

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of:

_____,
A person with a disability

:
:
:
:
:

C.M. #: _____

Attorney Affidavit to Explain Fiduciary Duties to the Proposed Guardian(s)

I, _____, Esquire, being duly sworn

according to law, deposes and says as follows:

1. I am the attorney of record in the above-captioned matter and that the information contained herein is true and correct.

2. I am an active member of the Delaware Bar.

3. I represent the Petitioner(s), _____.

4. I have explained to the proposed guardian(s) his/her/their duties upon appointment as guardian(s) of the person and property of the person with an alleged disability as set forth in 12 *Del. C.* § 3901 *et seq.*

5. I have explained to the proposed guardian(s) that he/she/they is/are to make decisions concerning the care of the person with an alleged disability based upon what is in the best interest of the person with an alleged disability and not based upon his/her/their personal interest.

6. I have explained to the proposed guardian(s) that he/she/they is/are only to use the assets of person with an alleged disability for the benefit of the

person with an alleged disability and not for his/her/their own benefit or for the benefit of any other person.

7. I have explained to the proposed guardian(s) that he/she/they may be required to file an inventory with the Court of the assets of the person with an alleged disability within thirty days of his/her/their appointment as guardian(s), pursuant to 12 *Del. C.* § 3921.

8. I have explained to the proposed guardian(s) that he/she/they may be required to file accountings with the Court each year and at such times thereafter as required by the Court, pursuant to Chancery Rule 114 and 12 *Del. C.* § 3941, 3943 unless the Court waives this requirement.

9. I have explained to the proposed guardian(s) that he/she/they will be required to sign a bond with the Court within seven days upon his/her/their appointment as guardian(s), pursuant to 12 *Del. C.* § 3905.

10. I have explained to the proposed guardian(s) that he/she/they will be required to open a guardianship account and to transfer all the assets of the person with a disability into the guardianship account upon appointment as guardian(s) unless the Court waives this requirement.

11. I have explained to the proposed guardian(s) that he/she/they will be required to file an annual update and medical statement with the Court, pursuant to Chancery Rule 180 B.

12. I, as the attorney for the Petitioner(s), understand that I may be required to file a proof of compliance with the Court of the opening of the guardianship account within thirty days of the proposed guardian's(s') appointment as guardian(s) to demonstrate that the guardianship account has been properly opened, unless the Court waives this requirement.

13. I have provided a copy of this affidavit to the proposed guardian(s).

Date

(Attorney's signature with full signature block and Bar ID)

STATE OF DELAWARE :

COUNTY OF _____:

This instrument was acknowledged before me on this _____ day of _____, 20____ by _____[Name of affiant].

Notary Public

Pursuant to Court of Chancery Rule 178B, the use of an Unsworn Declaration is permitted rather than the notary requirement.

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed on the _____ day of _____ (month) _____ (year).

(Printed Name)

(Signature)