

OASIS · AT A GLANCE

What Happens at a Guardianship Hearing

Court procedure, demystified. The petition you draft, the evaluation that gets ordered, the questions the judge actually asks, and the evidence that decides whether the order matches the support need.

BY JIM PALASTY · OASIS FOR AUTISM · 9 MIN READ

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HEARING PHASES

Petition, evaluation, hearing, order. Each phase carries its own deadline and its own evidence opportunity. Miss none of them.

How it works

THREE STEPS

File the right scope

Specify the domains. Name a guardian. Name a successor. The scope is yours to draft, not the judge's to invent.



Independent review

A court visitor or guardian ad litem interviews the adult. A clinician evaluates capacity. Both reports go to the judge.



In court

The judge questions petitioner, adult, and any objector. Ten to thirty minutes typically. The order is signed in the room.

What lives in the petition file

Petition	Identification, domains requested, named guardian and successor
Notice	Service on the adult, family members, all interested parties
Evaluation	Capacity assessment signed by qualified clinician
GAL report	Independent attorney interview with adult, written findings
Hearing	Scheduling, witness list, exhibits filed, voir dire of the adult
Order	Findings, scope by domain, time limit, bond, review schedule
Annual review	Schedule of report, criteria for modification or termination

WHAT IT LOOKS LIKE

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The judge looked up from the file and asked my son a single question. Who do you want to make decisions about your medicine? He pointed at me. Then he pointed at his sister. The judge wrote down both names. The order names two co-guardians for healthcare and limited authority only. Twenty seconds in front of a judge made the order fit our family.

ALAN, ANN ARBOR

What matters, at a glance

Pleading too broadly

Petitions filed for "all domains" become orders for "all domains." Specify what you are asking for, or a judge may grant more than your adult actually needs.

The guardian ad litem

An independent attorney appointed to represent the adult's interests, not the petitioner's. Treat the GAL as a witness, not an opponent.

Independent evaluation

Most states require a clinical capacity evaluation. Choose the evaluator carefully. The evaluation is the largest single piece of evidence in the file.

Hearing scheduling

From petition filing to hearing date is rarely under sixty days. Crisis filings get expedited but cost preparation time you cannot get back.

Voir dire of the adult

In most states, the judge will speak directly with the adult. Prepare for it. Practice the words. The judge is listening for one thing: agency.

Read the order

Powers, time limit, review schedule, bond requirements. Read every line before walking out of court. Whatever the order says is what runs.

BRING THESE · CHECK AS YOU GO

- | | |
|--|---|
| ☐ Petition draft, by domain | ☐ Notice served on all parties |
| ☐ Evaluation report, signed and filed | ☐ GAL contacted and briefed |
| ☐ Hearing date confirmed | ☐ Evidence packet prepared |
| ☐ Annual review on calendar | |

YOUR MOVE

When the petition feels too broad

- 1 Ask the attorney to redraft the petition by domain.
- 2 Submit your evidence packet with the petition, not after.
- 3 Request the GAL by name if your jurisdiction allows. Brief the GAL ahead of the interview.
- 4 Prepare your adult for the judge's questions in plain language. Practice with the actual phrases.
- 5 After the order, calendar the annual report and the modification petition deadline.

The order is not a verdict on your adult. It is a tool. Tools can be revised.

RESOURCES NAMED IN THIS POST

oasisforautism.com · <https://oasisforautism.com>

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ABOUT THE AUTHOR

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