**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

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| IN THE MATTER OF:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  A person with a disability | :  :  :  : | C.M. # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**ORDER TO ADD A CO-GUARDIAN**

WHEREAS, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ filed a petition to add a co-guardian of the person and property of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a person with a disability;

WHEREAS, the interested party(ies) has/have waived notice and consented (agreed) to or has/have received notice through certified mail on the appointment of as co-guardian of the person and property of the person with a disability;

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

1. is appointed co-guardian of the person and property of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a person with a disability.
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are each appointed with joint and individual authority.
3. Before entering upon his/her duties as co-guardian pursuant to this Order, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall execute a bond to be taken in the name of the State of Delaware in the amount of $\_\_\_\_\_\_\_\_\_\_ without surety as a condition for the faithful performance of his/her duties as co-guardian, and shall be filed within seven (7) days of the date of this Order. No copy of the final order will be released until a bond is filed. Any person or entity presented with a valid order from the Court may use that order as proof that the bond has been executed and filed.
4. The guardians appointed herein are granted such powers, rights and duties which are necessary to protect, manage and care for the person and property of the person with a disability as provided for in 12 Del. C., Ch. 39.
5. and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , as co-guardians, shall re-title the existing guardianship account(s), or close the existing account(s) and open a new guardianship account at . All income must be directed to that account as soon as practicable, and all assets must be placed in that account unless the assets are held in a Miller Trust or other similar trust. Bank accounts not held in trust must be closed and the balance of the account transferred to the guardianship account. The account(s) shall be titled “Court of Chancery, Guardianship Account for , and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Co-Guardians. Withdrawals Only by Order of the Court except that the co-guardians may withdraw up to $ total per month without further notice of the Court. Otherwise, the co-guardians may not make any withdraws from the account without first having a Court Order to do so.
6. The guardians are authorized, if needed, to deposit the monthly withdrawal amount into a second account at the same bank titled in the name of the guardianship. The purpose of the second account is to allow payments for monthly expenditures from the monthly withdrawal amount, if those expenditures cannot be paid from the original account. The guardians may establish a recurring monthly automatic transfer from the first account to the second account to transfer the monthly allotment beginning on the date the accounts are opened and recurring on or about the same day of each month thereafter until otherwise ordered by the Court.
7. The guardians shall within thirty (30) days submit proof to the Register in Chancery that the terms of this Order have been complied with and the bank account(s) provided for in this Order has/have been opened in accordance with the provisions of this Order.
8. The guardians may establish a Miller Trust if necessary to qualify the person with a disability for Medicaid. A copy of any such trust must be provided to the Court within thirty (30) days of its funding and the trustee(s) shall be required to file accountings pursuant to Court of Chancery Rule 114(b), unless accountings are waived by further court order.
9. An inventory is due within thirty (30) days of the date of this order.
10. The co-guardians shall file an accounting on or before the first business day of the calendar quarter in which the original guardian was appointed pursuant to Court of Chancery Rule 114 and at any other time the Court shall direct as required by the Rules of this Court.
11. The guardians are authorized to apply to become, or continue to act, as the representative payee for social security benefits.
12. The co-guardians shall file an annual update and medical statement with the Register in Chancery on or before the first business day of the calendar quarter in which the original guardian was appointed pursuant to Court of Chancery Rule 180(B) and at any other time the Court shall direct. The annual update and medical statement shall include the current mailing address of the person with a disability and both guardians, and a current medical statement from an approved medical practitioner setting forth the current medical status of the person with a disability and addressing the need for continued guardianship.
13. The Register in Chancery of this Court is appointed agent of the co-guardians to accept service of process on behalf of the co-guardians as to any claim arising out of the guardianship if, by reason of the co-guardians’ absence from this State, they cannot be served.
14. The guardians are authorized to prepare, sign, verify and file on behalf of the person with a disability any and all income and other Federal or State tax returns pursuant to 12 Del. C. § 3923(d)(8).
15. In the event of the death of the person with a disability, the co-guardians shall notify the Office of Register in Chancery within ten (10) days.
16. If the person with a disability becomes Medicaid qualified, the co-guardians shall provide proof of that qualification and a copy of any signed trust instrument with the Register in Chancery’s Office within thirty (30) days.
17. An order from the Court of Chancery is required to authorize the opening of any safe deposit box of the person with a disability and to sell or encumber any real property of the person with a disability.

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Magistrate in Chancery