

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1179*

Short Title: Status Reports Filed by Guardians. (Public)

Sponsors: Representatives Jones, Dollar, and Earle (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Health and Human Services, if favorable, Judiciary Subcommittee C.

May 22, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE REQUIRED CONTENTS OF A STATUS REPORT FILED BY
3 A PUBLIC GUARDIAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE
4 OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 35A-1202 reads as rewritten:

7 **"§ 35A-1202. Definitions.**

8 When used in this Subchapter, unless a contrary intent is indicated or the context requires
9 otherwise:

10 ...
11 (10) "Guardian of the person" means a guardian appointed solely for the purpose
12 of performing duties relating to the care, custody, and control of a ward.

13 ...
14 (14) "Status report" means the report required by G.S. 35A-1242 to be filed by
15 the general guardian or guardian of the person. ~~A status report shall include a~~
16 ~~report of a recent medical and dental examination of the ward by one or~~
17 ~~more physicians or dentists, a report on the guardian's performance of the~~
18 ~~duties set forth in this Chapter and in the clerk's order appointing the~~
19 ~~guardian, and a report on the ward's condition, needs, and development. The~~
20 ~~clerk may direct that the report contain other or different information. The~~
21 ~~report may also contain, without limitation, reports of mental health or~~
22 ~~mental retardation professionals, psychologists, social workers, persons in~~
23 ~~loco parentis, a member of a multidisciplinary evaluation team, a designated~~
24 ~~agency, a disinterested public agent or agency, a guardian ad litem, a~~
25 ~~guardian of the estate, an interim guardian, a successor guardian, an officer,~~
26 ~~official, employee or agent of the Department of Health and Human~~
27 ~~Services, or any other interested persons including, if applicable to the~~
28 ~~ward's situation, group home parents or supervisors, employers, members of~~
29 ~~the staff of a treatment facility, or foster parents.~~

30 (15) "Ward" means a person who has been adjudicated incompetent or an adult or
31 minor for whom a guardian has been appointed by a court of competent
32 jurisdiction."

33 **SECTION 2.** G.S. 35A-1242 reads as rewritten:

34 **"§ 35A-1242. Status reports for incompetent wards.**



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1 (a) Any corporation or disinterested public agent that is guardian of the person for an
2 incompetent person, within six months after being appointed, shall file an initial status report
3 with ~~the designated agency, if there is one, or with the clerk.~~ The initial status report shall also
4 be submitted to the designated agency, if there is one. Such guardian shall file a second status
5 report with the ~~designated agency or the clerk~~ one year after being appointed, and subsequent
6 reports annually thereafter. The clerk may order any other guardian of the person to file status
7 reports. If a guardian required by this section to file a status report is employed by the
8 designated agency, the guardian shall file any required status report with both the designated
9 agency and the clerk.

10 (a1) Each status report shall include the items outlined below.

11 (1) A report of recent medical and dental examinations of the ward by one or
12 more physicians and dentists.

13 (2) A report on the guardian's performance of the duties set forth in this Chapter
14 and in the clerk's order appointing the guardian.

15 (3) A report on the ward's residence, education, employment, and rehabilitation
16 or habilitation.

17 (4) A report of the guardian's efforts to restore competency.

18 (5) A report of the guardian's efforts to seek alternatives to guardianship.

19 (6) If the guardian is a disinterested public agent or corporation, a report of the
20 efforts to identify alternative guardians.

21 (7) The guardian's recommendations for implementing a more limited
22 guardianship, preserving for the ward the opportunity to exercise rights that
23 are within ward's comprehension and judgment.

24 (8) Any additional reports or information required by the clerk.

25 (a2) The guardian may include in the status report additional information pertaining to
26 the ward's best interests.

27 (b) Each status report shall be filed under the guardian's oath or affirmation that the
28 report is complete and accurate so far as he is informed and can determine.

29 (b1) The clerk shall make status reports submitted by disinterested public agents or
30 corporations available to Director, or the Director's designee, of the Division of Aging and
31 Adult Services, Department of Health and Human Services. The Director, or the Director's
32 designee, shall review the status reports in connection with its regular program of oversight for
33 these categories of guardians.

34 (c) A clerk ~~or designated agency~~ that receives a status report shall not make the status
35 report available to anyone other than the guardian, the ward, the court, or State or local human
36 ~~resource services~~ agencies providing services to the ward.

37 (d) The clerk, on his or her own motion, or any interested party may file a motion in the
38 cause pursuant to G.S. 35A-1207 with the clerk in the county where the guardianship is
39 docketed to request modification of the order appointing the guardian or guardians or for
40 consideration of any matters contained in the status report."

41 **SECTION 3.** This act becomes effective October 1, 2014.