

Attorney *ad litem* checklist

- Visit person with an alleged disability (“PWAD”) at least once in their home setting or facility where they are living.
- Unless PWAD is unconscious:
 - inform PWAD of contents of the petition;
 - advise PWAD of guardianship process;
 - explain what guardianship means (review Matter of JTM, 2014 WL 7455749 (Del. Ch. Dec. 31, 2014));
 - elicit PWAD’s position concerning guardianship AND the proposed guardian(s);
 - if the physician’s affidavit indicates the PWAD can consent to the petition, your report shall indicate the PWAD’s position.
- Investigate PWAD’s circumstances (*e.g.* names and relationships of other persons living in the home, PWAD’s work situation, social life).
- Review physician’s affidavit and consider talking to medical professionals and reviewing medical history.
- Interview prospective guardian(s) and other interested parties.
- Advocate for best interests (including whether PWAD needs a guardian, whether a limited guardianship is more appropriate and what rights PWAD should retain, and whether the prospective guardian(s) is/are appropriate).
- Advise the Court as soon as possible verbally, and in your report, if you determine the wishes of the PWAD diverge from his/her best interests so that the Court can appoint a second Attorney *ad litem* for the PWAD.
- File your report with the Court by the noon deadline and serve a copy of your report on the petitioner(s) and any cross-petitioners. Include in your report your fee request and attach to your report (1) a fee affidavit per Rule 88 and (2) a certificate of service.