

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
Superior Court Division
Before The Clerk

County

IN THE MATTER OF

PROVISIONAL ORDER ON PETITION TO
TRANSFER INCOMPETENCY PROCEEDING
AND GUARDIANSHIP TO ANOTHER STATE

G.S. 35B-30

Name And Current Address Of Adult Ward

Name And Address Of Petitioning Guardian

Name And Address Of Co-Guardian (if applicable)

Also A Petitioning Guardian

Of The Estate Of The Person General Guardian

Of The Estate Of The Person General Guardian

- 1. This matter coming to be heard before the undersigned upon:
the Court's own motion,
request of the guardian,
request of the ward,
request of the following other person required to be notified of the petition:

and upon hearing and reviewing the evidence, the Court makes the following Findings of Fact:

- 2. Based on matters of record and other competent evidence that satisfies the Court that the requirements of Chapter 35B have been met, the Court, without a hearing, makes the following Findings of Fact:

FINDINGS OF FACT

- 1. This Court has jurisdiction over this matter and the parties.
2. The ward was/was not present.
3. The guardian was/was not present.
4. Also present were:
5. The petitioning guardian(s) petitioned the court to transfer the incompetency proceeding and the guardianship referenced above to the state of (hereinafter, the "Other State").
6. This Court is/is not satisfied that the referenced guardianship of the ward will be accepted by the court of the Other State.
7. Facts relevant to the ward's connection with the Other State:
a. The ward is physically present in or is reasonably expected to move permanently to the Other State.
b. The ward is neither physically present in nor reasonably expected to move permanently to the Other State, and
1. the guardianship sought to be transferred to the Other State is only a guardianship of the estate and the ward has a significant connection to the Other State in consideration of the factors in G.S. 35B-15(b).
2. the guardianship sought to be transferred to the Other State is either a guardianship of the person or a general guardianship.
3. the guardianship sought to be transferred to the Other State is a guardianship of the estate, and the ward does not have a significant connection to the Other State in consideration of the factors in G.S. 35B-15(b).

(Over)

8. As to the proposed transfer of the incompetency and guardianship proceedings:
- a. An objection to the transfer has not been made.
 - b. An objection to the transfer has been made, but the objector has not established that the transfer would be contrary to the interests of the ward.
 - c. An objection to the transfer was made and the objector has established that the transfer would be contrary to the interests of the ward.
(NOTE TO CLERK: If Finding 8.c is checked, a provisional order granting a petition to transfer should not be issued.)
9. As to plans and arrangements concerning the ward:
- a. (if a guardianship of the person is sought to be transferred) The plans for care and services for the ward in the Other State are reasonable and sufficient.
 - b. (if a guardianship of the estate is sought to be transferred) Adequate arrangements will be made for management of the ward's property.
 - c. (if a general guardianship is sought to be transferred) The plans for care and services for the ward in the Other State are reasonable and sufficient, and adequate arrangements will be made for management of the ward's property.
 - d. (if a guardianship of the person or a general guardianship is sought to be transferred) The plans for care and services for the ward in the Other State are not reasonable and sufficient.
(NOTE TO CLERK: If Finding 9.d is checked, a provisional order granting a petition to transfer should not be issued.)
 - e. (if a guardianship of the estate or a general guardianship is sought to be transferred) Adequate arrangements will not be made for management of the ward's property.
(NOTE TO CLERK: If Finding 9.e is checked, a provisional order granting a petition to transfer should not be issued.)

CONCLUSION

Based on the evidence presented and any testimony given, the Court CONCLUDES that a provisional order to transfer this incompetency proceeding and this guardianship to the Other State shall shall not issue.

ORDER

- A provisional order is issued granting the petition to transfer the incompetency proceeding and guardianship of the person and the petitioning guardian shall petition for acceptance of the guardianship of the person in the Other State.
- A provisional order is issued granting the petition to transfer the incompetency proceeding and guardianship of the estate and the petitioning guardian shall petition for guardianship of the estate in the Other State.
- A provisional order is issued granting the petition to transfer the incompetency proceeding and general guardianship and the petitioning guardian shall petition for general guardianship in the Other State.
- The petition is denied.

(NOTE: A guardianship shall never be partially transferred, e.g., transfer guardianship of the person but not guardianship of the estate.)

Date	Name (type or print)	Signature	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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