



CHAPTER 35A
ARTICLE 1 - DETERMINATION OF INCOMPETENCE

N.C.G.S. § 35A-1107.

Right to counsel or guardian ad litem.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-124, s. 7.3 — fifth act in the lineage	RETRIEVED 21 September 2026, 04:22 UTC	SOURCE FINGERPRINT 6cf64f6146ac01e12d5cea90 - d117e5974b4ea9c73ba08908 - 45bf6d4f2c863d05
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§ 35A-1107(a) The respondent is entitled to be represented by counsel of the respondent's own choice or by an appointed guardian ad litem. Upon filing of the petition, an attorney shall be appointed as guardian ad litem to represent the respondent unless the respondent retains counsel, in which event the guardian ad litem may be discharged. Appointment and discharge of an appointed guardian ad litem shall be in accordance with rules adopted by the Office of Indigent Defense Services.

§ 35A-1107(b) An attorney appointed as a guardian ad litem under this section shall represent the respondent until any of the following occurs:

- (1) The petition is dismissed.
- (2) A guardian is appointed under Subchapter II of this Chapter.
- (3) Other relief is granted under Article 2 of this Subchapter.

§ 35A-1107(c) After being appointed, the guardian ad litem shall personally visit the respondent as soon as possible and shall make every reasonable effort to determine the respondent's wishes regarding the incompetency proceeding and any proposed guardianship. During the personal visit, and at any time upon request by the respondent, the guardian ad litem shall explain the notice of rights required under G.S. 35A-1117 to the respondent. The guardian ad litem shall present to the clerk the respondent's express wishes at all relevant stages of the proceedings. The guardian ad litem also may make recommendations to the clerk concerning the respondent's best interests if those interests differ from the respondent's express wishes. In appropriate cases, the guardian ad litem shall consider the possibility of a limited guardianship and shall

make recommendations to the clerk concerning the rights, powers, and privileges that the respondent should retain under a limited guardianship.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
5 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

198720052023

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1987	c. 550, s. 1	ENACTED
02	2000	S.L. 2000-144, s. 33	AMENDED
03	2003	S.L. 2003-236, s. 3	AMENDED
04	2022	S.L. 2022-64, s. 6	AMENDED
05	2023	S.L. 2023-124, s. 7.3	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 35A-1117	(c)	"the notice of rights required under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 35A-1107 (2023).

PINPOINT

N.C. Gen. Stat. § 35A-1107(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1987, c. 550, s. 1; 2000-144, s. 33; 2003-236, s. 3; 2022-64, s. 6; 2023-124, s. 7.3.)

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