

property without a guardian and is in danger of substantially endangering his/her health, becoming subject to abuse by other persons, becoming the victim of designing persons and/or is in danger of dissipating or losing such property by becoming the victim of designing persons.

IT IS HEREBY ORDERED, this _____ day of _____, 20____, as follows:

1. _____ is hereby appointed guardian of the person and property of _____, a person with a disability.

2. Before entering upon his/her duties as guardian pursuant to this Order, _____ shall execute a bond to be taken in the name of the State of Delaware in the amount of \$_____ with/without surety as a condition for the faithful performance of his/her duties as 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 the 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.

3. The guardian appointed herein is 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.

4. The guardian shall open one or more bank account(s) 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 _____, _____, GUARDIAN, WITHDRAWALS ONLY BY ORDER OF THE COURT" except that the guardian may withdraw up to \$_____ total per month without further notice of the Court. Otherwise, the guardian may not make any withdraws from the account without first having a Court Order to do so.

5. An inventory is due within thirty (30) days of the date of this order.

6. The guardian shall make a just and true accounting of this estate at least once each year. The guardian shall file the first accounting for a period of six (6) months beginning with the date of this order, which accounting is due nine (9) months from the date of this order. Each subsequent accounting shall cover a twelve (12) month period and shall begin on the date following the date the previous accounting ends. The annual accountings are due on or before the first business day of the calendar quarter in which the guardian was appointed, and at such other times as the Court shall direct. The accountings shall include documentation of the value of each account at the beginning and end of the covered period and receipts for each disbursement.

7. The guardian is authorized to apply to become, or continue to act, as the representative payee for social security benefits.

8. The guardian 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 guardian was appointed. The annual update and medical statement shall include the current mailing address of both the person with a disability and the guardian, 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.

9. The guardian 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.

10. The guardian is required to pay \$ _____ to _____, Esquire, within thirty (30) days of the date of this order, for his/her services as the attorney *ad litem* for the person with a disability. The attorney *ad litem* is hereby discharged from further service as attorney for the person with a disability.

11. The Register in Chancery of this Court is appointed agent of the guardian to accept service of process on behalf of the guardian as to any claim arising out of

the guardianship if, by reason of the guardian's absence from this State, he/she cannot be served.

12. In the event of the death of the person with a disability, the guardian shall notify the Office of Register in Chancery within ten (10) days.

13. If the person with a disability becomes Medicaid qualified, the guardian 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.

14. An order from the Court of Chancery is required to authorize the opening of any safe deposit box of the person with the disability and to sell or encumber any real property of the person with a disability.

Chancellor/Vice Chancellor/Master