

e-Filing in New Hampshire Circuit Court

GUARDIANSHIP OF INCAPACITATED PERSON AND ESTATE

- Electronic filing is mandatory for the guardianship process unless you request and receive an exception to e-Filing. Click here for Instructions about the e-Filing Exception process.
- Use caution when filing confidential information. See e-Filing Rules 11 and 12 and the Instructions for the Filing of Confidential Information.

How do I access e-Filing?

If you are working with an attorney, s/he will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Click "E-File Here" to enter the e-filing application.
2. Click Sign up and follow the prompts. Save your password in a safe place.
3. After you sign up and login, click start now, next to Guardianship – Start a New Case.
4. At Where to File, select the county name and location where you want to file. Click next.
5. Follow the instructions and prompts on the screen to complete the filing.

Items listed below are needed to start this case type

- Petition for Guardianship of Incapacitated Person form (form is generated through the self-represented pathway or completed and uploaded through the attorney pathway).
- Criminal Record Release Authorization form for each proposed guardian. This form will also be required for each adult living in the household with the proposed ward. This form may be completed through the e-filing application or completed online, scanned and uploaded to the e-filing application.
- DHHS Record Release Authorization form for each proposed guardian. This form will also be required for each adult living in the household with the proposed ward. This form may be completed through the e-filing application or completed online, scanned and uploaded to the e-filing application.

Other items that may be needed

- Appointment of Resident Agent form is required if you are the person requesting to be Guardian and not a New Hampshire resident.
- Request for Waiver of Personal Appearance form must be filed if the proposed ward cannot appear in court.
- Petition and Affidavit for Expedited Hearing form must be filed if a guardianship is needed for emergency circumstances.
- If Power of Attorney is checked yes for question # 10 on the Petition of Guardianship of Incapacitated Person form, you may want to scan and upload a copy of the Power of Attorney.
- If Living Will is checked yes for question # 11 on the Petition of Guardianship of Incapacitated Person form, you may want to scan and upload a copy of the Living Will.

How much will this cost?

- Filing fee of **\$240.00** –cash, check or credit card are accepted.
NOTE: Unless found indigent, the ward will be liable for any attorney fees. If the court appoints an attorney and the petitioner withdraws the case, the petitioner may be liable for the attorney's fees.

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What happens next?

- You will receive an Order of Notice packet via e-service. All other parties will receive via regular mail. The proposed ward will receive the information from court appointed counsel. The document received via e-service will provide you with the date, time and place of the hearing.
- The court will set the bond amount after the hearing. You will need to file a Fiduciary Bond form if a personal bond without sureties is required. You will need to contact an insurance agency if a bond with sureties is required.
- A Certificate of Appointment will be issued when the court approves all documents filed, including the bond. A court order will also be issued outlining the rights and responsibilities of the guardian.

Review your submissions before e-Filing. Be sure to click e-File at the end of the program to submit your documents.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

**BE SURE TO NOTIFY THE COURT IF YOUR ADDRESS AND EMAIL ADDRESS CHANGES.
FAILURE TO DO SO COULD RESULT IN THE ISSUANCE OF ORDERS AGAINST YOU OR
WITHOUT YOUR INPUT.**