

Form PPPR 8

r 406

Application for appointment of welfare guardian
Section 12, Protection of Personal and Property Rights Act 1988

In the Family Court

PPPR no:

at
[place]

Applicant

.....
[full name]

.....
[address]

.....
[occupation]

Person the application is about

.....
[full name]

.....
[address]

.....
[occupation]

[Set out full description of document (including whether it is made with or without notice), its date, and, in the case of an affidavit or affirmation, the name of the deponent and in whose support it is filed]

This document is filed by *[name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer]*.

(Note: This form may be used only if the applicant seeks the order in respect of some other person.)

I, *[full name]*, apply for an order appointing a welfare guardian for

.....
[name of the person in respect of whom the application is made]

in relation to the following aspect(s) of his (*or her*) personal care and welfare:

[specify each aspect of that person's personal care and welfare for which you seek the appointment of a welfare guardian].

This application is made on the grounds that—

- (a) *[name of the person in respect of whom the application is made]* wholly lacks the capacity to make or to communicate decisions relating to the aspects of his (*or her*) personal care and welfare specified above; and
- (b) the appointment of a welfare guardian is the only satisfactory way to ensure that appropriate decisions are made relating to the aspects of his (*or her*) personal care and welfare specified above.

I make this application in my capacity as— (*select the options that applies*)

a *[specified relative]* of

[name of the person in respect of whom the application is made].

the attorney of

[name of the person in respect of whom the application is made].

a social worker employed by the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989.

a medical practitioner.

a representative of

[name of group],

being a group that is engaged, otherwise than for commercial gain, in the provision of services and facilities for the welfare of persons in relation to whom the Court has jurisdiction in accordance with section 6 of the Act.

the superintendent (or licensee or supervisor or other person in charge) of
[name of institution],
being the hospital (or home or other institution) in which

[name of the person in respect of whom the application is made] is a
patient (or resident).

the manager of the property of

[name of the person in respect of whom the application is made].

a person granted leave of the Court to make this application.

I say: (select the option that applies)

[name of the person in respect
of whom the application is made] is of or over the age of 18 years.

or

[name of the person in respect
of whom the application is made] is under the age of 18 years and is (or
has been) married or in a civil union.

or

[name of the person in respect
of whom the application is made] is under the age of 18 years, has never
been married or in a civil union, and has no parent or guardian living (or
in regular contact) with him (or her).

The proposed appointee is: (complete if applicable)

.....
[full name]

.....
[address]

.....
[occupation]

The proposed appointee is of or over the age of 20 years.

[Set out sufficient information to inform the Court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the Court to consider, attach them to this application.]

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 9.00 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

*Meaning of the term **relative***

The term **relative**, in relation to any person, means—

- (a) the spouse of that person, or any other person with whom that person has a relationship in the nature of marriage; and
- (b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and
- (c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and
- (d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and
- (e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and
- (f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Number of welfare guardians

The Court must not appoint more than 1 welfare guardian for any person unless, the Court is satisfied that it would be in the interests of that person to do so.

If the court appoints more than 1 welfare guardian for the same person, those guardians must regularly consult each other.

Wishes of the person in respect of whom the application is made

So far as is practicable in the circumstances, a Court must ascertain the wishes of the person in respect of whom the application is made when determining whom to appoint as welfare guardian.

Periodic review of order

If the Court makes an order, it will be required to specify in it a date by which the welfare guardian must apply to the Court for a review of the order. That date cannot be later than 3 years after the date of the order.