IN THE MATTER OF:) FIRST & LAST NAME) Guardian ad Litem Report

NOW COMES the duly appointed and undersigned Guardian ad Litem for the Ward and makes the following report to the Court:

BACKGROUND

- I, <u>GAL'S NAME</u>, was duly appointed as Guardian ad Litem ("GAL") under N.C.G.S. § 35A-1130(c) for <u>FIRST AND LAST</u> NAME on <u>DATE OF APPOINTMENT</u>.
- 2. WARD'S FIRST AND LAST NAME ("Ward") is AGE, SEX, AND ADDRESS OF WARD.
- 3. On <u>DATE OF FILING</u>, <u>ORIGINAL PETITIONER'S FIRST AND LAST NAME</u> filed a petition for adjudication of incompetence and application for appointment of a guardian under N.C.G.S. § 35A-1105, -1210.
- 4. On <u>DATE OF ORIGINAL ADJUDICATION</u>, the <u>COUNTY'S NAME</u> County Clerk of Superior Court entered an order adjudicating the Ward incompetent and appointing <u>NAME OF GUARDIAN(S)</u> as the Ward's <u>GUARDIAN OF THE</u> <u>ESTATE / GUARDIAN OF THE PERSON / GENERAL GUARDIAN.</u>
- 5. Add background information, such as the basis for the court's original ruling or other procedural history, if relevant to the motion now before the court.
- 6. On <u>DATE OF CURRENT MOTION FOR RESTORATION FILING</u>, <u>MOVANT'S FIRST AND LAST NAME</u> filed a motion in the cause under N.C.G.S. § 35A-1130. In it, this Court is asked to find that the Ward is competent and to enter an order restoring the Ward's competency.

INVESTIGATION SUMMARY

- 7. <u>DOCUMENT SUMMARY</u>: Summarize the documents you reviewed as GAL, including medical records, psychological evaluations, law enforcement records, financial statements, and social-services files. Highlight the most important information for the court and detail what conclusions you drew—and want the court to draw—from these documents.
- 8. <u>INTERVIEW SUMMARY:</u> Summarize the people you interviewed as GAL, including next of kin, friends, neighbors, service providers, and other community members. Describe the key takeaways from those conversations. What did those conversations tell you about your client, your client's competency, and your client's wishes? What do those conversations suggest is in your client's best interest?
- 9. <u>WARD-INTERVIEW SUMMARY:</u> Summarize what you concluded from conversations with your client. Share your client's wishes with the court. If you were unable to ascertain your client's wishes, explain why. What should the court know about your client that might not be learned through other evidence? What does the time you have spent with your client indicate about your client's competency?

APPLICABLE LAW

For items in this section, include only relevant portions. After selecting which citations are applicable, consider adding a brief explanation of why you think it applies to the immediate case. For example, consider summarizing why you

think a multidisciplinary evaluation would be beneficial, or highlight the reasons you think the respondent should or

should not have competency restored.

- 10. An incompetent adult is "[a]n adult or emancipated minor who lacks sufficient capacity to manage the adult's own affairs or to make or communicate important decisions concerning the adult's person, family, or property whether the lack of capacity is due to mental illness, intellectual disability, epilepsy, cerebral palsy, autism, inebriety, senility, disease, injury, or similar cause or condition." N.C.G.S. § 35A-1101(7).
- 11. This Court can, on its own motion or the motion of any party, order a multidisciplinary evaluation. N.C.G.S. § 35A-1130(c). A multidisciplinary evaluation is "[a]n evaluation that contains current medical, psychological, and social work evaluations as directed by the clerk and that may include current evaluations by professionals in other disciplines, including without limitation education, vocational rehabilitation, occupational therapy, vocational therapy, psychiatry, speech-and-hearing, and communications disorders. . . . The evaluation shall set forth the nature and extent of the disability and recommend a guardianship plan and program." N.C.G.S. § 35A-1101(14).
- 12. A multidisciplinary evaluation is considered current if it is not more than a year old at the time it is presented to the court. N.C.G.S. § 35A-1101(14). "If a current multidisciplinary evaluation is not available and the clerk determines that one is necessary, the clerk, on his own motion or the motion of any party, may order that such an evaluation be performed pursuant to G.S. 35A-1111." N.C.G.S. § 35A-1212(b).
- 13. This Court "shall enter an order adjudicating that the ward is restored to competency" if it "finds by a preponderance of the evidence that the ward is competent." N.C.G.S. § 35A-1130(d).
- 14. This Court "shall enter an order denying" the request for restoration if it "fails to find that the ward should be restored to competency." N.C.G.S. § 35A-1130(f).

Based on the above report, the Guardian ad Litem makes the following recommendations to the Court:

For the following recommendations, select only those that are relevant:

ADJUDICATE COMPETENT AND RESTORE COMPETENCY:

- I. That the Court find by a preponderance of the evidence that the Ward is a competent person.
- II. That the Court adjudicate the Ward as restored to competency, using the authority granted to the Court under N.C.G.S. § 35A-1130(d).
- III. That in being so restored to competency, the Ward be authorized, under N.C.G.S. § 35A-1130(d), to manage affairs, enter into contracts, control and sell real and personal property, and exercise all rights as if incompetency had never been adjudicated, and that the Division of Motor Vehicles be notified that the Ward is restored to competency. *Id*.

NOT ADJUDICATE COMPETENT AND DISMISS RESTORATION MOTION:

- I. That the Court fail to find by a preponderance of the evidence that the Ward should be restored to competency.
- II. That the Court deny the request for restoration of the Ward's competency, under N.C.G.S. § 35A-1130(f).

ORDER MULTIDISCIPLINARY EVALUATION:

I. That the Court order a multidisciplinary evaluation of the Ward be completed to assist in determining whether the Ward is competent. N.C.G.S. § 35A-1130(c).

Submitted, this the _____ of _____, 20____.

GAL'S NAME, ATTORNEY GUARDIAN AD LITEM FOR THE WARD

GAL ADDRESS AND CONTACT INFORMATION