

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

**IN RE: AMENDMENTS TO RULES 116, 117, 144, 175, 176, 177,
178, 178-A, 178-B, 180-A, 180-C, AND 180-D, AND ADDS
RULES 175-A AND 175-B.**

This 23rd day of September 2025, IT IS HEREBY ORDERED that the Court of Chancery Rules 116, 117, 144, 175, 176, 177, 178, 178-A, 178-B, 180-A, 180-C, and 180-D are amended, and Rules 175-A and 175-B are adopted as follows, effective September 30, 2025.

Rule 116 is amended as follows:

116. Requirements for Fiduciary Accountings

(a) Scope. This rule governs fiduciary accountings by guardians and trustees.

(b) Required Forms. Every accounting must use the Court's form schedules, unless the Court approves an exception.

(c) Required Attachments. Every accounting must attach for the period:

(1) Completed schedules on the Court's forms identifying:

(A) the starting principal balance;

(B) the date, source, and amount of any additions to principal;

(C) the date, source, and amount of any income received;

(D) any deductions from principal, explaining when and why made;

(E) the date, source, amount, recipient, and purpose of every debit; and

(F) the ending principal balance.

(2) Unless the accounting is for a trust under will, documents comprising:

(A) all monthly statements for each account;

- (B) support for all income received;
 - (C) receipts, invoices, or other documentation supporting all expenditures made; and
 - (D) an explanation for any cash withdrawal.
- (3) An affidavit or affirmation verifying that the accounting and schedules are accurate and the documents true copies.

Rule 117 is amended as follows:

117. [Omitted]

Rule 144 is amended as follows:

144. Magistrate in Chancery Reports

(a) Case Assignment. The Chancellor may assign to a Magistrate in Chancery any action or dispute that a Chancellor or Vice Chancellor can hear.

(1) *Referred Action.* The Chancellor may assign a civil action to a Magistrate in Chancery.

(2) *Referred Dispute.* The Chancellor may assign a specific dispute within a civil action to a Magistrate in Chancery.

(3) When an action or dispute is assigned to a Magistrate in Chancery, the Rules of this Court apply as modified by Rule 144.

(b) Reports.

(1) A Magistrate in Chancery may issue any rulings, orders, or decisions necessary or convenient to bring the referred action or dispute to a conclusion. Any ruling, order, or decision by a Magistrate in Chancery is a “Report.” A Magistrate in Chancery may issue any Report orally on the record or in writing.

(2) A Report must be filed on the docket and include factual findings and legal rulings sufficient to support the Report and permit de novo review by the Chancellor or a Vice Chancellor (a “Reviewing Judge”). A Report that concludes a referred action or dispute is a “Final Report.”

(3) Before issuing a Report, a Magistrate in Chancery may issue the Report as a draft (a “Draft Report”). Unless denominated as a draft, a Report is not a Draft Report. A Draft Report may be provided orally on the record or in writing. The Magistrate in Chancery may modify the Draft Report in response to exceptions or as the Magistrate in Chancery deems appropriate.

(c) Exceptions.

(1) Exceptions to a Draft Report.

(A) A Magistrate in Chancery hears exceptions to a Draft Report and may address the exceptions in the Report.

(B) If a Magistrate in Chancery issued a Draft Report, then a party may only take exceptions to a Report that (i) were timely filed exceptions to the Draft Report and disallowed or (ii) address differences between the Draft Report and the Report.

(2) Exceptions After a Final Report.

(A) *Exceptions in a Civil Action Other Than on the Civil Miscellaneous Docket.* A party may take exceptions to any Report only after entry of the Final Report. If no party timely files a notice of exceptions after entry of a Final Report, then the Chancellor will adopt the Final Report and all prior Reports as orders of the Court. If a party timely files a notice of exceptions to a Final Report or any prior Report, then the Chancellor will assign a Reviewing Judge to hear the exceptions.

