

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 ON PETITION FOR EMERGENCY SERVICES

G.S. 108A-101(g), -101(h), -106

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 emergency services. Based on the evidence, the Court finds there is reasonable cause to believe the following facts:

- ☐ 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 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 able, responsible, and willing persons to perform or obtain essential services. The respondent is in need of protective services in that: (insert findings of fact)
- ☐ 6. 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)
- ☐ 7. An emergency exists that has created a substantial danger of death or irreparable harm if protective services are not provided immediately in that: (insert findings of fact)
- ☐ 8. The following emergency services are necessary to remove the conditions creating the emergency:
- ☐ 9. There is no other person authorized by law or order to give consent for the respondent who is available and willing to consent to or arrange for emergency services.
- ☐ 10. There is insufficient time to utilize the procedure provided in G.S. 108A-105.
- ☐ 11. The respondent lacks the capacity to waive the right to counsel and is in need of a guardian ad litem to represent him/her.
- ☐ 12. There is a lack of competent evidence to support the following finding of fact necessary to grant an order authorizing emergency services:
- ☐ 13. Other:

(Over)

	CONCLUSIONS OF LAW	
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Based on the findings of fact, the Court concludes that:

- ☐ 1. This matter is properly before the Court and the Court has subject matter and personal jurisdiction.
- ☐ 2. Petitioner has failed to prove the following grounds for emergency relief: _____
_____.
- ☐ 3. The conditions specified in G.S. 108A-106(a) exist.
- ☐ 4. An emergency exists as defined in G.S. 108A-101(g).
- ☐ 5. Respondent lacks the capacity to waive the right to counsel and is in need of a guardian ad litem pursuant to G.S. 1A-1, Rule 17.
- ☐ 6. Other:

	ORDER	
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It is ORDERED that:

- ☐ 1. The request for an order authorizing emergency 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 emergency services pursuant to G.S. 108A-101(h) and G.S. 108A-106, which are necessary to remove the conditions creating the emergency: (*list emergency services necessary to remove the conditions creating the emergency, including any services necessary to maintain the respondent's vital functions*)

This entry of this order authorizes the county department of social services to enter a premises without the disabled adult's consent pursuant to G.S. 108A-106(e).

- ☐ 3. The entry of this order ☐ does ☐ does not include the authority to take physical custody of the respondent if necessary.
- ☐ 4. If services are required by the respondent for more than 14 days, the petitioner named above shall proceed pursuant to the provisions of G.S. 108A-105.
- ☐ 5. The Court appoints (*name*) _____, Attorney at Law, as guardian ad litem for the respondent in this action.
- ☐ 6. Other:

Date	Name Of Presiding District Court Judge	Signature Of Presiding District Court Judge
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