

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENT TO COURT OF CHANCERY RULES, SECTION XVII, RULE 176

This 15th day of December 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section XVII, Rule 176 shall be amended effective January 1st, 2015.

Rule 176 shall be amended as follows:

Rule 176. Appointment of attorney ad litem upon petition for appointment of guardian; service and notice of hearing.

(a) Appointment of attorney ad litem. — Upon the filing of ~~the~~ petition for appointment of a guardian of an adult allegedly disabled person, the Court shall appoint a member of the Delaware Bar to represent the adult person alleged to be disabled if such person is not otherwise represented by counsel, to receive notice on behalf of such person and to give actual notice to such person, explain his or her rights, and the nature of the proceeding. The attorney ad litem shall represent the person alleged to be disabled as if engaged by such person. The Court, in its discretion, may appoint an attorney ad litem to represent a minor disabled person.

(b) Appointment of fact finder. — The Court may ~~also~~ appoint an impartial fact finder to report to the Court concerning the matter.

~~(c)~~ Report and fees of attorney ad litem or fact finder. In all cases in which the Court has appointed an attorney ad litem or fact finder under this rule, the attorney shall file a report and recommendation with the Court as directed in the Order of the Court. The attorney shall also file an affidavit of time expended on the matter and a request for a fee and costs. The fee and costs shall not exceed \$750 unless the attorney requests and supports a greater fee and the Court finds that payment of a fee great than \$750 is in the best interest of the allegedly disabled person. In all cases, the petitioner shall pay the fee and costs associated with the attorney ad litem or fact finder, unless the Court finds that such fee and costs should be paid by the allegedly disabled person.

(d) Service on person alleged to be disabled. — Upon the filing of a petition for the appointment of a guardian for a disabled person, a show cause order and a copy of the petition shall be forthwith delivered by the Register in Chancery to the sheriff of the county of the office of the attorney ad litem appointed by the Court, or the county of the residence of the person alleged to be disabled, or to a person especially appointed by the Court to serve such papers. Notice of the hearing shall be served on the attorney ad litem appointed by the Court or on counsel for the adult person alleged to be disabled, and/or on the adult person alleged to be disabled, at least 10 days before the hearing date unless, for cause shown, the Court shortens the time. Notice of the hearing shall be personally served on an attorney ad litem appointed by the Court in its discretion to represent a

minor disabled person or on the minor disabled person, or on an adult with whom the minor resides in the case of minors under the age of 14 years.

| ~~(de)~~ Notice to others. — Notice by registered or certified mail, return receipt requested, of the time, place and purpose of the hearing shall be given by or on behalf of the petitioner, to the spouse, if any, to the next of kin who are 18 years of age or older, to the attorney-in-fact of the person alleged to be disabled, and to any attorney identified in Rule

| 175(~~e~~)(~~8a~~)(3) who has not been appointed attorney ad litem unless, for cause shown, the Court concludes that any such notice is likely to result in physical harm to the person alleged to be disabled. Notice need not be given to any person 18 years of age or over who has consented in writing to the granting of the prayer of the petition or has waived such notice. If the petition recommends that someone other than the petitioner be appointed as guardian, notice shall be given to the proposed guardian by delivering or mailing to the proposed guardian a copy of the petition at least 10 days before the scheduled hearing on the petition, unless the proposed guardian has expressly consented in writing to serving or the Court for good cause shortens the time for giving such notice.

| ~~(ef)~~ Proof of service and notice. — Proof of service and of notice shall be filed with the Register in Chancery prior to the hearing or shall be presented at the hearing.