(B) *Exceptions in an Action on the Civil Miscellaneous Docket.* In an action on the civil miscellaneous docket, a party may take exceptions to any Report following the issuance of such Report. The schedule for such exceptions is governed by Rule 144(d)(4). If no party timely files a notice of exceptions, the Report shall be deemed adopted in its entirety as an order of the Court, and shall have the same effect as though issued by a Chancellor or Vice Chancellor, as of the date it was issued by the Magistrate in Chancery, nunc pro tunc.

(3) Procedural Review of Exceptions to a Report.

(A) A Reviewing Judge may order a procedural review of exceptions to a Report to determine whether the exceptions comply with Rule 144. If a Reviewing Judge orders a procedural review, then briefing on exceptions to the Report shall be stayed until the Magistrate in Chancery issues a Report on procedural review.

(B) A Magistrate in Chancery conducts the procedural review and files a Report recommending whether the exceptions comply with Rule 144 and, if the exceptions do not comply with Rule 144, whether the exceptions should be heard despite the procedural deficiency.

(C) A party may take exceptions to a Magistrate in Chancery's Report on procedural review.

(D) The Reviewing Judge may hear the exceptions despite the Magistrate in Chancery's recommendation on procedural review.

(d) Schedule for Exceptions.

(1) *Actions That Are Not Summary or Expedited.* A party taking exceptions must file a notice of exceptions within 11 days of the date of the Final Report or Draft Report. The party taking exceptions must file an opening brief in support of the exceptions within 20 days after filing the notice of exceptions. Any party opposing exceptions may file an answering brief within 20 days after the filing of the opening brief. The party taking exceptions may file a reply brief within 15 days after the filing of the answering brief.

(2) *Summary and Expedited Actions and Disputes.* A party taking exceptions must file a notice of exceptions within three days of the date of the Final Report or Draft Report. The parties must submit a proposed briefing schedule on exceptions to the Reviewing Judge within five days after the notice of exceptions is filed.

(3) *Withdrawing Exceptions.* If the party taking exceptions fails to file a timely opening brief, then the notice of exceptions is deemed withdrawn and the Reviewing Judge will enter an order adopting the Report.

(4) *Civil Miscellaneous Docket*. A party taking exceptions to a Report entered in an action on the Civil Miscellaneous Docket must file a notice of exceptions within 11 days of a Report or Draft Report, except that a party taking exceptions to a Report or Draft Report addressing an uncontested petition, or for which the Magistrate in Chancery has expedited exceptions, must file a notice of exceptions within three days of the Report or Draft Report and proceed under Rule 144(d)(2).

(e) Record for Taking Exceptions. The Reviewing Judge hears exceptions based on the record before the Magistrate in Chancery, unless the Reviewing Judge determines to expand the record for good cause shown.

(f) Motion for Reargument or Clarification. Any party may move for reargument or clarification under Rule 59(f) of any Report except a Draft Report. The Magistrate in Chancery hears motions filed under Rule 59(f).

(g) Agreements for Voluntary Final Adjudication Before a Magistrate in Chancery under 10 *Del. C.* § 350; Voluntary Waiver of Appeal by Parties under 10 *Del. C.* § 351.

(1) The parties to any referred action may stipulate to a final adjudication of any action or dispute by a Magistrate in Chancery, with the effect that a report shall have the same effect as a decision of the Chancellor or a Vice Chancellor. Appeals in actions governed by a stipulation entered under Rule 144(g) shall be determined in all respects by the same procedural and substantive standards as are applicable to appeals from decisions of the Chancellor or a Vice Chancellor of the Court of Chancery. Any stipulation must be filed with the Register in Chancery and include language substantially in the following form:

(A) the parties agree to submit this action to a Magistrate in Chancery for a final decision under 10 *Del. C.* § 350 and Court of Chancery Rule 144(g);

(B) the parties waive the right to seek judicial review of the Magistrate in Chancery's decision at the trial court level;

(C) the parties agree that the Magistrate in Chancery's final decision will constitute a decision of the Court of Chancery; and

(D) the parties confirm their understanding that any appeal from the decision will be subject to the same procedural and substantive standards as are applicable to appeals from decisions of the Chancellor or a Vice Chancellor.

