

STATE OF NORTH CAROLINA

File No.

County

NOTE TO PETITIONER: *If you are petitioning the court to accept guardianship on transfer from another state, this is not an appropriate form to use.*

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF

Full Name Of Respondent

Telephone No. Of Respondent

Address Of Respondent

County Of Residence Of Respondent

Date Of Birth

Race*

Sex*

*Race and sex are collected so that this information may be transmitted to NICS in the event of a qualifying adjudication under G.S. 14-409.43(a)(6).

☐ Respondent Indigent

Respondent's Drivers License No.

State

Name And Address Of Petitioner

County Of Residence Of Petitioner

Telephone No. Of Petitioner

Petitioner's Relationship To Respondent Or Interest In Proceeding

**PETITION FOR ADJUDICATION OF
INCOMPETENCE AND APPLICATION FOR
APPOINTMENT OF GUARDIAN
OR LIMITED GUARDIAN
☐ AND MOTION FOR APPOINTMENT
OF INTERIM GUARDIAN (AOC-SP-198)**

G.S. 35A-1105, -1112, -1114, -1210; 35B-17, -18

Name And Address Of Attorney For Petitioner

Telephone No. Of Petitioner's Attorney

State Bar No.

Name And Address Of Treatment Facility If Respondent Is An Inpatient

The undersigned, being duly sworn, requests that the Court, after notice and hearing, adjudicate the respondent above to be incompetent, and also applies for the appointment of the person(s) named below to serve, in the capacity indicated, as guardian(s) of the respondent.

In support of this Petition, the undersigned states:

1. During the past twelve (12) months, the above-named respondent was physically present as follows:

Period of Physical Presence (include up to the 12 months prior to the filing date of the petition; do not list periods of temporary absence)		Address
From	To	
	Present	

2. (check a. or check and complete b.) (**NOTE:** In both a. and b., "state" includes a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.)

- ☐ a. There is no other pending proceeding involving the respondent in any court or agency of a state or foreign country.
☐ b. There is a pending proceeding(s) involving the respondent in the court or agency of a state or foreign country, as set forth below:

Location (County, State, and Country)	Type of Proceeding	File Number

3. A North Carolina court has jurisdiction to rule on this petition and application.

4. The respondent is

- ☐ a resident of this county.
☐ domiciled in this county.
☐ an inpatient in the facility named above.
☐ present in this county, it being impossible to determine his/her county of residence or domicile.

(Over)

5. The respondent is incompetent in that he/she lacks sufficient capacity to manage his/her own affairs or to make or communicate important decisions concerning his/her person, family, or property, as shown by the following facts: *(Set forth the facts which tend to show that the respondent is incompetent. Include cause of incompetence, which may be mental illness, mental retardation, epilepsy, cerebral palsy, autism, inebriety, senility, disease, injury, or other cause and give facts demonstrating lack of capacity. Be specific.)*

6. The respondent's next of kin, if any, and other persons known to have an interest in this proceeding are:

Name And Address		Name And Address	
County Of Residence	Telephone No.	County Of Residence	Telephone No.
Relationship To Respondent Or Interest In Proceeding		Relationship To Respondent Or Interest In Proceeding	
Name And Address		Name And Address	
County Of Residence	Telephone No.	County Of Residence	Telephone No.
Relationship To Respondent Or Interest In Proceeding		Relationship To Respondent Or Interest In Proceeding	

7. General statement of respondent's assets and liabilities, including any income and receivables to which he/she is entitled:

<u>Assets</u>		<u>Liabilities</u>		<u>Income and Receivables</u>	
Real Property	\$ _____	Mortgage Loans	\$ _____	Wages & Salaries	\$ _____
Tangible Personal Property	\$ _____	Other Secured Loans	\$ _____	Rents	\$ _____
Other Personal Property	\$ _____	Unsecured Loans	\$ _____	Pensions	\$ _____
				Allowances	\$ _____
There is a representative payee for government benefits.				Insurance & Compensation \$ _____	
There is a Durable Power of Attorney in place.				Other (including SSI/SSDI) \$ _____	
There is a Healthcare Power of Attorney in place.					
There is a special needs or other trust in place.					
The respondent has health insurance through Medicaid, Medicare, or a private insurer.					

(Over)

Name Of Respondent

8. CAPACITY INFORMATION

☐ Check here if in a coma, persistent vegetative state, or non-responsive and move on to Item 9.

A. **Language and Communication** (understands/participates in conversations, can read and write, understands signs such as "keep out," "men," "women")

☐ has capacity. ☐ lacks capacity. Comment: _____

B. **Nutrition** (makes independent decisions re: eating, prepares food, purchases food)

☐ has capacity. ☐ lacks capacity. Comment: _____

C. **Personal Hygiene** (bathes, brushes teeth, uses proper hygiene when using the restroom)

☐ has capacity. ☐ lacks capacity. Comment: _____

D. **Health Care** (makes and communicates choices re: medical treatment/caregivers, notifies others of illness, follows medication instructions, reaches emergency health care)

☐ has capacity. ☐ lacks capacity. Comment: _____

E. **Personal Safety** (recognizes danger and seeks assistance as needed, protects self from exploitation/personal harm)

☐ has capacity. ☐ lacks capacity. Comment: _____

F. **Residential** (makes and communicates decisions re: residence/roommates, maintains safe shelter)

☐ has capacity. ☐ lacks capacity. Comment: _____

G. **Employment** (makes and communicates decisions re: employment, demonstrates vocational skills such as neatness and punctuality, writes or dictates application form)

☐ has capacity. ☐ lacks capacity. Comment: _____

H. **Independent Living** (follows a daily schedule, conducts housekeeping chores, uses community resources such as bank, store, post office)

☐ has capacity. ☐ lacks capacity. Comment: _____

I. **Civil** (knows to contact advocate if being exploited, understands consequences of committing a crime, registers to vote)

☐ has capacity. ☐ lacks capacity. Comment: _____

J. **Financial**

1. Makes and communicates decisions about paying bills and spending discretionary money, and makes change for \$1, \$5, and \$20

☐ has capacity. ☐ lacks capacity. Comment: _____

2. Makes and communicates decisions regarding management of a personal bank account, savings, investments, real estate, and other substantial assets

☐ has capacity. ☐ lacks capacity. Comment: _____

3. Can resist attempts at financial exploitation by others

☐ has capacity. ☐ lacks capacity. Comment: _____

(Over)

		9. RECOMMENDED GUARDIAN(S)			
Name And Address Of Recommended Guardian			Name And Address Of Recommended Guardian		
<input type="checkbox"/> Of The Estate <input type="checkbox"/> Of The Person <input type="checkbox"/> General Guardian			<input type="checkbox"/> Of The Estate <input type="checkbox"/> Of The Person <input type="checkbox"/> General Guardian		
		10. MOTION FOR APPOINTMENT OF INTERIM GUARDIAN			
NOTE: In certain circumstances, an interim guardian may be needed to intervene on a respondent's behalf prior to an adjudication hearing. To request that the Court appoint an interim guardian for the respondent, complete and attach form AOC-SP-198, Motion For Appointment Of Interim Guardian.					
		VERIFICATION			
I, the undersigned petitioner, have read this Petition and state that its contents are true to my own knowledge except those matters stated on information and belief, which I believe are true.					
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME				Date	
Date		Signature Of Person Authorized To Administer Oaths		Signature Of Petitioner	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court					
<input type="checkbox"/> Notary		Date My Commission Expires			
SEAL		County Where Notarized			