

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

IN THE MATTER OF:

\_\_\_\_\_  
a disabled person

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C.M. # \_\_\_\_\_

**FINAL ORDER FOR APPOINTMENT OF  
GUARDIAN OF THE PERSON AND PROPERTY**

WHEREAS, on \_\_\_\_\_ a hearing was held in the above-matter above (“hearing”);

WHEREAS, Petitioner \_\_\_\_\_ is the \_\_\_\_\_ of \_\_\_\_\_ (hereinafter called “the disabled person”), and the interested parties has/have waived notice and consented (agreed) to or has/have received notice through certified mail on the appointment of \_\_\_\_\_ as guardian of the person and property of the disabled person;

WHEREAS, \_\_\_\_\_, Esquire, the previously appointed attorney *ad litem* for the disabled person has been personally served at least ten (10) days before the date of the Hearing, or in the alternative has filed a Waiver of Service, and has rendered his/her report;

WHEREAS, the Court having reviewed the Petition and affidavits, considered the medical report, and considered the statements made and evidence presented at the hearing, finds that \_\_\_\_\_ is a disabled

person because he/she is mentally infirmed and/or physically incapacitated. By reason thereof such disabled person is unable to properly manage and/or care for his/her person and consequently, such disabled person without guardian is in danger of substantially endangering his/her health or becoming subject to abuse by other persons or becoming the victim of designing persons AND is unable to properly manage and/or care for his/her property and consequently, such disabled person without a guardian 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 disabled person.
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 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 disabled person as provided for 12 Del. C., Ch. 39.

4. \_\_\_\_\_ as guardian, shall open one or more bank account(s) at \_\_\_\_\_ and/or its successors AND shall deposit ALL monies of the disabled person in such account(s). The account(s) shall be entitled “COURT OF CHANCERY, GUARDIANSHIP ACCOUNT FOR \_\_\_\_\_, DISABLED, \_\_\_\_\_, GUARDIAN, WITHDRAWALS ONLY BY ORDER OF THE COURT.”

5. 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.

6. A first inventory is due within thirty days of the date of this Order.

7. 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 months beginning with the date of this order, which accounting is due nine months from the date of this order. Each subsequent accounting shall cover a twelve 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 guardians were appointed and at such times as the Court shall

direct. The accountings shall include documentation of the value of each account and receipts for each disbursement.

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 the disabled person and the guardian, and a current medical statement from an approved medical practitioner setting forth the current medical status of the disabled person and addressing the need for continued guardianship.

9. The guardian shall within thirty 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 days of the date of this order for his/her services as the attorney *ad litem* for the disabled person. The attorney *ad litem* is hereby discharged from further service as attorney for the disabled person.

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 disabled person's death, the guardian shall notify the Office of Register in Chancery within ten (10) days.

13. If the disabled person becomes Medicaid qualified, the guardian is required to file proof of that qualification and a copy of any signed trust instrument with the Register in Chancery's Office within thirty days of qualification.

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

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(Vice) Chancellor or Master