



## CHAPTER 35A

## ARTICLE 5 - APPOINTMENT OF GUARDIAN FOR INCOMPETENT PERSON

## N.C.G.S. § 35A-1212.

# Hearing before clerk on appointment of guardian.

| SOURCE                                                                   | LAST AMENDMENT IN THIS TEXT                     | RETRIEVED                    | SOURCE FINGERPRINT                                                     |
|--------------------------------------------------------------------------|-------------------------------------------------|------------------------------|------------------------------------------------------------------------|
| General Statutes of North Carolina, as published by the General Assembly | S.L. 2003-236, s. 1 — second act in the lineage | 21 September 2026, 02:54 UTC | e50dd6b8d337b33c37e19fac - e51ff4d30389b250422a80a2 - ae922dfe87ab38db |

**§ 35A-1212(a)** The clerk shall make such inquiry and receive such evidence as the clerk deems necessary to determine:

- (1) The nature and extent of the needed guardianship;
- (2) The assets, liabilities, and needs of the ward; and
- (3) Who, in the clerk's discretion, can most suitably serve as the guardian or guardians.

If the clerk determines that the nature and extent of the ward's capacity justifies ordering a limited guardianship, the clerk may do so.

**§ 35A-1212(b)** If a current multidisciplinary evaluation is not available and the clerk determines that one is necessary, the clerk, on his own motion or the motion of any party, may order that such an evaluation be performed pursuant to G.S. 35A-1111. The provisions of that section shall apply to such an order for a multidisciplinary evaluation following an adjudication of incompetence.

**§ 35A-1212(c)** The clerk may require a report prepared by a designated agency to evaluate the suitability of a prospective guardian, to include a recommendation as to an appropriate party or parties to serve as guardian, or both, based on the nature and extent of the needed guardianship and the ward's assets, liabilities, and needs.

**§ 35A-1212(d)**

If a designated agency has not been named pursuant to G.S. 35A-1111, the clerk may, at any time he finds that the best interest of the ward would be served thereby, name a designated agency.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I  
2 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.

| 1987                                                                      |      | 1995                | 2003      |
|---------------------------------------------------------------------------|------|---------------------|-----------|
| TICK HEIGHT = ACTS IN THAT YEAR    DASHED = RECODIFICATION, NOT AMENDMENT |      |                     |           |
| Nº                                                                        | YEAR | ACT                 | CHARACTER |
| 01                                                                        | 1987 | c. 550, s. 1        | ENACTED   |
| 02                                                                        | 2003 | S.L. 2003-236, s. 1 | 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-1111 | (b)        | "an evaluation be performed pursuant to" |

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 35A-1212 (2003).

PINPOINT

N.C. Gen. Stat. § 35A-1212(a) (2003).

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; 2003-236, s. 1.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