(2) The parties in any action or dispute assigned to a Magistrate in Chancery may stipulate that the decision of the Magistrate in Chancery shall be final and binding and not subject to appeal. Any stipulation must be filed with the Register in Chancery and include language substantially in the following form:

The parties agree under 10 *Del. C.* § 351 that the Report of the Magistrate in Chancery shall be final and binding and not subject to appeal.

Rule 175 is amended as follows:

175. Petition for Appointment of Guardian for Adult with an Alleged Disability

(a) Verification. The petitioner must verify a petition for the appointment of a guardian for the person or property, or both, of an adult with an alleged disability (the “Person with an Alleged Disability”) under 12 *Del.* § 3901(a)(2)-(3). The verification must state that the petitioner believes the contents to be true under penalty of perjury.

(b) Form. The petition must contain the following information. If information is unknown, the petition must state that, represent that the petitioner has made diligent efforts to obtain the information, and describe those efforts.

(1) *Petitioner.* The name and address of the petitioner and the relationship of the petitioner to the Person with an Alleged Disability, or, if not related, the nature of the petitioner’s interest in the health and wellbeing of the Person with an Alleged Disability.

(2) *Person with an Alleged Disability.* The name, age, marital status, domicile, and current residence of the Person with an Alleged Disability, as well as:

(A) if the Person with an Alleged Disability resides in an institution, the name and address of the institution and the date and circumstances

surrounding the Person with an Alleged Disability's admission;

(B) if the Person with an Alleged Disability's expenses are being paid by another person, the name of the person and the source of the funds;

(C) if the Person with an Alleged Disability served in the armed forces of the United States, the branch and dates of service; and

(D) if the Person with an Alleged Disability has been represented by a Delaware attorney within the past two years, the name of the attorney.

(3) *Interested Parties.* The names and addresses of any potentially interested parties, including:

(A) the Person with an Alleged Disability's spouse;

(B) any person who would inherit if the Person with an Alleged Disability died intestate;

(C) any beneficiary in a testamentary instrument;

(D) any person acting for or named by the Person with an Alleged Disability as a fiduciary, including any holder of a power of attorney or other agent, executor, administrator, trustee, or person granted authority under an advance healthcare directive, advance mental healthcare directive or other health care proxy;

(E) any person primarily responsible in the past six months for the Person with an Alleged Disability's care or finances; and

(F) if any potentially interested persons are minors, their approximate ages and their parents, guardians, or other contact persons.

(4) *Agency Documents.* The existence and location of any agency document, including any power of attorney, advance healthcare directive, advance mental healthcare directive, or other health care proxy executed by the Person with an Alleged Disability.

(5) *Estate Documents.* The existence and location of any estate planning document, including any will or trust.

(6) *Financial Information.* A listing of the Person with an Alleged Disability's:

- (A) assets and the probable value thereof;
- (B) estimated income; and
- (C) obligations and liabilities.

(7) *Incapacity.* A general allegation that the Person with an Alleged Disability is unable properly to manage their person or property because of a disability, and consequently is in danger of dissipating their property or becoming the victim of designing persons. If an interim guardian is sought, specific allegations demonstrating that the Person with an Alleged Disability is in danger of incurring imminent serious physical harm or substantial economic loss or expense, which may occur before a hearing for the appointment of a guardian may be held.

(8) *Specific Authority.* If the petitioner seeks specific authority as guardian to use the Person with an Alleged Disability's property for reasons other than the support, care, protection, welfare, and rehabilitation of the Person with an Alleged Disability, to borrow money for the benefit of the Person with an Alleged Disability, or to prepay burial expenses, then the petition must specify the nature of the authority requested and why the petitioner believes the expenditure would be in the best interests of the Person with an Alleged Disability. The form of such request shall follow Rule 178 so far as applicable.

