, and interest in this matter of the petitioner are:

Name _____ Birthdate _____ Age _____
 Residence address _____
 Interest of petitioner in matter _____

3.

The name, age, and residence address of the person* nominated by petitioner to serve as fiduciary, and the relationship of that person to the respondent are:

Name _____ Birthdate _____ Age _____
 Residence address _____
 Relationship of proposed fiduciary to respondent _____

4.

The proposed fiduciary is willing and able to serve. The proposed fiduciary is is not (indicate which) a public or private agency or organization or employee thereof that provides services to the respondent. The proposed fiduciary has has not (indicate which) been convicted of a crime, filed for or received protection under bankruptcy laws, or had a license revoked or cancelled that was required by the laws of any state for the practice of a profession or occupation.**

5.

(Check one):

- This state is the respondent's home state.
- On the date this petition is filed, this state is a significant-relation state and (check one):
 - The respondent does not have a home state, or a court of the respondent's home state has declined to exercise jurisdiction because this state is a more appropriate forum.
 - The respondent has a home state, and no petition for an appointment or order is pending in that state or in another significant-relation state.
 - (i) No petition for appointment or order is filed in the respondent's home state;
 - (ii) No objection to this court's jurisdiction is filed by a person who is required to be notified of this proceeding; and
 - (iii) This court concludes that this is an appropriate forum.

(CONTINUED)

*If appointment of a professional fiduciary is sought, attach hereto as an exhibit the information related to professional fiduciaries required by ORS 125.
 **If any of these has occurred, insert the words, "See Exhibit 1" immediately after the sentence above and attach hereto a statement of the circumstances surrounding the events.
 PUBLISHER'S NOTE: See UTCR 2.100 to determine if any of the information contained in this document constitutes Confidential Personal Information as defined in that rule and therefore may be segregated pursuant to the procedures set forth therein.

SAMPLE

6.

Venue is proper in this county because (check one):

- The respondent resides or is present in this county.
- The respondent is admitted to an institution under order of a court sitting in this county.
- The respondent does not reside in this state and is not present in this state, and the respondent owns property located in this county.

7.

The name and address of any fiduciary previously appointed for the respondent by a court of any state, any trustee for a trust established by or for the respondent, any person appointed as a health care representative under the provisions of ORS 127.505 to 127.660 and/or any person acting as attorney-in-fact for the respondent under a power of attorney are (if none, so state):

Fiduciary _____
 Trustee _____
 Health Care Representative _____
 Attorney-in-Fact _____

8.

The name and address of the respondent's treating physician and any other person(s) who is/are providing care to the respondent are (if none, so state):

Physician _____
 Care Provider _____
 Care Provider _____

9.

The respondent lacks capacity in one or more areas, and the appointment of a fiduciary is therefore appropriate. The factual information that supports this allegation and petition for the appointment of a fiduciary is as follows:

10.

The names and addresses of all persons known to the petitioner who have direct knowledge regarding the allegations and information set forth in paragraph 8 are:

Name

Address

11.

The person nominated to serve as fiduciary intends does not intend (indicate which) to place the respondent in a mental health treatment facility, a nursing home, or other residential facility.

12.

A general description of the estate of the respondent and respondent's sources of income and the amount of that income are as follows:

(CONTINUED)

SAMPLE

13.

If appointment of a guardian is sought, the proposed guardian will will not (indicate which) exercise any form of control over the estate of the respondent. (If the proposed guardian will exercise control, state the monthly income of the respondent, the sources of the respondent's income, and the amount of any moneys that the guardian will be holding for the respondent at the time of the appointment. If guardianship is not sought, check neither box.)

14.

This petition does does not (indicate which) seek the appointment of a conservator, temporary fiduciary who will exercise the powers of a conservator, or a protective order relating to the estate of the respondent. (If any of the foregoing is sought, state the estimated value of the respondent's estate here: \$_____.)

WHEREFORE, petitioner prays for orders of this court:

- A. Appointing a court visitor herein;
- B. Appointing the above named nominee as fiduciary herein;
- C. Directing that appropriate Letters be issued herein in the manner provided by law.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED _____

ATTORNEY FOR PETITIONER _____ BAR NO. _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____ PHONE _____

FAX (IF ANY) _____ ATTORNEY'S E-MAIL ADDRESS (IF ANY) _____

TRIAL ATTORNEY IF OTHER THAN ABOVE (TYPE OR PRINT) _____ BAR NO. (IF ANY) _____

SIGNATURE OF PETITIONER

PETITIONER'S NAME (TYPE OR PRINT)

ADDRESS

CITY _____ STATE _____ ZIP _____ PHONE _____

FAX (IF ANY)

If this document does not bear the name and bar number of an attorney as its author or preparer, truthfully complete the following Certificate of Document Preparation, checking all boxes and completing all blanks which apply.

