**ADULTS WITH INCAPACITY [PN= AWI Practice Note No 1 of 2024]**

**Adult’s Name:**

|  |  |  |
| --- | --- | --- |
|  | **PRE REGISTRATION CHECKLIST FOR AGENTS** |  |
| 1 | TYPE OF APPLICATION/MINUTEGuardianship/Minute for Renewal/Renewal + Variation/Intervention order |  |
| 2 | WHO IS APPLYING: - DO THEY HAVE AN INTEREST?* Individual(s) –
* Solicitor
 |  |
| 3 | For how long is the order sought? **DEFAULT 3 YEARS** |  |
| 4 | 1. Has the adult been properly designated? **PN3(a)**
2. Is the adult in an authorised establishment (SAR 3.16.4(3) and 3.16.1) **PN3(i)**
 |   |
| 5 | Are **ALL** of the nearest relatives, the primary carer, any named person and any guardian, continuing attorney or welfare attorney identified and properly designated? **PN3(g)** |  |
| 6 | 1. Are TWO medical reports provided (or at least ONE for renewal) from medical practitioners (in Form AWI 1) provided?
2. Are the reports timeous? (the examination or assessment to have taken place within 30 days of the application being lodged – if not the Sheriff’s approval for late lodging MUST be sought)
 |  |
| 7 | (a) For applications relating to personal welfare, is there a report from an MHO (or Chief SW Officer) (in Form AWI 2 or 4)?(b) If so, is the MHO’s (or Chief SW Officer’s) report timeous?**NOTE: IF DATE OF INTERVIEW MORE THAN 30 DAYS SUPPLEMENTARY/UPDATE REPORT REQUIRED** **NO EXCEPTIONS** |  |
| 8 | For cases relating ONLY to property or financial affairs (a) is there a report from a person “with sufficient knowledge” in Form AWI 8 or 10?(b) If so, is the report timeous? |  |
| 9 | For applications for renewal relating to property or financial affairs, is there a report from the OPG containing the PGs opinion as to the applicant’s conduct and suitability (in Form AWI 9)? |  |
| 10 | For cases relating to property or financial affairs, does the writ contain details of the extent and value, if known, of all the heritable and moveable property of the adult? **PN3(l)** |  |
| 11 | Has any heritable properly been fully described? **PN3(e)** |  |
| 12 | Is there a **SEPARATE SCHEDULE FOR INTIMATION** (not a crave) listing the full names, addresses and designations of all those upon whom intimation is sought? **PN3(h)** |  |
| 13 | Does the writ contain averments as to the wishes and feelings of the adult as required by para 3(k) of the Practice Note? **PN3(k)** |  |
| 14 | Is intimation to the adult sought to be dispensed with (would require additional reports explaining that intimation would pose a serious risk to adult’s health) |  |
| 15 | Is there a letter from each person whose appointment is sought as required by para 3(p) of the Practice Note? **PN3(p)** |  |
| 16 | Have **Guardian Declaration Forms** from prospective guardiansbeen included **PN3(o)**  |  |
| 17 | For cases relating to property or financial affairs, does the writ contain the averments required by para 3(q) of the Practice Note? **PN3(q)** |  |
| 18 | (a) Is an interim guardian sought to be appointed? (b) If so, reasons must be specified. is a hearing on interim orders sought? **PN3(m)** |   |
| 19 | For cases relating to property or financial affairs, does the writ deal with the issue of caution? **PN3(s)** |  |
| 20 | Are expenses craved? |  |
|  |  |  |