

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENTS TO COURT OF CHANCERY RULES, SECTION XVII.

This 19th day of September 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section XVII shall be amended by deleting Rule 180 in its entirety, and adding the following language, effective September 19th, 2014.

XVII. GUARDIANS

Rule 180 Guardian of Property of a Minor.

(a) *Threshold for Guardianship.* Pursuant to 12 *Del. C.* § 3901(b) and (l), no petition to appoint a guardian of a minor's property is required if the minor will receive property or funds of \$25,000 or less, inclusive of costs and attorneys' fees, except that a limited guardian may be appointed under subsection (b)(2) of this rule, if necessary.

(b) *Petition for Limited Guardianship of Minor's Property.*

(1) If a minor is entitled to receive property or funds of more than \$25,000, inclusive of costs and attorneys' fees, a petition shall be filed to appoint a limited guardian of the minor's property, as provided in 12 *Del. C.* § 3901(l). The limited guardianship shall terminate, and the guardian shall be released from the bond, upon the filing of proof that the minor's funds were placed in an annuity or structured financial instrument for the benefit of the minor. Such annuity or structured financial instrument shall provide for payment of funds to the minor no earlier than the date the minor reaches majority, and shall prohibit the encumbrance, liquidation, sale, or other transfer of the policy before such time. Unless otherwise ordered, proof of the annuity or structured financial instrument shall be filed within 60 days of the entry of the order appointing the limited guardian.

(2) If a minor is entitled to receive property or funds of \$25,000 or less, inclusive of costs and attorneys' fees, but a guardian is necessary to obtain, secure, sell, or transfer the minor's property, a limited guardian may be appointed for the purpose of taking such action. The guardian's authority shall be limited by court order. Unless otherwise ordered, the limited guardianship shall terminate, and the guardian shall be released from the bond, upon the filing of proof that the minor's funds were deposited in a custodial account under Title 12, ch. 45 of the Delaware Code.

(3) A petition for limited guardianship shall contain all of the information and annexed documents required by subsections (e) and (f) of this rule.

(4) Before the order appointing the guardian is released by the Court, the guardian shall execute a bond in an amount set by the Court, which shall be no less than the amount due to the minor.

(c) *Petition for Plenary Guardianship of Minor's Property.* Upon a showing of good cause, a petition may be filed to appoint a guardian of a minor's property for the term of the minority.

(1) In addition to the items set forth in subsections (e) and (f) of this rule, such petition also shall set forth the reasons why plenary guardianship is necessary, including why the guardian expects to need access to the minor's funds during the term of the minority.

(2) Upon Court approval of a petition for appointment of a plenary guardian of the property of a minor, and before the final order is released by the Court, the guardian shall execute a bond in the amount set by the Court. The guardian and her attorney, if any, shall then open an account at a banking institution with at least one Delaware branch, which account shall be titled to indicate that withdrawals may not be made without Court order. The guardian's attorney, or the guardian if she is not represented by counsel, shall file proof of compliance within 30 days of entry of the final order, demonstrating that the guardianship account was opened and properly titled.

(3) The guardian shall file a bank statement annually on January 15, showing the current balance in the guardianship account.

(4) The Court may require a guardian to account for all funds expended from the guardianship account.

(5) The Register's Office may from time to time inspect any account established for the benefit of the minor, and the financial institution holding said account(s) is authorized and directed to allow said inspection, and to supply a statement of the account, if requested, to the Court.

(6) The guardian of the minor's property shall notify the Register's Office of any address or phone number change within 30 days of occurrence.

(d) *Filing Petition.* A petition for appointment of a limited or plenary guardian of the property of a minor may be filed in the Court of Chancery. If the minor will receive property by reason of an award entered in a case pending in another court in the State of Delaware, a petition for appointment of a limited or plenary guardian for the property of a minor may be filed in that court and may be transferred to the Court of Chancery pursuant to 12 *Del. C.* § 3901(k) if necessary for administration of the guardianship.

(e) *Contents of petition.* A petition filed in the Court of Chancery for the appointment of a guardian of the property of a minor shall be verified and shall set forth:

(1) The name and age of the minor for whom guardianship is sought, including the date on which the minor will reach the age of majority;

(2) The name and address of the petitioner and the petitioner's relationship to the minor child;

(3) The names and addresses of all interested parties, which shall include the minor child's natural or adoptive parents, any court-appointed guardian, any attorney who has represented the minor child within the last two years, and any siblings who have reached the age of majority;

(4) The value and source of the property to be received by the minor, including any supporting documentation regarding the value and source of the property

(5) The petitioner's consent to the appointment of the Register in Chancery as her agent for the acceptance of service of process on behalf of the petitioner as to any claim arising out of the guardianship if, by reason of the guardian's absence from the state, she cannot personally be served.

(6) The petitioner's acknowledgement that the minor's funds may not be expended without order of the Court.

(f) *Annexed Documents.* The following documents shall be annexed to any petition for appointment of a guardian of the property of a minor:

(1) A birth certificate of the minor.

(2) An affidavit of petitioner's history and personal information sheet, in the form provided for by the Court.

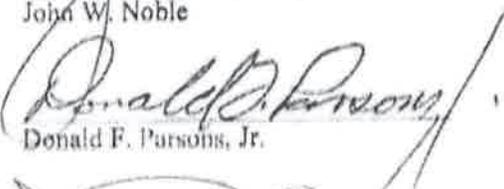
(3) The verified consent of all interested parties, along with the verified consent of the minor if, at the time the petition is filed, the minor is 14 years of age or older. If consents cannot be obtained, the petition must be sent to all interested parties by certified mail, along with notice that any objection to the petition must be submitted within 13 days.

IT IS FURTHER ORDERED that Court of Chancery Rules, Section XVIII shall be amended by deleting Rule 185 in its entirety and renumbering Rule 185.1 to Rule 185, effective September 19th, 2014.


Andre G. Bouclaud

Respectfully advised,


John W. Noble


Donald F. Parsons, Jr.


J. Travis Laster


Sam Glascock, III