

Information needed for guardianship & administration online applications

CHECKLIST

This is a checklist of information you will need to submit an online application.

DO NOT SUBMIT THIS CHECKLIST.

1. What is the purpose of this application?

To:

- appoint an administrator
- appoint a guardian
- seek special powers

Are there any related applications or orders? If YES what are the reference numbers?



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2. Details about the person

You need to know:

- their full name, date of birth, marital status and gender
- their current address (eg hospital details) and their usual full address (including email and telephone number)
- if they are Aboriginal or Torres Strait Islander
- their birthplace (country)
- their spoken language
- their broad diagnosis
- their attitude to this application (unaware, supportive, ambivalent, unsupportive or hostile).

3. Legal rights of the person

As the applicant you will need to explain the legal rights to the person, which includes:

- the right to be represented by counsel or, with the permission of SACAT, any other representative (at their own expense)
- the right to call or give evidence or present other evidence/material to SACAT
- the right to examine or cross-examine witnesses
- the right to make oral or written submissions to SACAT
- the right to engage an interpreter
- the right to request an adjournment.

4. Applicant(s) details

These are your details.

You must submit your full details plus those of any other applicant.



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5. Hearing requirements

You will need to submit information about:

- issues relating to the safety of the person(s) or security concerns
- attendance details – it is YOUR responsibility to bring the person to the hearing, as orders are proposed to be made that will affect their legal rights.

You may seek permission from SACAT not to bring the person, but you will need to provide documentation from a health professional explaining why a person cannot attend a hearing (eg physical or security reasons)

- availability information:
 - matters are normally listed within 2 - 3 weeks of an application – you can indicate preferred days and whether morning or afternoon however SACAT reserves the right to list matters at any time it decides is appropriate
- urgency (eg provide details if the matter presents an immediate risk to welfare, finances).

6. People that SACAT should invite to attend the hearing

You need to provide:

- full contact details of all interested parties
- full contact details of anyone who may oppose the application.

7. Medical and psychological report

Make sure you have a copy of the compulsory medical report form and attach it to the application.

8. Information about enduring powers or advanced care directives

You must indicate if the person is subject to any enduring powers or advanced care directives and when they are dated. If they are available, please attach them to the application.



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9. Information relating to an administration order

If you are applying for an administration order you must provide:

- information about how the person’s financial and legal decisions are currently being made (eg by the person, Enduring Power of Attorney, friend or family, other)
- information about any financial or legal issues that currently exist
- information about the person’s Will including when it was made and who the Executor is
- information about the person’s current financial situation (income, expenses, bank details, assets, debts).

You will need to provide information about the proposed administrator(s):

- Private administrator (eg family or friends)
- Public Trustee.

10. Information relating to a guardianship order

You will be asked to provide information to issues that might be relevant to whether an order should be made and information about:

- how the person’s needs are currently being made
- how decisions are being made
- whether informal arrangements can continue or not.

For example:

- No one available to assist with decisions
- The person is subject to violence
- The person needs a greater level of care in a nursing home or hostel

You will need to provide information about the proposed guardians:

- family or friend details
- Public Advocate.



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11. Information about whether special powers are required, and if so what (relating to guardianship)

The appointed guardian will need to apply for any special powers if they think appropriate eg place of residence, detention, treatment and care.

Now you are ready to fill out your online application.

Remember: your application and attached documents will be provided to the person that the application is about.

Go to www.sacat.sa.gov.au and begin your application by clicking on the “start an online application” tab.