(c) Exhibits. The petition must include the following exhibits:

- (1) a form of preliminary order scheduling the matter for a hearing and providing for notice;
- (2) a form of final order that includes, as applicable:
 - (A) a paragraph stating that an order from the Court is required to authorize the opening of any safe deposit box, or to sell or encumber any vehicles or real property, of the Person with a Disability;
 - (B) language that a guardian cannot withdraw the full monthly allotment and must pay expenses directly from the guardianship account(s);
 - (C) language discharging any attorney ad litem;

(D) if an attorney filed the petition on behalf of the guardian, a paragraph stating that the attorney is responsible for ensuring that any guardianship bank account required by the final order is properly opened and that the proof of compliance and inventory are filed within 30 days;

(E) if bond is required, a paragraph stating that the bond must be executed and filed within seven days of the entry of the order and that no copy of the final order, whether certified or not, will be released until the bond is filed; and

(F) a paragraph requiring the guardian to notify the Court of the death of the person with a disability within 10 days of the death;

(3) if the petition is filed by an attorney and unless the proposed guardian is a fee-for-service guardian or the Office of the Public Guardian, an attorney's affidavit confirming the attorney has explained to the proposed guardian the fiduciary duties and responsibilities of a guardian;

(4) a physician's affidavit, executed by a medical or osteopathic doctor authorized to practice medicine within the last three months, using the Court's most recent form, available on the Court's website;

(5) unless the proposed guardian is a fee-for-service guardian or the Office of the Public Guardian, affidavits detailing the proposed guardian's history and personal information in the forms provided by the Court; and

(6) affidavits describing petitioner's efforts to locate any interested party for whom contact information is not provided.

(d) Withdrawal. An attorney who has appeared on behalf of the petitioner may withdraw by notice if the petitioner expresses consent by signing the notice.

The following Rule 175-A is adopted:

175-A. Petition to Determine Capacity

(a) Verification. The petitioner must verify a petition to determine whether an adult person has capacity (the "Subject Person") under 12 *Del. C.* § 2506. The verification

must state that the petitioner believes the contents to be true under penalty of perjury.

(b) Form. The petition must contain the following information. If information is unknown, the petition must state that the petitioner has made diligent efforts to obtain the information, and describe those efforts.

(1) *Petitioner.* The name and address of the petitioner and the relationship of the petitioner to the Subject Person, or, if not related, the nature of the petitioner's interest in the health and wellbeing of the Subject Person.

(2) *Subject Person.* The name, age, marital status, domicile, and current residence of the Subject Person, as well as:

(A) if the Subject Person resides in an institution, the name and address of the institution and the date and circumstances surrounding the Subject Person's admission;

(B) if the Subject Person's expenses are being paid by another person, the name of the person and the source of the funds;

(C) if the Subject Person served in the armed forces of the United States, the branch and dates of service; and

(D) if the Subject Person has been represented by a Delaware attorney within the past two years, the name of the attorney.

(3) *Interested Parties.* The names and addresses of any potentially interested parties, including:

(A) the Subject Person's spouse;

(B) any person who would inherit if the Subject Person died intestate;

(C) any beneficiary in a testamentary instrument;

(D) any person acting for or named by the Subject Person as a fiduciary, including any holder of a power of attorney or other agent, executor, administrator, trustee, or person granted authority under an advance healthcare directive, advance mental healthcare directive, or other health care proxy;

(E) any person primarily responsible in the past six months for the Subject Person's care or finances;

(F) any person who contests the petitioner's position on the Subject Person's capacity; and

(G) if any potentially interested persons are minors, their approximate ages and their parents, guardians, or other contact persons.

(4) *Agency Documents.* The existence and location of any agency document, including any power of attorney, advance healthcare directive, advance mental healthcare directive, or other health care proxy executed by the Subject Person.

(5) *Estate Documents.* The existence and location of any estate planning document, including any will or trust.

(6) *Nature of Dispute.* A detailed explanation of the nature of the dispute, and why the Court must determine the capacity for the Subject Person.

(c) Exhibits. The petition must include the following exhibits:

(1) a form of preliminary order scheduling the matter for a hearing and providing for notice;

(2) a form of final order that includes, as applicable, language discharging any attorney ad litem;

(3) a copy of the determination of a lack of capacity that is in dispute under 12 *Del. C.* § 2504(b); and

(4) affidavits describing petitioner's efforts to locate any interested party for whom contact information is not provided.

