

SUBCHAPTER 71B – GUARDIANSHIP SERVICES

10A NCAC 71B .0101 DISINTERESTED PUBLIC AGENT AS GUARDIAN

(a) When a disinterested public agent is appointed to serve as a guardian by the clerk of superior court, the appointed disinterested public agent is authorized and required to serve as guardian in accordance with the "Clerk's Order" and in accordance with the "guardian or guardians letters of appointment" issued pursuant to G.S. 35A-1210 through 1216.

(b) When a disinterested public agent is appointed as guardian, he shall carry out the following responsibilities in addition to duties identified in G.S. 35A-1210 through 1216:

- (1) after July 1, 1985, he shall have received or must obtain training as described in Rule .0102 of this Subchapter on the responsibilities of a guardian;
- (2) he shall see the ward as frequently as needed and appropriate and shall have contact related to the ward no less than once every 90 days;
- (3) he shall allow the ward to exercise independent decision making and to assume as much responsibility and independence as is reasonable considering the ward's abilities, limitation, functioning capability and scope of the guardianship;
- (4) when he ceases to qualify as a disinterested public agent, the guardian shall notify the clerk of superior court who will then appoint a successor guardian;
- (5) when the ward appears to be no longer incompetent, the guardian shall petition the clerk of superior court for restoration to competency; and
- (6) if a designated agency has not been appointed, the guardian shall petition the clerk of superior court for a designated agency to be appointed to receive status reports.

History Note: Authority G.S. 35A-1216;
Eff. July 1, 1984;
Amended Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71B .0102 TRAINING REQUIREMENTS

Any disinterested public agent appointed as guardian must have completed training provided or approved by the Department of Health and Human Services concerning the powers and responsibilities of a guardian. A disinterested public agent must complete the training prior to or within one year of the appointment as guardian.

History Note: Authority G.S. 35A-1216;
Eff. July 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.