

VIRGINIA:

IN THE CIRCUIT COURT FOR [juris]

[pet]

[petaddress]

Plaintiff,

v

[respondent]

[resp address]

Defendant.

PETITION FOR APPOINTMENT OF GUARDIAN

COMES NOW [pet], by counsel, and, pursuant to 37.2-1000 *et seq* of the Code of Virginia, moves for the appointment of a guardian and conservator for the above named individual, and in support states the following:

1. Petitioner is the [*niece*] of [respondent] and resides [does business] at [address].
2. [respondent], SSN XXX-XX-[#####], is an adult born [dob]; his native language is English. The complete Social Security Number has previously been filed with the Court by a sealed addendum.
3. [respondent] is currently a patient at Memorial Hospital and prior to being admitted to the hospital, resided at [residence]. Petitioner is currently providing [respondent] (then go into the services currently being provided). Description of Petitioner's recommendation, if any, as to future care and treatment for [respondent].
4. The Petitioner has (or does not have) any knowledge of a durable power of attorney or advance directive for [respondent].

5. That, to the best knowledge and belief of the petitioner, [respondent] owns and/or receives the following:

TYPE	DESCRIPTION/LOCATION	VALUE
Real Estate	14.56 acres of land in County	\$50,300.00
Checking	Big Bank#####	\$4114.93
Soc. Sec. Inc	Monthly	775.00

6. That to the best knowledge and belief of petitioner, [respondent] has as next of kin the following person:

<i>Relationship</i>	<i>Name</i>	<i>Address</i>
Nephew	John Doe	1234 Main Street Rural Retreat, VA, 24445

(other relation) (name) (address)

NO OTHER RELATIVES OR PERSONS ENTITLED TO NOTICE UNDER
37.2-1002-B-2

7. [respondent] was admitted to Memorial Hospital on February 18, 2003.
8. [doctor] M.D., a physician licensed in Virginia (*and certified by the Board for Infectious Disease*), after examination has determined that [respondent]:
- Suffers from atrial fibrillation, urinary tract infection, bilateral deafness, debilitation, and pulmonary fibrosis.
 - Requires assistance to walk and requires the assistance of others to handle average daily living skills.
 - Awareness of her finances is not realistic and thus, needs assistance in managing daily personal business affairs.
 - Condition is persistent and cannot improve.
9. That petitioner believes that [respondent] is incapable of receiving and evaluating information effectively and as such the individual lacks the capacity to (1) meet essential requirements for their own

health, care, safety or therapeutic needs without the assistance of a guardian and/or (2) cannot manage property or financial affairs to provide their own support without third party assistance.

10. That petitioner believes [respondent] is incapable of receiving and evaluating information effectively or responding to people, events or environments to such an extent that he lacks the capacity to meet the essential requirements for his health, care, safety or therapeutic needs without the assistance of protection of a guardian.
11. [respondent]'s attendance at the hearing would be of no benefit to him, however, Petitioner defers to the judgment and recommendation of the Guardian *ad Litem*.

WHEREFORE, your petitioner moves:

- A. That this Court appoint a Guardian *ad litem* to represent, protect and defend the interest of the said [respondent].
- B. After hearing and consideration of the facts surrounding this petition, appoint _____, at (address) to be either temporary or permanent guardian of the person of [respondent] and a conservator of the property of [respondent] pursuant to the provisions of 37.2-1000 *et seq* of the Code of Virginia, and that they have all necessary powers to properly care for [respondent] and her estate as the Court deems necessary.
- C. That petitioner recover appropriate fees and costs for bringing this petition, and
- D. That this Court enter such further relief as may be appropriate.

[PET]

BY: _____
Counsel

Joe Attorney
Counsel for petitioner