**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 APPOINTING ATTORNEY AD LITEM**

 WHEREAS:

1. On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was appointed guardian of the person and property of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“the person with a disability”).
2. On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ filed a petition to terminate guardianship due to recovery.

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

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esquire is hereby appointed attorney *ad litem* on behalf of the person with a disability.
2. The attorney *ad litem* shall investigate the statements of the person with a disability’s physician as they relate to the guardianship being terminated due to recovery. The attorney *ad litem* shall determine whether in his/her opinion the person with a disability is capable of making his/her own medical and financial decisions.
3. The attorney *ad litem* shall be entitled to all protection, limitation from liability, and immunity available at law or in equity to a court-appointed attorney, including, without limitation, all protection, limitation from liability, and immunity to the fullest extent possible by applicable law, including the Delaware Tort Claims Act.
4. The attorney *ad litem* shall provide a written report within twenty (20) days with his/her recommendations.
5. The attorney *ad litem* is authorized to conduct the investigation remotely, utilizing any reasonable method of contact, including, but not limited to, two-way electronic video communication where they can hear and see persons integral to their investigation while protecting the health and safety of all involved.
6. Pursuant to the preparation of the report referenced in Paragraph 4 of this Order:
	1. 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 and free access to all medical records, treatment providers, clinical information and other healthcare information relating to the current mental and physical health of the person with a disability (*see* 45 CFR sec. 164.512(e)) that the attorney *ad litem* deems necessary for the proper discharge of his/her duties;
	2. All agencies and service providers that are a division of, monitored by, report to, or administered by the Department of Health and Social Services, including, but not limited to Adult Protective Services, are authorized to disclose to the attorney *ad litem* and shall provide the attorney *ad litem* unobstructed and free access to all records and information relating to the current mental and physical health and safety of the person with a disability that the attorney *ad litem* deems necessary for the proper discharge of his/her duties and any such disclosure of confidential information by Adult Protective Services is deemed necessary for purposes directly connected with the administration of adult protective services;
	3. All financial institutions are authorized to disclose to the attorney *ad litem* and shall provide the attorney *ad litem* unobstructed and free access to all records and information relating to any income, expenses, deposits, expenditures, and any other activity or investigations of any account belonging to or for the benefit of the person with a disability that the attorney *ad litem* deems necessary for the proper discharge of his/her duties;
	4. All educational agencies, institutions, or facilities governed by the Family Educational Rights and Privacy Act (“FERPA”), the Individuals with Disabilities Education Act (“IDEA”), or Section 504 of the Rehabilitation Act (“Section 504”) are authorized to disclose to the attorney *ad litem* and shall provide the attorney *ad litem* unobstructed access to, and/or copies of, all educational records maintained by the institution relating to the current or past education of the student that the attorney *ad litem* deems necessary for the proper discharge of his/her duties;
	5. All said physicians, hospitals and other healthcare providers, agencies or service providers, and financial institutions shall grant said access described in Paragraph 6a, 6b, and 6c of this Order to the attorney *ad litem* without delay;
	6. The attorney *ad litem* is prohibited from using or disclosing any health, financial, or other confidential information of the person with a disability for any purpose other than this guardianship proceeding; and
	7. The attorney *ad litem* shall return to the physician(s), hospital(s), healthcare provider(s), agency, service provider(s), financial institution(s) or educational institutions(s) or shall destroy all the health, financial, or other confidential information provided to the attorney *ad litem* by the physician(s), hospital(s), healthcare provider(s), agency, service provider(s), financial institution(s), or educational institution(s) (including all copies made) at the end of these guardianship proceedings.
7. The attorney *ad litem* shall have the authority to meet with the guardian(s), the person with a disability and all interested parties to discuss all aspects of this guardianship case.
8. The attorney *ad litem* shall represent the best interests of the person with a disability at any hearing scheduled before the court.

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Magistrate in Chancery