

available to testify and subject to cross examination but shall not act as an advocate or legal counsel for the Alleged Incapacitated Person; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that:

1. The appointment of the Guardian Ad Litem shall become effective upon the taking of an Oath and Acceptance by the Guardian Ad Litem and shall terminate upon the appointment of a Guardian, execution of a protective order, dismissal of these proceedings or other disposition of the pending Petition.

2. The Guardian Ad Litem is authorized and directed to:

- a. Promptly serve all parties personally or by first class mail with a copy of the Guardian Ad Litem's Oath and Acceptance;
- b. Meet and consult with the Alleged Incapacitated Person as soon as practicable following appointment and explain, in language which such Alleged Incapacitated Person can reasonably be expected to understand, the substance of the petition, the nature of the proceedings, the Alleged Incapacitated Person 's right to contest the petition, the identification of the proposed Guardian or Limited Guardian, the right to retain legal counsel, and the right to be present in court at the hearing on the petition;
- c. Determine whether mediation may be appropriate in the matter and if so, to bring a motion before the Court;
- d. Meet with the person whose appointment is sought as Guardian or Limited Guardian and ascertain:
 - (i) The proposed Guardian's knowledge of the duties, requirements and limitations of a Guardian; and

- (ii) The steps the proposed Guardian intends to take or has taken to identify and meet the needs of the Alleged Incapacitated Person;
- e. Consult as necessary with those known relatives, friends or other persons the Guardian Ad Litem determines to have had a significant, continuing interest in the welfare of the Alleged Incapacitated Person;
- f. Provide the Court with a written report which shall include the following:
 - (i) A description of the nature, cause and degree of incapacity, and basis for the Guardian Ad Litem's opinion;
 - (ii) A description of the needs of the Alleged Incapacitated Person for care and treatment, the probable residential requirements of the Alleged Incapacitated Person and basis for the Guardian Ad Litem's opinion;
 - (iii) A description of the abilities of the Alleged Incapacitated Person and a recommendation as to whether a Guardian or Limited Guardian should be appointed or a Protective Order issued. If a Guardian or Limited Guardian is recommended, the Guardian Ad Litem shall recommend the person most suitable and willing to serve as Guardian or Limited Guardian. If the Guardian Ad Litem recommends a Protective Order, the Guardian Ad Litem shall outline the nature and scope of the proposed Protective Order. If appointment of a Limited Guardian is recommended, the Guardian Ad Litem shall recommend the specific areas of authority the

Limited Guardian should have and the limitations and disabilities to be placed on the Alleged Incapacitated Person.

- (iv) An evaluation of the appropriateness of the Guardian or Limited Guardian whose appointment is sought and whether a different party would be more suitable to serve as Guardian or Limited Guardian, if needed;
- (v) Any expression of approval or disapproval made by the Alleged Incapacitated Person concerning the proposed Guardian or Limited Guardian or Guardianship, Limited Guardianship or Protective Order.
- (vi) Such additional information that the Guardian Ad Litem believes would be helpful to the Court's consideration of this matter.

3. Within forty-five (45) days after the Guardian Ad Litem's Acceptance is filed with the Court, and at least fifteen (15) days before the hearing on the petition, unless an extension or reduction of time has been granted by the Court for good cause, the Guardian Ad Litem shall file a report with the Court and send a copy to the Alleged Incapacitated Person, counsel of record, recognized parties or participants not represented by counsel. If the Guardian Ad Litem needs additional time to finalize his or her report, then the Guardian Ad Litem shall petition the Court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report.

4. The Guardian Ad Litem is authorized to access the records of the Alleged Incapacitated Person at any financial institution or securities brokerage company when investigating the financial position of the Alleged Incapacitated Person.

5. The Guardian Ad Litem is authorized to review the Alleged Incapacitated Person's medical records, protective service reports, educational records and vocational rehabilitation records and to discuss the Alleged Incapacitated Person's physical and mental condition with any physician, psychologist, other healthcare provider or any other persons who may have pertinent information, provided the information received by the Guardian Ad Litem shall not be utilized or disclosed for any purpose other than these proceedings.

6. At any time during the course of the Guardian Ad Litem's appointment, the Guardian Ad Litem may petition the Court for additional instruction and authorization to undertake specific duties in the best interests of the alleged incapacitated person.

ALL OF WHICH IS ORDERED this ___ day of _____, 20___.

Judge, Marion Superior Court
Probate Division