

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:

_____,
a disabled person

:
:
:
:
:

C.M. # _____

FINAL ORDER FOR APPOINTMENT OF GUARDIAN OF THE PERSON

WHEREAS, on _____ a hearing was held in the above-matter (“hearing”);

WHEREAS, Petitioner _____ is the _____ of _____ (hereinafter called “the disabled person”), and the interested parties has/have waived notice and consented (agreed) to the appointment of the petitioner as guardian of the person of the disabled person or has/have received notice through certified mail;

WHEREAS, _____, Esquire, the previously appointed attorney *ad litem* for the disabled person has been personally served at least ten (10) days before the date of the hearing and has rendered his/her report; and

WHEREAS, the Court having reviewed the petition and affidavits, considered the medical report, and considered the statements made and evidence presented at the hearing, finds that _____ is a disabled person because he/she is mentally infirmed and/or physically incapacitated. By

reason thereof such disabled person is unable to properly manage and/or care for his/her person and consequently, such disabled person without a guardian is in danger of substantially endangering his/her health or becoming subject to abuse by other persons or becoming the victim of designing persons.

IT IS HEREBY ORDERED, this _____ day of _____, 20_____, as follows:

1. _____ is hereby appointed guardian of the person of _____ subject to the applicable law and Rules of the Court relating to the care and management of disabled persons pursuant to 12 Del. C. § 3922.

2. The guardian shall file an annual update and medical statement with the Register in Chancery every year, which is due on or before the first business day of the calendar quarter in which the guardian was appointed. The annual update and medical statement shall include the current mailing address of the disabled person and the guardian, and a current medical statement from an approved medical practitioner setting forth the current medical status of the disabled person and addressing the need for a continued guardianship.

3. The guardian is required to pay \$_____ to _____, Esquire, within thirty days of the date of this order for his/her services as the

attorney *ad litem* for the disabled person. The attorney *ad litem* is hereby discharged.

4. The Register in Chancery of this Court is appointed agent of the guardian to accept service of process on behalf of the guardian as to any claim arising out of the guardianship if, by reason of the guardian's absence from this State, he/she cannot be served.

5. In the event of the disabled person's death, the guardian shall notify the Register in Chancery's Office within ten days.

6. If the disabled person becomes Medicaid qualified, the guardian is required to file proof of that qualification within thirty days of qualification.

Vice Chancellor/Master