

**E-MAIL SUBMISSION OF CERTAIN PROPOSED ORDERS IN INCAPACITY/GUARDIANSHIP, EMERGENCY TEMPORARY GUARDIANSHIP, AND GUARDIAN ADVOCATE CASES** (*procedure is currently available and is mandatory after April 23, 2018*)

The following procedures refer to several of the orders and notices that must be prepared prior to the first court hearing. (*For access to forms described in this procedure, [go here](#)*)

**INTRODUCTION**

Proposed orders that are entered after the hearing such as orders determining incapacity, orders appointing guardians or guardian advocates, and letters, may be brought to Court at the time of the hearing in hard copy form or, preferably, E-mailed to the Court's Judicial Assistant at [patriciat@ca.cjis20.org](mailto:patriciat@ca.cjis20.org) prior to the hearing using the standard procedure for electronic submission of proposed orders with one exception (see link below). If the proposed order is submitted electronically prior to the hearing, be sure to flag subject line of the E-mail so that the Court's Judicial Assistant can bring the proposed order(s) to the Court's attention prior to the hearing. All caps language such as "\*\*\*\*UPCOMING HEARING" should be sufficient, along with the normal case description that must be placed in the subject line of the E-mail. *Note: the requirement to send the proposed orders directly the Judicial Assistant's email account is different from the procedure for E-mailing all other proposed orders.*

**FILING INCAPACITY/GUARDIANSHIP CASES (NON-ETG CASES)**

1. Petitioner E-files through the E-filing Portal a Petition to Determine Incapacity and Petition for Appointment of Guardian.
2. *After the Petition to Determine Incapacity is viewable in the Clerk's system,* Petitioner's attorney will contact the Clerk and obtain the next three names for examining committee members off of the wheel which is maintained by the Clerk.
3. Petitioner's attorney will prepare a proposed Order Appointing Examining Committee, inserting in the proposed order the members' names, addresses, and E-mail addresses and E-mail same to the Court's Judicial Assistant at the following email address: [cha-guardianship@ca.cjis20.org](mailto:cha-guardianship@ca.cjis20.org) .
4. The Court's Judicial Assistant will add to the electronic service list of the proposed Order the examining committee members' email addresses for E-service of the Orders appointing them. The Court will E-sign and E-file the proposed Order and the E-filing Portal will E-serve the examining committee members. In addition, the Clerk will continue to serve the examining committee members with a certified copy of the Order by U.S. mail within three (3) days of their appointment. The Court grants the Petitioner's counsel permission to forward to the examining committee members by U.S. Mail or E-mail a copy of the Petition to Determine Incapacity so that the members will be made aware of the location of the alleged incapacitated person and the attorney to contact if the

members should have any issues or questions.

5. At the same time as #3 above, Petitioner's attorney will prepare a proposed Order Appointing Attorney/Elisor for Alleged Incapacitated Person, leaving a blank for the name, address, telephone number and E-mail address of the attorney being appointed as the Attorney/Elisor.
6. Petitioner's attorney will E-mail the proposed Order Appointing Attorney/Elisor for Alleged Incapacitated Person to the Court's Judicial Assistant who will then obtain from the Clerk the name, address, telephone number and E-mail address of the next attorney on the wheel that is maintained by the Clerk and insert it into the proposed Order. The Court will E-sign and E-file the Order with E-service to the Attorney/Elisor and the Petitioner's counsel.
7. *After the Order Appointing Examining Committee Members and Order Appointing Attorney/Elisor are viewable in the Clerk's system, the Petitioner's counsel will do the following:*
  - a. Prepare a Notice of Hearing on Petitions to Determine Incapacity and For the Appointment of Guardian.
  - b. Contact the Court's Judicial Assistant and obtain a date and time for the hearing between 25 and 45 days after the date of filing the Order Appointing Examining Committee Members.
  - c. Coordinate the hearing date with the Attorney/Elisor and insert the agreed date and time into the Notice of Hearings on Petitions to Determine Incapacity and For the Appointment of Guardian.
  - d. E-file the Notice of Hearings on Petitions to Determine Incapacity and For the Appointment of Guardian, and E-serve the Attorney/Elisor and any other interested party/person.
  - e. After E-filing the Notice, E-mail a copy of it to the Court's Judicial Assistant so that she can confirm the date and time on the Court's calendar/JACS. Send this E-mail to [patriciat@ca.cjis20.org](mailto:patriciat@ca.cjis20.org).
8. For continuances and rescheduling of hearings, Petitioner's counsel will coordinate a new date with the Attorney/Elisor and the Court's Judicial Assistant and submit by E-mail to the Court two proposed orders: Agreed Order to Continue Hearing on Petition to Determine Incapacity and Agreed Order to Continue hearing on Petition for Appointment of Guardian. Since each Petition is assigned a separate case number two proposed orders should be submitted to the Court by E-mail to [cha-guardianship@ca.cjis20.org](mailto:cha-guardianship@ca.cjis20.org)

