

April 10, 2003

**H 1123. GUARDIANSHIP AMENDMENTS.** *TO EXPRESSLY PROVIDE FOR LIMITED GUARDIANSHIPS FOR INCOMPETENT PERSONS AND TO CLARIFY THE DUTY OF A GUARDIAN AD LITEM APPOINTED TO REPRESENT A PERSON IN AN INCOMPETENCY ADJUDICATION.* Amends GS 35A-1212 to authorize appointment of limited guardian if clerk determines that nature and extent of ward's capacity justifies it. Amends GS 35A-1107 to specify that guardian ad litem representing respondent in guardianship proceeding must represent the expressed interests of the respondent unless respondent cannot express those interests, in which case the guardian ad litem represents the best interests of the respondent.

**Intro. by Farmer-Butterfield.**

Ref. to y II	GS 35A
--------------	--------

June 4, 2003

**H 1123. GUARDIANSHIP AMENDMENTS.** Intro. 4/10/03. Senate committee substitute makes the following changes to 1st edition. Deletes amendment to GS 35A-1107 and replaces it with new GS 35A-1107(b), providing that an attorney appointed as a guardian ad litem shall represent the respondent until the petition is dismissed or a guardian is appointed under Subchapter II. Requires that attorney personally visit the respondent as soon as possible and make reasonable efforts to determine respondent's wishes concerning incompetency proceeding, and that attorney inform clerk of respondent's wishes and recommend an action that is in the respondent's best interests. Amends GS 35A-1102 to clarify that Art. shall not interfere with a judge's authority to appoint a guardian ad litem pursuant to NC Rules of Civil Procedure 17(b). Makes technical changes. Effective Dec. 1, 2003.