

# STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice  
District Court Division

## IN THE MATTER OF

Name And Address Of Respondent

## ORDER AUTHORIZING PROTECTIVE SERVICES

G.S. 108A-101(i), -105

Name And Address Of Petitioner

Name And Address Of Attorney For Petitioner

Telephone Number Of Petitioner

Telephone Number Of Petitioner's Attorney

## FINDINGS

This matter comes on for hearing on the Petition for Order Authorizing Protective Services. Based on the evidence, the Court makes the following findings of fact by clear, cogent and convincing evidence:

- ☐ 1. Present at the hearing were: ☐ respondent ☐ respondent's attorney: \_\_\_\_\_  
☐ petitioner ☐ petitioner's attorney: \_\_\_\_\_
- ☐ 2. The respondent was properly served with the petition and notice of the hearing.
- ☐ 3. The respondent is (a) a disabled adult or a lawfully emancipated minor who is \_\_\_\_\_ years of age,  
(b) present in the state of North Carolina, and (c) physically or mentally incapacitated as defined in G.S. 108A-101(d) in that:  
(insert findings of fact)
- ☐ 4. The respondent is the subject of ☐ abuse as defined in G.S. 108A-101(a), ☐ neglect as defined in G.S. 108A-101(m),  
☐ exploitation as defined in G.S. 108A-101(j), in that: (insert findings of fact)
- ☐ 5. The respondent lacks capacity to consent to protective services as the respondent lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person in that: (insert findings of fact)
- ☐ 6. The respondent is in need of protective services as the respondent is a person who due to the respondent's physical or mental incapacity is unable to perform or obtain essential services and is without a willing, able and responsible person to perform or obtain essential services. The respondent is in need of protective services in that: (insert findings of fact)
- ☐ 7. The respondent is in need of the following protective services, including essential services, which are necessary to protect the respondent from abuse, neglect, or exploitation:
- ☐ 8. There is a lack of competent evidence to support the following finding of fact necessary to grant the order authorizing protective services:
- ☐ 9. Other:

(Over)

## CONCLUSIONS OF LAW

Based on the findings of fact, the Court concludes that:

- ☐ 1. This matter is properly before the Court and the District Court has subject matter and personal jurisdiction.
- ☐ 2. Petitioner has failed to prove the following grounds for relief: \_\_\_\_\_.
- ☐ 3. Respondent is a disabled adult in need of protective services and lacks the capacity to consent to such services as required by G.S. 108A-105.
- ☐ 4. Other:

## ORDER

It is ORDERED:

- ☐ 1. The request for an order authorizing protective services is denied.
- ☐ 2. \_\_\_\_\_ (insert name of State or other government or private organization or individual) is authorized to provide and/or consent to **the following essential services** pursuant to G.S. 108A-101(i), which are necessary to protect the respondent from abuse, neglect, or exploitation:
- ☐ 3. That this order shall remain in effect for 60 days unless:
- a. Protective services are no longer needed;
  - b. The respondent regains capacity to consent to the provision of protective services;
  - c. A guardian of the person or general guardian has qualified; or
  - d. For good cause shown the Court extends the order for up to 60 additional days at the end of which time the order expires.
- ☐ 4. This matter shall be reviewed, unless previously dismissed, without further notice to the parties on (date) \_\_\_\_\_ at (time) \_\_\_\_\_ in Courtroom \_\_\_\_\_ to determine whether a petition should be filed for guardianship pursuant to G.S. Chapter 35A.
- ☐ 5. Other:

Date

Name Of Presiding District Court Judge

Signature Of Presiding District Court Judge

## ORDER EXTENDING SERVICES

For good cause shown, it is further ordered that the time frame of 60 days in the above order is extended for up to an additional 60 days to meet conditions necessitating the order. In any event this order shall terminate on the earliest of the following:

- ☐ Protective services are no longer needed; or
- ☐ The respondent regains capacity to consent to provision of protective services; or
- ☐ The expiration date, if any, (date) \_\_\_\_\_ ordered by the court; or
- ☐ A guardian of the person or general guardian has qualified; or
- ☐ The petition is dismissed by the Court; or
- ☐ 60 days from the date of this ORDER EXTENDING SERVICES.

Date

Name Of Presiding District Court Judge

Signature Of Presiding District Court Judge