(d) Withdrawal. An attorney who has appeared on behalf of the petitioner may withdraw by notice if the petitioner expresses consent by signing the notice.

The following Rule 175-B is adopted:

175-B. Petition to Enjoin or Require Healthcare Decision-Making

(a) Verification. The petitioner must verify a petition to enjoin or require healthcare decision-making for a person (the "Principal") by another (the "Agent") under 16 *Del. C.*

§ 2526. The verification must state that the petitioner believes the contents to be true under penalty of perjury.

(b) Form. The petition must contain the following information. If information is unknown, the petition must state that, represent that the petitioner has made diligent efforts to obtain the information, and describe those efforts.

(1) *Petitioner.* The name and address of the petitioner and the relationship of the petitioner to the Principal and Agent, or, if not related, the nature of the petitioner's interest in the healthcare decision-making.

(2) *Principal.* The name, age, marital status, domicile, and current residence of the Principal, as well as:

(A) if the Principal resides in an institution, the name and address of the institution and the date and circumstances surrounding the Principal's admission;

(B) if the Principal's expenses are being paid by another person, the name of the person and the source of the funds;

(C) if the Principal served in the armed forces of the United States, the branch and dates of service; and

(D) if the Principal has been represented by a Delaware attorney within the past two years, the name of the attorney.

(3) *Agent.* The name and address of the Agent, the relationship of Agent to the Principal, and the source of the Agent's authority.

(4) *Interested Parties.* The names and addresses of any potentially interested parties, including:

(A) the Principal's spouse;

(B) any person who would inherit if the Principal died intestate;

(C) any beneficiary in a testamentary instrument;

(D) any person acting for or named by the Principal as a fiduciary, including any holder of a power of attorney or other agent, executor, administrator, trustee, or person granted authority under an advance healthcare directive, advance

mental healthcare directive, or other health care proxy;

(E) any person primarily responsible in the past six months for the Principal's care or finances;

(F) any person who contests the petitioner's position contested decision-making; and

(G) if any potentially interested persons are minors, their approximate ages and their parents, guardians, or other contact persons.

(5) *Agency Documents*. The existence and location of any healthcare document, including any power of attorney, advance healthcare directive, advance mental healthcare directive, or other health care proxy.

(6) *Estate Documents*. The existence and location of any estate planning document, including any will or trust.

(7) *Nature of Dispute*. The nature of the dispute over healthcare decision-making that is at issue and the relief sought.

(c) Exhibits. The petition must include the following exhibits:

(1) a form of preliminary order scheduling the matter for a hearing and providing for notice;

(2) a form of final order that includes, as applicable, language discharging any attorney ad litem;

(3) a copy of the document providing the Agent with authority to act, if there is one, or an affidavit of efforts to secure same, if unavailable; and

(4) affidavits describing petitioner's efforts to locate any interested party for whom contact information is not provided.

(d) Withdrawal. An attorney who has appeared on behalf of the petitioner may withdraw by notice if the petitioner expresses consent by signing the notice.

Rule 176 is amended as follows:

176. Attorney Ad Litem; Court Representative

(a) Attorney Ad Litem. The Court may appoint a member of the Delaware Bar to represent a minor, a Person

with an Alleged Disability, a Subject Person, or a Principal (the “Represented Person”). The Court may act on a party’s motion, its own motion, or routinely upon the filing of a petition.

(1) *Duties.* An attorney ad litem must pursue the best interests of the Represented Person. An attorney ad litem must reasonably investigate the petition’s allegations and all pertinent facts, explain the proceedings to the Represented Person, and inform the Represented Person of their rights. The Court may impose additional or different duties by order.

(2) *Notice.* An attorney ad litem must give and receive notice on behalf of the Represented Person. Unless the court directs otherwise, an attorney ad litem must provide the Represented Person with actual notice of any hearing at least 10 days in advance.

(3) *Conflict.* If the attorney ad litem’s view of the Represented Person’s best interests differs from the Represented Person’s wishes, then the attorney ad litem must advise the Court. The Court may appoint a second attorney to pursue the Represented Person’s wishes.