- A. I selected this document for myself, and I completed it without paid assistance.
- B. I paid or will pay money to _____ for assistance in preparing this form/document.

DATED _____

SIGNATURE

(TYPE OR PRINT NAME)

COPY

This instrument is a correct copy of the original on file in this office.

ATTEST: **DEC - 7 2010**
Circuit Court Trial Court Administrator
STATE OF OREGON - JACKSON COUNTY
BY: _____

RECEIVED AND FILED
DEC - 7 PM 4:06
JACKSON COUNTY COURTS

* \$10.00
* The court will give you this form
* See step #5

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

IN THE GUARDIANSHIP/CONSERVATORSHIP OF:

Respondent

CASE NUMBER: _____
ORDER APPOINTING COURT VISITOR

The above entitled matter came before the Court on petition of _____ for the appointment of _____ guardian/conservator of the above named proposed respondent. Pursuant to provision of ORS 125.150, and the Court having found that _____ is qualified and willing to act as court visitor, and being fully advised.

IT IS HEREBY ORDERED that _____ be and hereby is appointed as court visitor in this matter, with full access to confidential medical/mental health reports and financial records, and shall conduct the interviews and shall prepare and file a report with the court.

Date

Circuit Court Judge

NOTICE TO RESPONDENT

To: Respondent _____:

_____, Petitioner, who is your _____ (relationship to respondent), or that is an agency or business that provides guardianship services, has asked a judge for the power to make decisions for you. The judge has been asked to give this person, agency or business the authority to make the following decisions for you (mark the appropriate spaces):

___ Medical and health care decisions, including decisions on which doctors you will see and what medications and treatments you will receive.

___ Residential decisions, including decisions on whether you can stay where you are currently living or be moved to another place.

___ Financial decisions, including decisions on paying your bills and decisions about how your money is spent.

___ Other decisions: _____

YOUR MONEY MAY BE USED IF THE JUDGE APPOINTS A GUARDIAN FOR YOU. YOU MAY BE ASKED TO PAY FOR THE TIME AND EXPENSES OF THE GUARDIAN, THE TIME AND EXPENSES OF THE PETITIONER'S ATTORNEY, THE TIME AND EXPENSES OF YOUR ATTORNEY, FILING FEES AND OTHER COSTS.

YOU MUST TELL SOMEONE AT THE COURTHOUSE BEFORE _____ (DATE) IF YOU OPPOSE HAVING SOMEONE ELSE MAKE THESE DECISIONS FOR YOU.

OBJECTIONS:

You can write to the judge if you do not want someone else making decisions for you. The judge's address is: 100 S. Oakdale Medford, OR 97501

You have the right to object to the appointment of a guardian by saying you want to continue to make your own decisions. If you do not want another person, agency or business making decisions for you, you can object. If you do not want _____ (Proposed Guardian) to make these decisions for you, you can object. If you do not want your money to be used to pay for these expenses, you can object.

You can object any time after the judge has appointed a guardian. You can ask the judge at any time to limit the kinds of decisions that the guardian makes for you so that you can make more decisions for yourself. You can also ask the judge at any time to end the guardianship.

THE HEARING:

The judge will hold a hearing if you do not want a guardian, do not want this particular person to act as your guardian or do not want your money used this way. At the hearing, the judge will listen to what you and others have to say about whether you need someone else to make decisions for you, who that person should be and whether your money should be spent on these things. You can have your witnesses tell the judge why you do not need a guardian and you can bring in records and other information about why you think that you do not need a guardian. You can ask your witnesses questions and other witnesses questions.

THE COURT VISITOR:

The judge will appoint someone to investigate whether you need a guardian to make decisions for you. This person is called a "visitor." The visitor works for the judge and does not work for the person who filed the petition asking the judge to appoint a guardian for you, for you or for any other party. The visitor will come and talk to you about the guardianship process, about whether you think that you need a guardian and about who you would want to be your guardian if the judge decides that you need a guardian. The visitor will talk to other people who have information about whether you need a guardian. The visitor will make a report to the judge about whether what the petition says is true, whether the visitor thinks that you need a guardian, whether the person proposed as your guardian is able and willing to be your guardian, who would be the best guardian for you and what decisions the guardian should make for you. If there is a hearing about whether to appoint a guardian for you, the visitor will be in court to testify.

