

SELF-SERVICE CENTER

IMPORTANT INFORMATION ABOUT GUARDIANSHIP OF AN ADULT

This packet may be for the purpose of requesting appointment of a guardian, or a guardian **AND** conservator for an adult. The information below applies specifically to *guardianship*.

To qualify for a guardian, an adult must be **incapacitated**. This means he or she must lack sufficient understanding or capacity to make or communicate responsible decisions concerning his or her own well-being as a result of any of the following:

- Physical illness or disability,
- Mental disorder,
- Chronic use of drugs,
- Mental illness,
- Mental deficiency,
- Chronic intoxication or other cause.

If it is determined by the court that the adult is incapacitated, the court can appoint a guardian to act in the interests of the “**the ward**” (the incapacitated person), including in the matter of obtaining needed health care, whether for physical or mental health.

1. MENTAL HEALTH TREATMENT: All guardians for adults have the authority to consent for their wards to receive “outpatient” (outside a hospital, non-residential) psychological or psychiatric care and treatment, including authority to consent to the administration of medications that alter mood or behavior. But note that ***specific authorization from the court is required for a guardian to place the ward in an INPATIENT (in-hospital) mental or an Inpatient Psychiatric Facility. IF it is likely the proposed ward will need INPATIENT mental health care and treatment within the next year of a permanent guardianship, or the next 6 months of a temporary guardianship, you must specifically request authority to consent to such treatment in your Petition. Also, your request must be supported by the opinion of a mental health expert who is licensed and specializes in psychiatry or psychology. (A.R.S. § 14-5312.01(B)).***

2. DRIVER’S LICENSE: Upon appointment of a guardian an incapacitated adult generally loses his or her privilege to obtain or retain a driver’s license. The court may allow the person to retain or obtain a driver’s license **if** the court is presented with sufficient medical or other evidence to establish that the ward’s incapacity does not prevent the ward from safely operating a motor vehicle **(A.R.S. § 14-5304.01(B)).**

Note: If you believe the person *should* be allowed to drive, you must specifically request that in your Petition AND your request must include medical or other evidence (doctor’s note, etc.) that the person is capable of driving safely.

3. VOTING RIGHTS: Upon appointment of a guardian an incapacitated adult will lose their right to vote. If you are requesting a limited guardianship, the court may allow the person to retain or obtain their right to vote if you specifically request this right in the Petition and the judge determines at the hearing by clear and convincing evidence that the person retains sufficient understanding to exercise the right to vote (A.R.S. § 14-5304.02)).

Note: If you are requesting a *limited* guardianship and you believe the person *should* be allowed to vote, you must specifically request that in your Petition.