(b) Court Representative. The Court may appoint a court representative to investigate the petition’s allegations and all pertinent facts.

(c) Report. The Court may direct the attorney ad litem or court representative to file a report and recommendation as directed in the Order of the Court.

(d) Compensation. A court representative or an attorney ad litem may receive an award of compensation, including reimbursement of expenses. Either may be waived.

(1) *Determining and Apportioning the Award.* A court representative or an attorney ad litem may bill for time at standard hourly rates, record expenses, and move for an award when services are complete. Unless the Court orders otherwise, the petitioner seeking relief from the Court must be the attorney ad litem’s fee within 30 days of an order approving the fee.

(2) *Attorney Ad Litem—Award in Uncontested Case.*

(A) The attorney ad litem’s award may not exceed \$750 in an uncontested case. But if the Court orders

the attorney ad litem to address an objection, and the action does not become contested, then the award may not exceed \$1,000. The Court may award a different amount for cause.

(B) The petitioner must pay the award within 30 days after Court approval, unless the Court apportions the fee differently or specifies a different time for payment.

(3) *Attorney Ad Litem—Award in Contested Case.* The attorney ad litem's award may not exceed \$3,500 in an uncontested case, except for cause.

(4) *Motion Seeking Award.* The motion must be filed not later than 20 days after the Court resolves the merits. The motion must comply with Rule 88 and address who should pay the award. The motion must include a form of order that specifies the amount of the proposed award and the proposed allocation of responsibility for payment.

(5) *Cause.* Whether to approve a greater fee under this rule is a matter within the Court's discretion. The Court may consider, among other relevant factors, the amount of time and attention given by the attorney ad litem, the novelty and difficulty of the questions presented, the resources available to pay the fees and costs, and the benefit provided to the Represented Person by the attorney ad litem's service.

Rule 177 is amended as follows:

177. Hearings; Notice; Proof of Service

(a) Hearings. The Court may hold a hearing on any petition for the appointment of a guardian for a person with an alleged disability, to determine capacity, or to enjoin or require healthcare decision-making.

(1) *Personal Appearance.* The Court may require that the Person with an Alleged Disability, Subject Person, or Principal appear at the hearing.

(2) *When Evidence Is Required.* At the hearing, the Court may take evidence or, for cause, adjourn the hearing. But if no one at the hearing objects to the relief sought, then the Court may grant it without requiring a further showing.

(3) *Relief By Consent.* But the Court may forgo a hearing if all interested parties consent to the relief sought, the petitioner has counsel, and the Court determines that a hearing is unnecessary.

(b) Notice. Any party obtaining a hearing must give notice of the date, time, place and purpose of the hearing to:

(1) the other parties;

(2) any Delaware attorney who has represented the Person with an Alleged Disability, Subject Person, or Principal within the past two years; and

(3) all interested parties unless the Court determines that notice to a particular interested party would harm the person that is the subject of the proceeding.

(c) Means of Giving Notice. Notice must be given by registered or certified mail, return receipt requested, or by a courier service that provides real-time tracking of delivery.

(d) Timing of Notice. Notice must be given at least 10 days before the hearing date, unless the Court orders otherwise.

(e) Proof of Service and Notice. The party giving notice must file proof that notice was timely served.

Rule 178 is amended as follows:

178. Petition to Exercise Powers Not Granted by Subchapter II of Chapter 39 of Title 12 of the Delaware Code or by the Court

(a) Petition Needed. If the guardian desires authority to exercise powers not granted by Subchapter II of Chapter 39 of Title 12 of the Delaware Code or by the Court (such as the power to expend principal of the estate of the person with a disability for reasons other than the support, care, protection, welfare, clothing and rehabilitation of that person, the power to sell real property belonging to that person, the power to borrow money for that person's benefit or the power to prepay burial expenses), the guardian shall make application therefor to the Court by a petition.