## **FILING EMERGENCY TEMPORARY GUARDIANSHIP CASES**

*NOTE: If the case begins as a typical Incapacity/Guardianship case and subsequently a time critical need arises for appointment of an ETG, the Attorney/Elisor will likely have already been*

*appointed, so that step might be omitted.*

1. Petitioner E-files through the E-filing Portal a Petition for Appointment of Emergency Temporary Guardian.
2. Petitioner's attorney will prepare a proposed Order Appointing Attorney/Elisor, leaving a blank for the name, address, telephone number and E-mail address of the attorney.
3. Petitioner's attorney will E-mail a copy of the Petition for Appointment of Emergency Temporary Guardian to the Court's Judicial Assistant at [cha-guardianship@ca.cjis20.org](mailto:cha-guardianship@ca.cjis20.org) , attaching also a proposed Order Appointing Attorney/Elisor.
4. The Judicial Assistant will obtain from the Clerk the name, address, telephone number and E-mail address of the next attorney on the wheel that is maintained by the Clerk and insert it into the proposed Order. The Court will E-sign and E-file the Order with E-service to the Petitioner's attorney and the Attorney/Elisor.
5. After E-mailing the already E-filed Petition for Appointment of Emergency Temporary Guardian and the proposed Order Appointing Attorney/Elisor to the Court's Judicial Assistant, Petitioner's attorney will obtain from the Court's Judicial Assistant (preferably by E-mail to [patriciat@ca.cjis20.org](mailto:patriciat@ca.cjis20.org) ) three possible dates and times for the ETG hearing. After coordinating the date/time with the Attorney/Elisor, Petitioner's attorney will E-file a Notice of Hearing on the Petition for Appointment of Emergency Temporary Guardian and provide a copy to the Court's Judicial Assistant via E-mail to [patriciat@ca.cjis20.org](mailto:patriciat@ca.cjis20.org)

#### **FILING GUARDIAN ADVOCATE CASES**

1. Petitioner E-files through the E-filing Portal a Petition for Appointment of Guardian Advocate.
2. After the Petition for Appointment of Guardian Advocate becomes viewable in the Clerk's system, Petitioner's attorney will prepare a proposed Guardian Advocate Order Appointing Attorney/Elisor, leaving a blank for the name, address, telephone number and E-mail of the attorney.
3. Petitioner's attorney will E-mail the proposed Order Appointing Attorney/Elisor for Respondent in Need of Guardian Advocate to the Court's Judicial Assistant at [cha-guardianship@ca.cjis20.org](mailto:cha-guardianship@ca.cjis20.org) who will then obtain from the Clerk the name, address, telephone number and E-mail address of the next attorney on the wheel that is maintained by the Clerk and insert it into the proposed Order which will then be E-signed and E-filed with E-service to the Attorney/Elisor and the Petitioner's counsel.
4. After the Order Appointing Attorney/Elisor is viewable in the Clerk's system, the Petitioner's counsel will do the following:

- a. Prepare a Notice of Hearing on Petition for the Appointment of Guardian Advocate
- b. Contact the Court's Judicial Assistant preferably by E-mail to [patriciat@ca.cjis20.org](mailto:patriciat@ca.cjis20.org) and obtain a date and time for the hearing
- c. Coordinate a date with the Attorney/Elisor
- d. E-file the Notice of Petition for the Appointment of Guardian Advocate with E-service to the Attorney/Elisor
- e. Send an E-mail to the Court's Judicial Assistant ([patriciat@ca.cjis20.org](mailto:patriciat@ca.cjis20.org)) with a copy of the E-filed Notice of Petition for the Appointment of Guardian Advocate so that she can confirm the date and time on the Court's calendar

See also Rules for Electronic Submission of Proposed Orders:

[https://www.ca.cjis20.org/pdf/Charlotte/ElectronicSubmissionOrders\\_GeneralProbateGuardianshipProcedures.pdf](https://www.ca.cjis20.org/pdf/Charlotte/ElectronicSubmissionOrders_GeneralProbateGuardianshipProcedures.pdf)

Forms referred to in this document:

[GA Order Appointing Attorney and Elisor for Minor in Need of Guardian](#)

[GA Order Appointing Attorney for Developmentally Disabled Person in Guardian Advocacy Cases](#)

[GA Order Authorizing Temporary Waiver of Filing Fees](#)

[GA Order Appointing Examining Committee](#)

[GA Order Appointing Attorney and Elisor for Alleged Incapacitated Person](#)

[GA Order Notice of Hearing on Petition to Determine Incapacity and for the Appointment of Guardian](#)

[GA Notice of Hearing on Petition for Appt of Guardian Advocate](#)