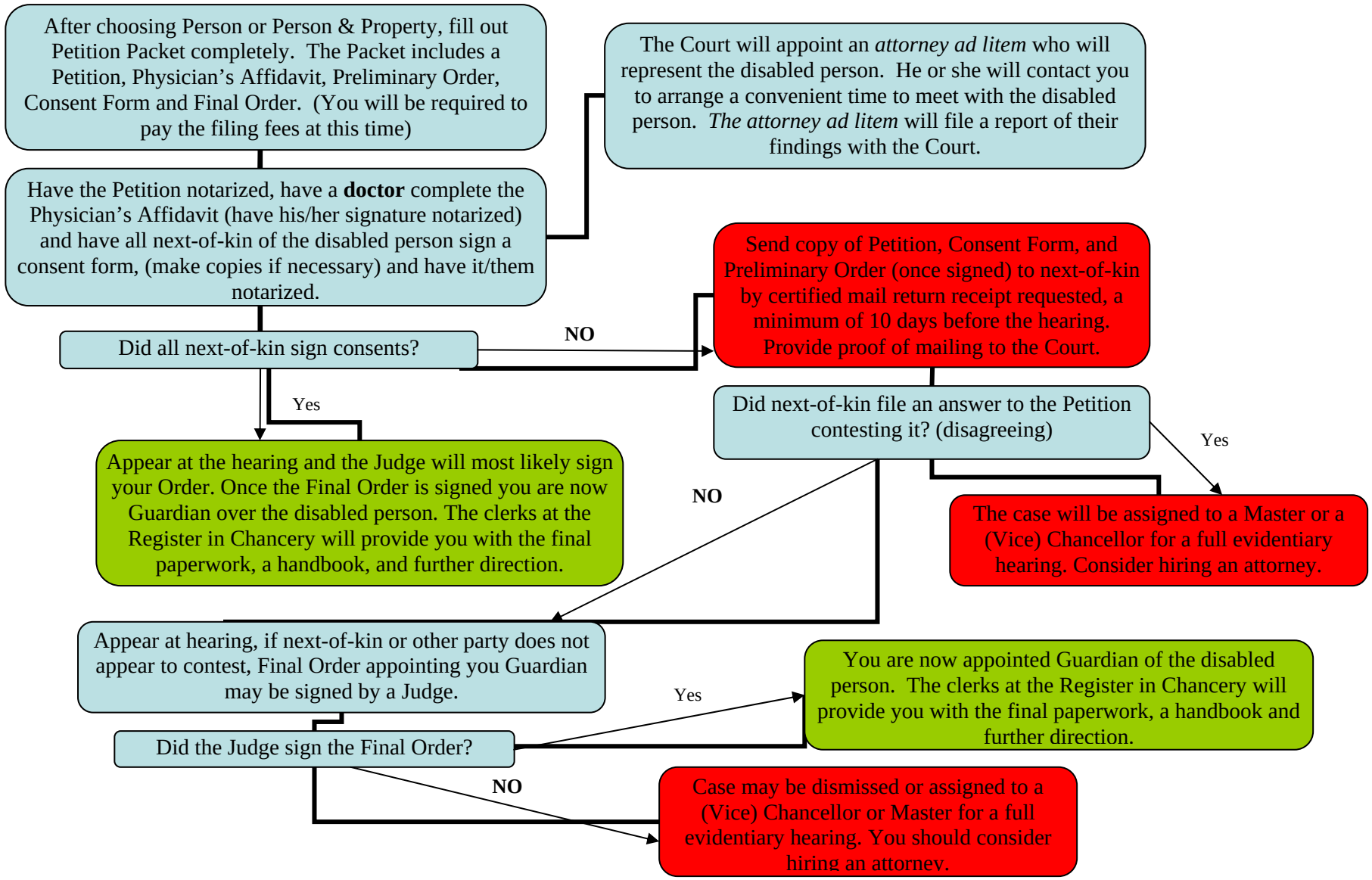
New Castle County
302-255-0544

Kent County
302-735-1930

Sussex County
302-856-5775

AN OVERVIEW OF THE GUARDIANSHIP PROCESS


After choosing Person or Person & Property, fill out Petition Packet completely. The Packet includes a Petition, Physician's Affidavit, Preliminary Order, Consent Form and Final Order. (You will be required to pay the filing fees at this time)
Have the Petition notarized, have a **doctor** complete the Physician's Affidavit (have his/her signature notarized) and have all next-of-kin of the disabled person sign a consent form, (make copies if necessary) and have it/them notarized.
The Court will appoint an *attorney ad litem* who will represent the disabled person. He or she will contact you to arrange a convenient time to meet with the disabled person. *The attorney ad litem* will file a report of their findings with the Court.
Did all next-of-kin sign consents?
NO
Send copy of Petition, Consent Form, and Preliminary Order (once signed) to next-of-kin by certified mail return receipt requested, a minimum of 10 days before the hearing. Provide proof of mailing to the Court.
Yes
Appear at the hearing and the Judge will most likely sign your Order. Once the Final Order is signed you are now Guardian over the disabled person. The clerks at the Register in Chancery will provide you with the final paperwork, a handbook, and further direction.
Did next-of-kin file an answer to the Petition contesting it? (disagreeing)
Yes
The case will be assigned to a Master or a (Vice) Chancellor for a full evidentiary hearing. Consider hiring an attorney.
NO
Appear at hearing, if next-of-kin or other party does not appear to contest, Final Order appointing you Guardian may be signed by a Judge.
Did the Judge sign the Final Order?
Yes
You are now appointed Guardian of the disabled person. The clerks at the Register in Chancery will provide you with the final paperwork, a handbook and further direction.
NO
Case may be dismissed or assigned to a (Vice) Chancellor or Master for a full evidentiary hearing. You should consider hiring an attorney.