(b) Contents of Petition. The petition shall be verified and shall set forth:

(1) the name of the guardian, the date of the guardian's appointment, the amount of any bond and the name of the guardian's surety, if any;

(2) if the petition concerns the property of the person with a disability, a summary of the guardianship assets;

(3) a list of all interested parties entitled to receive notice of the petition in accordance with Rule 175(b)(3); and

(4) a request for leave to take the requested actions.

(c) Proposed Order Annexed. A form of order shall be filed with the petition.

(d) Notice Period. Unless otherwise ordered by the Court, notice of all petitions filed pursuant to Rule 178(a) must be served on all interested parties, and the petition shall be held for a period of at least 13 days to allow interested parties to respond.

Rule 178-A is amended as follows:

178-A. Petition for Instructions Regarding Withholding or Withdrawing Life-Sustaining Procedures

(a) A guardian, including an interim guardian, for a person with a disability, may not change a person with a disability's code status or direct medical providers to withhold or withdraw artificial nutrition or hydration, mechanical ventilation, or other health care for a person with a disability unless:

(1) The person with a disability's medical provider confirms that the person has experienced a major reduction in health or functional ability from which the individual is not expected to recover, or

(2) Prior court approval is obtained.

(b) A petition seeking approval under (a)(2) shall include:

(1) the facts and circumstances requiring or recommending direction to withhold or withdraw artificial nutrition or hydration, mechanical ventilation, or other health care;

(2) two physician's affidavits outlining the medical requirements and needs supporting the instructions;

(3) notice that any objection or response shall be filed in writing with the Court of Chancery within 20 days of the date of the petition unless the Court expedites the matter; and

(4) a form of order implementing the change of status.

(c) The petition shall be served by certified mail, return receipt requested, or by FedEx, United Parcel Service, or any other courier service that provides real-time tracking of delivery, upon interested parties as defined in Rule 175(b)(3).

(d) If no responsive pleading is received by the Court within 20 days, the Court may act on the petition without further proceedings.

(e) The Court may expedite consideration of the petition for good cause shown.

Rule 178-B is amended as follows:

178-B. Unsworn Declarations in Civil Miscellaneous Matters

A person may use an Unsworn Declaration under Penalty of Perjury under 10 *Del. C.* § 3927 for pleadings and papers in civil miscellaneous matters, including verifications, declarations, affidavits, and notarized signatures. But an Unsworn Declaration under Penalty of Perjury may not be used with:

(1) petitions under Rules 175, 175-A, 175-B, or 180;

(2) petitions to remove a guardian and/or appoint a successor guardian;

(3) petitions to add a co-guardian;

(4) petitions to terminate a guardianship due to recovery of the person with a disability or to terminate in favor of less restrictive measures;

(5) petitions for instructions regarding life-sustaining procedures;

(6) petitions to transfer funds at majority in guardianships of a minor's property;

(7) physician affidavits;

- (8) personal information sheets;
- (9) consents in support of (1)-(6) herein;
- (10) applications to proceed in forma pauperis; and
- (11) other papers if the Chancellor directs.

Rule 180-A is amended as follows:

180-A. Involuntary Sterilization Proceedings

[Omitted]

Rule 180-C is amended as follows:

180-C. Termination of Guardianship

(a) Petition to Terminate Guardianship. The guardian, the person for whom a guardian has been appointed, or any interested party may file a petition alleging a sufficient reason why guardianship is no longer necessary and requesting its termination. The Court may make an order for the ascertainment of the truth of the allegation, whether by an examination in open Court, or otherwise. If a hearing is to be held, notice thereof shall be given to the guardian and any interested party as that term is defined in Rule 175(b)(3).

(b) Termination of Guardianship.

(1) If the Court finds that a guardian no longer is necessary due to recovery of capacity of the person with a disability, the Court will make an order terminating the guardianship, restoring to the person with a former disability the care of his or her person or restoring to him or her the property and estate in the custody, possession and control of the guardian, or both, providing for the payment of costs and expenses incurred during the guardianship, and requiring a full accounting from the former guardian of the property of the person with a former disability.

(2) If the Court finds that guardianship is no longer necessary due to availability of other measures and such measures are in the best interest of the person with a disability, the matter may be administratively closed without prejudice. An affidavit shall be filed with the Court specifying the means of substitute decision

making to be used, and the consent of the individual responsible for utilizing it.

