

Guardianship in Utah

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April 4, 2018



Are you looking for information about getting guardianship of a minor in Utah? A guardian is a person who is appointed by the court to make decisions about the care of another person. In addition to making decisions about the care of another person, who is sometimes called a “ward,” a guardian might also be responsible for managing the financial affairs and property of the ward. This is often called a conservatorship. ***To establish a conservatorship or guardianship in Utah, a petition has to be filed with the court.*** Additionally, the ***notice must be given to all interested persons, which might include the children and/or spouse of the ward.***

If you are looking to set up guardianship to protect a family member or loved one, you have come to the right place. At The Law Office of David Pedrazas, PLLC, we specialize in guardianship in Utah. We have helped many people who have needed help with a guardianship — and we can help you too. Give us a call at **801-263-7078** for a **free case evaluation** today.

Who Needs a Guardian

A guardian is often appointed by the court in the following types of situations:

- **Children whose parents have died** – If a child or children’s parents have died, grandparents or another family member may petition the Utah courts to be the children’s guardian.
- **A person who is impaired by dementia, mental illness, cognitive disability, physical illness or chronic drug use** – If the person lacks the capacity and understanding to take care of themselves, then the court might appoint a guardian to do

so.

Types of Guardianships in Utah:

Limited Authority

A person that is granted a limited authority guardianship may have the authority to make decisions about the wards:

- Healthcare
- Housing situation or residence
- Training and education
- Clothing and other personal effects
- Money – If the guardian is also granted conservatorship

Full Authority

If the court grants a full Authority guardianship, this means that the guardian would have the same responsibilities for the ward as a parent would have for a child. In the case of a full-authority guardianship, the guardian would be responsible for all of the above tasks. The only exception is that the guardian is ***not required to use his or her own money for the ward's care and support***. If the guardian is ***also appointed as the conservator, then they are also responsible for the ward's financial affairs***.

How Do I Apply To Be A Guardian?

In order to apply for an emergency guardianship Utah, you must ***petition the court and be approved by a judge***. The judge must determine that the guardianship is in the best interest of the respondent or protected person. The protected person has a right to challenge the guardianship and request a trial by jury. Establishing a Utah guardianship is a complicated process due to guardianship laws.

- ***First, you must prove to the court that the protected person, or the ward, is incompetent, incapacitated or otherwise incapable of making their own decisions or handling their own affairs.***
- After you have proven to the court that the protected person is incompetent, then you ***must demonstrate to the court why you are the best person to be appointed as a guardianship***. This process involves quite a heavy burden of proof because it removes the protected person's rights to make decisions about their own medical care, housing situation and in some cases, financial affairs.

It is best to hire an experienced attorney who has expertise in guardianships to help you petition the court for guardianship of your loved one. A lawyer can help you present evidence to the court that proves that the ward requires a guardian and call on healthcare providers and others to serve as witnesses if needed.

Salt Lake City, Utah Guardianship Attorney David Pedrazas Can Help

If you are interested in establishing a guardianship in Utah, **contact the law offices of David Pedrazas**, PLLC. We have ***more than 15 years of experience*** in serving the residents of Utah. Give us a call at **801-263-7078** today to schedule a ***free case evaluation***.