

# Applying for guardianship

## In this fact sheet

If you are thinking about making an application for guardianship, this fact sheet will take you through the key steps. It explains:

Who can apply	Adults applying for a relative, friend, client or themselves
How you apply	The forms you need to download and complete
What happens next	Follow-up steps, including the application hearing
How guardianship orders are decided	Key considerations and information about interim orders and orders for young people

## Who can make an application?

### Adults can apply

Anyone aged 18 or over can apply for a guardianship order for an adult family member, friend or client who has impaired decision-making capacity and has difficulty making personal or financial decisions.

You can also apply for yourself.

### You will need evidence

You must be able to:

- supply information about the person's impaired decision-making capacity and how it affects their decisions
- identify who you think should be their guardian(s).

**i** Please see our fact sheets 'FAQs – Adult guardianship in the NT', for more on decision-making capacity, and 'Information for guardians', about what a guardian does.

## How do you apply?

### Fill in a form

You must apply to the Northern Territory Civil and Administrative Tribunal (NTCAT) for a guardianship order:

- 1 Go to [www.ntcat.nt.gov.au](http://www.ntcat.nt.gov.au) and click on the Publications & Forms page.
- 2 Download the form 'Application for a Guardianship Order' (Form AG1).
- 3 Fill in the form and gather any evidence you need.
- 4 Submit your completed form to the NTCAT by email, fax, post or in person.

**i** See the NTCAT contact details at the end of this fact sheet.

There is no fee for making an application.

### Supply medical evidence

Along with the application form, you will need to give evidence of the adult's impaired decision-making capacity, such as a recent medical or psychological assessment report.

You can ask a doctor or health professional to fill in the 'Report by Medical Practitioner or Other Health Practitioner' form (AG3).

You might also need to supply a:

- Proposed Guardian Eligibility Declaration form (AG2)
- Primary Carer's Report (AG4).

All of these forms are on the NTCAT website. NTCAT contact details are on the other side of this fact sheet.

## What happens next?

### The NTCAT will set up a hearing

The NTCAT will arrange an application hearing and let you know by letter when and where it will be.

The Office of the Public Guardian takes an interest in guardianship applications, so our staff might contact you to ask you some questions before the hearing happens.

### You should come to the hearing

You are responsible for coming to the hearing. You might need to help the person the application is about to get there too.

If needed, you can arrange to take part by phone or video instead. Let the Tribunal know if you or the adult needs an interpreter.

### Other relevant people can also attend

Any interested person with concern for the adult can also come to the hearing. An interested person might be:

- their relative, friend or a social worker
- someone who provides support or care
- anyone else with a genuine and sufficient interest in protecting the adult's best interests
- the Public Guardian or the Public Trustee.

## How are guardianship orders decided?

### The NTCAT looks at several factors

In deciding whether to make a guardianship order, the NTCAT will consider both:

- the nature and extent of the impairment to the adult's decision-making capacity
- whether their needs could be adequately met in a way that restricts their freedom of decision and action less.

The NTCAT will look closely at the evidence you supply, and consider the kinds of personal and financial decisions that need to be made in the adult's life.

### Young people can have an order

The NTCAT can make a guardianship order for someone who is at least 17.

It must be reasonably satisfied that the criteria for making an order will be met when they turn 18. An order made for a young person will take effect on their 18th birthday.

### Interim orders help adults in urgent need

The NTCAT can also make an interim guardianship order when an application has been submitted but not yet determined.

It must reasonably believe that the adult meets the criteria for an order and urgently needs a guardian.

## Important documents

- *Guardianship of Adults Act 2016*
- *Northern Territory Civil and Administrative Tribunal Act 2014*

### Office of the Public Guardian

for guardianship information and support

 1800 810 979 (8 am to 4 pm weekdays)

 public.guardian@nt.gov.au

 www.publicguardian.nt.gov.au

### Northern Territory Civil and Administrative Tribunal (NTCAT)

for guardianship orders, applications and changes

 1800 604 622 (8.45 am to 4 pm weekdays)

 agd.ntcat@nt.gov.au

 www.ntcat.nt.gov.au

 08 8922 7201

### NTCAT's Darwin office

 The Met Building, CASCOM Building 5, Casuarina Village, Level 1, 13-17 Scaturchio Street Casuarina NT 0811

### NTCAT's Alice Springs office

 Westpoint Building, 1 Stott Terrace, Alice Springs NT 0870