**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. # \_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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**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. The guardians are authorized to apply to become, or continue to act, as the representative payee(s) for social security benefits.
6. The co-guardians 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 original guardian was appointed pursuant to Chancery Rule 180(B). The annual update and medical statement shall include the current mailing address of the person with a disability and 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.
7. 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.
8. 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).
9. 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.
10. 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.
11. 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.
12. The guardians are relieved of the requirement of opening a guardianship account, filing an inventory and filing annual accountings. However, if the person with a disability earns more than $1,000.00 in any given month, other than Social Security benefits, the guardians shall report the earnings to the Court within thirty (30) days for further review. If, in the future, the guardians come into possession of additional funds or property belonging to the person with a disability or the person with a disability becomes gainfully employed, the guardians shall notify the Court and account for such funds or property as the Court may then direct.

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Magistrate in Chancery