

State of South Dakota

IN CIRCUIT COURT

COUNTY OF _____

ss.

_____ JUDICIAL CIRCUIT

GUARDIANSHIP OF

_____,

A PROTECTED PERSON.

GDN No. _____

ORDER APPOINTING *[LIMITED]* GUARDIAN

A hearing on the Petition for the appointment of a guardian for <APP> was held on <DATE>, at <TIME>, at <PLACE>, and <APP>, the person alleged to need protection did *[not]* appear personally and was *[not]* represented by an attorney. *[The Court orally informed <APP> of [his/her] rights, the contents of the petition and the nature, purpose and legal effect of the appointment of a guardian.]*

The court heard the testimony and received the documents on file and finds that the notice has been properly served upon the <APP> and otherwise given to all interested persons as required by law and the Order of this Court.

The Court has duly considered <APP>'s ability to respond to people, events and environments and finds that <APP> is impaired to such an extent that [he/she] lacks the capacity to: *[set forth the factual basis which shows that <APP> is unable to meet the essential requirements of health, care, safety, habilitation or therapeutic needs without the assistance or protection of a guardian]* The Court finds the appointment necessary to protect <APP> from neglect, exploitation and abuse and there are no less restrictive alternatives *[and the Court having made its findings of fact and conclusions of law]*. <GUARDIAN> is suitable and qualified to serve as guardian.

IT IS ORDERED:

1. <GUARDIAN>, is appointed as the guardian of <APP>. The appointment shall continue until resignation by the guardian or further order of the Court.
2. Letters of Guardianship shall issue to <GUARDIAN> upon the filing of an Acceptance of Office.
3. The guardian shall have the authority to make decisions regarding the protected persons support, care, health, habilitation, therapeutic treatment, and, if not inconsistent with an order of commitment or custody, determine the protected person's residence. *[The guardian's authority is limited to the following areas:]*
4. The guardian shall maintain sufficient contact with the protected person to know of the

protected person's capabilities, limitations, needs, and opportunities. The Guardian shall exercise [his/her] authority only to the extent necessitated by the protected person's limitations, and if feasible, shall encourage the protected person to participate in decisions, to act on [his/her] own behalf, and to develop or regain the capacity to manage [his/her] own personal affairs. The Guardian shall, to the extent known, consider the express desires and personal values of the protected person when making decisions, and shall otherwise act in the protected person's best interests and exercise reasonable care, diligence, and prudence.

5. The guardian shall file an annual report to the Court within sixty (60) days following the anniversary of the appointment, annually thereafter, or on a calendar-year basis not later than April 15 of each year. Within fourteen days after filing the annual report a copy of the annual report shall be mailed to all individuals and entities listed in the petition or as required by law. The report shall state:

- a. The current mental, physical, and social condition of the protected person;
- b. The living arrangements during the reporting period;
- c. The medical, educational, vocational, and other professional services provided to the protected person and the guardian's evaluation as to the adequacy of the care;
- d. A summary of the guardian's visits with and activities on the protected person's behalf;
- e. Guardian's opinion of the current treatment or habilitation plan;
- f. Guardian's recommendation as to the need for a continued guardianship and recommended changes in the scope of the guardianship;
- g. The compensation requested and the reasonable and necessary expenses incurred by the guardian.
- [h. Other information requested by the court].*

Dated _____

BY THE COURT:

<CIRCUIT JUDGE>

ATTEST:

Clerk of Courts
(Seal)