(3) Upon termination, the Court may provide for the payment of costs and expenses incurred during the guardianship.

(c) Restoration of Property of Minor upon Attaining Majority. If the only allegation of disability in the petition for appointment of a guardian was that the person was a minor, the guardianship shall terminate automatically in accordance with 12 *Del. C.* § 3909 when the minor attains the age of 18 years. The automatic termination of the guardianship of the property shall not relieve the guardian of the duty to account to the Court.

(d) Final Accounting. Under 12 *Del. C.* § 3941(a), upon removal or resignation of a guardian or upon termination of a guardianship, the guardian shall render a final accounting within 30 days of the removal, resignation, or termination of the guardianship, unless otherwise ordered by the Court. This rule shall not apply if accountings have been waived, unless otherwise ordered by the Court.

Rule 180-D is amended as follows:

180-D. Guardianship Monitoring Program of the Office of the Public Guardian

(a) Guardianship Monitoring Program of the Office of the Public Guardian. The Guardianship Monitoring Program of the Office of the Public Guardian shall, in addition to responsibilities assigned by the Office of the Public Guardian, be responsible for monitoring the Court's guardianship docket. This monitoring shall take the following forms:

(1) *Routine Audit of Active Cases.* The Guardianship Monitoring Program may perform routine audits of active guardianship cases, without further order of the Court, other than those cases in which the Office of the Public Guardian serves as an appointed guardian. Such audits shall be conducted randomly on an annual basis. The Guardianship Monitoring Program shall have the discretion to determine the number of cases selected for routine audit based on staff availability and other parameters established by the Office of the Public Guardian.

(2) Review and Investigation Upon Court Referral. The Court may, on its own initiative or upon request, refer any guardianship case to the Guardianship Monitoring Program of the Office of the Public Guardian for review or investigation. The Court order referring the case to the Guardianship Monitoring Program of the Office of the Public Guardian shall specify the issues or concerns to be investigated.

(b) Access to Records. The Office of the Public Guardian shall have access to the docket in any active guardianship case without further order of the Court. Except as otherwise noted in the order of referral, any referral of a case to the Guardianship Monitoring Program under Rule 180-D(a)(2) also shall confer upon the Office of the Public Guardian access to all financial records, accounts, banking documents, insurance records and other financial information of a person with a disability, as well as access to all medical records, treatment providers, clinical information, and other healthcare information of the person with a disability.

(c) Reports and Referrals by the Office of the Public Guardian.

(1) If, upon either a routine audit or Court-ordered review of a guardianship case, the Office of the Public Guardian concludes that there is a reasonable basis to suspect that the person with a disability has been the victim of abuse or neglect, the Office of the Public Guardian shall refer the guardianship case to the appropriate state or local agency or agencies for investigation. If, upon either a routine audit or Court-ordered review of a guardianship case, the Office of the Public Guardian concludes that there is a reasonable basis to suspect that the person with a disability has been the victim of financial exploitation, the Office of the Public Guardian shall refer the case to the appropriate state or local agency or agencies for investigation.

(2) Whenever the Guardianship Monitoring Program completes a routine audit of a guardianship case, a report summarizing such review shall be filed with the Court. When the Court refers a case to the Guardianship Monitoring Program for review, the referral order shall specify the date on which a written

report shall be filed. Such report shall contain a detailed summary of the investigation conducted by the Guardianship Monitoring Program, any facts obtained through such investigation, any referral(s) made to another agency for further investigation, and any recommendation for immediate action by the Court. Reports of the Guardianship Monitoring Program shall be filed by the Guardianship Advocacy Director, are confidential, and interested parties will not receive copies of the report except by approval of the Court.

(d) Testimony. A representative of the Guardianship Monitoring Program shall be available upon request of the Court or any interested party to testify regarding the review or investigation conducted by the Guardianship Monitoring Program.

FOR THE COURT:

/s/ Kathaleen St. J. McCormick

Chancellor Kathaleen St. J. McCormick