

FOR IMMEDIATE RELEASE

July 28, 2022

Fee Collection by the Office of the Public Guardian Under 12 *Del. C.* § 3986

The Court of Chancery has issued Standing Order No. 10, approving standards for limited fee collection by the Office of the Public Guardian (the “OPG”) in adult guardianship cases. These standards were established by the Delaware Guardianship Commission under 12 *Del. C.* § 3986. As explained in Standing Order No. 10, the OPG may collect a monthly fee equivalent to the fee allowable by the Social Security Administration from a resident of a nursing facility for whom the OPG is appointed guardian by this Court, if (i) the individual qualifies for Medicaid, and (ii) prior to collecting fees, the OPG files a notice of collection on the guardianship docket. Any requests from the OPG seeking additional fees for such individuals would need to be reviewed by the Court on a case-by-case basis.

At this time, the OPG may not collect fees for persons who do not fall within the category of individuals identified above. The Court understands, however, that the Delaware Guardianship Commission is considering how to expand to other fee collection areas and will make additional proposals to the Court.