

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF:

:
:
:
:
:
:

C.M. # _____

_____,
An alleged disabled person

**PRELIMINARY ORDER FOR THE APPOINTMENT OF AN ATTORNEY
AD LITEM AND TO SCHEDULE THE HEARING**

AND NOW, TO WIT, the Petition for the Appointment of a Guardian of
(check all that applies): the Person and/or the Property of

_____ hereinafter called “alleged disabled
person,” filed in this matter having been read and duly considered by the Court,

NOW, THEREFORE, IT IS ORDERED this ____ day of _____,
20_____, as follows:

1. A hearing shall be held at the Court of Chancery in _____
County, Delaware on _____, 20_____, at 9:30
a.m. to determine if the Petitioner(s) should be appointed the guardian(s) of the
person and/or property of the alleged disabled person.

2. _____, Esquire, is
appointed attorney *ad litem* for the alleged disabled person.

3. The Court shall issue notice to the attorney *ad litem* for the alleged
disabled person at least ten (10) days before the hearing date pursuant to Chancery

Court Rule 176(d) unless the appointed attorney *ad litem* files a Waiver of Service upon notification of the appointment.

4. The attorney *ad litem* shall give actual notice of the petition to the alleged disabled person pursuant to Chancery Court Rule 176(a) unless the Physician's Affidavit says it would be detrimental or meaningless to give notice.

5. The attorney *ad litem* shall file a report with the Court before noon on this date: _____.

6. Pursuant to the preparation of the report referenced in paragraph "5" of this Order:

- a. All physicians, hospitals, and other healthcare providers covered under the Privacy Standards of the Health Insurance Portability and Accountability Act (HIPAA) are authorized to disclose to the attorney *ad litem* and shall provide the attorney *ad litem* unobstructed access to all medical records, treatment providers, clinical information and other healthcare information relating to the current mental and physical health of the Disabled Person [See 45 CFR sec. 164.512(e)] that the attorney *ad litem* deems necessary for the proper discharge of his/her duties;
- b. All said physicians, hospitals and other healthcare providers grant said access described in paragraph "6a" of this Order to the attorney *ad litem* without delay;

- c. The attorney *ad litem* is prohibited from using or disclosing the disabled person's health information for any purpose other than this guardianship proceeding.
- d. The attorney *ad litem* shall return to the physician(s), hospital(s), and other healthcare provider(s) or shall destroy all of the health information provided to the attorney *ad litem* by the physician(s), hospital(s), or healthcare provider(s) (including all copies made) at the end of these guardianship proceedings.

7. **At least thirteen (13) days before** the hearing date, the Petitioner(s) must send **a copy of this Preliminary Order** and notice by **certified mail, return receipt requested**, to **each** interested party who did **not** file a Waiver of Notice and Consent. The notice must state the time, place and purpose of the hearing.

8. Petitioner(s) must file at the Register in Chancery's Office all **certified receipts** from the notice(s) mailed to the interested parties no later than two days before the hearing date.

Chancellor/Vice Chancellor/Master