You can tell the visitor if you don't want someone else making decisions for you when the visitor comes to talk with you about this matter.

LEGAL SERVICES:

You can call a lawyer if you don't want someone else making decisions for you. If you don't have a lawyer, you can ask the judge whether a lawyer can be appointed for you.

There may be free or low-cost legal services or other relevant services in your local area that may be helpful to you in the guardianship proceeding. For information about these services, you can call the following telephone numbers ~~(911) 779-7222~~ and ask to talk to people who can help you find legal services or other types of services.

OBJECTION FORM:

You can mark the blue sheet (Respondent's Objection) that is attached to this form if you do not want someone else to make your decisions for you. You can give the blue sheet to the visitor when the visitor comes to talk with you about this, you can show it to your attorney or you can mail it to the judge.

(4) In addition to the requirements of subsection (1) of this section, a notice of a petition that is served on a respondent who is alleged to be incapacitated must contain an objection form, printed on blue paper in 14-point type, in substantially the following form:

IN THE CIRCUIT COURT
OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON
PROBATE DEPARTMENT

) Case No. _____
)
) RESPONDENT'S
) OBJECTION
)
)
)

I object to the petition for the following reasons:

- ___ I do not want anyone else making any of my decisions for me.
- ___ I do not want _____ making any decision for me.
- ___ I do not want _____ to make the following decisions for me:

(Signature of Respondent)

(Date)

GIVE TO THE VISITOR OR MAIL TO:

(5) In addition to the requirements of subsection (1) of this section, a notice of a petition provided to a person other than the respondent must contain a statement as follows:

NOTICE: If you wish to receive copies of future filings in this case, you must inform the judge and the person named as petitioner in this notice. You must inform the judge by filing a request for notice and paying any applicable fee. The request for notice must be in writing, must clearly indicate that you wish to receive future filings in the proceedings and must contain your name, address and phone number. You must notify the person named as petitioner by mailing a copy of the request to the petitioner. Unless you take these steps, you will receive no further copies of the filings in the case.

BE NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



SAMPLE

*Mail to Courthouse with \$10.00 *See Step 10

In the Circuit Court of the State of Oregon

For the County of _____ PROBATE DEPARTMENT

In the Matter of the Guardianship Conservatorship of:
Respondent.

Case No. _____
LIMITED JUDGMENT APPOINTING
 GUARDIAN CONSERVATOR

A petition has been filed herein seeking the appointment of a fiduciary for the above named respondent. It appearing to the court that the allegations of the petition are true; that this court has jurisdiction herein, and that venue properly lies with this court; that the required forms of notice have been duly given or waived; that the appointment requested by the petition is necessary and desirable; that the person named below is in all respects competent, qualified, and willing to act and serve in accordance with this limited judgment; and the court being fully advised in the premises:

NOW, THEREFORE:

- _____ be and hereby is appointed as conservator of the above named respondent.
 _____ be and hereby is appointed as guardian for the above named respondent.
 _____ be and hereby is appointed to serve in the following capacity, to-wit:
_____ on behalf of the above named respondent.

IN ADDITION:

- Letters of Guardianship shall be issued forthwith in the manner provided by law.
 Letters of Guardianship shall be issued in the manner provided by law upon the posting by the appointed guardian of bond in the sum of \$ _____.
 Letters of Conservatorship shall be issued forthwith in the manner provided by law.
 Letters of Conservatorship shall be issued in the manner provided by law upon the posting by the conservator of bond in the sum of \$ _____.

DATED _____

Judge
JUDGE'S NAME (TYPED OR PRINTED)

Submitted by:

ATTORNEY'S AUTHOR'S NAME (TYPED OR PRINTED) BAR NO. (IF ANY)
ADDRESS
CITY STATE ZIP PHONE
FAX (IF ANY) ATTORNEY'S E-MAIL ADDRESS (IF ANY)
TRIAL ATTORNEY IF OTHER THAN ABOVE (TYPED OR PRINTED) BAR NO.

If this document does not bear the name and bar number of an attorney as its author or preparer, truthfully complete the following Certificate of Document Preparation, checking all boxes and completing all blanks which apply.

- A. I selected this document for myself, and I completed it without paid assistance.
B. I paid or will pay money to _____ for assistance in preparing this form/document.

DATED _____

SIGNATURE
(TYPE OR PRINT NAME)