



CHAPTER 35A

ARTICLE 8 - POWERS AND DUTIES OF GUARDIAN OF THE PERSON

N.C.G.S. § 35A-1241.

Powers and duties of guardian of the person.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2018-47, s. 1(d) — fourth act in the lineage	21 September 2026, 05:38 UTC	52dab2ac93cdcd7bb33c684a - a0dfcc242f7f08ed85fa098c - 21427dee86c9b4a5

§ 35A-1241(a)

To the extent that it is not inconsistent with the terms of any order of the clerk or any other court of competent jurisdiction, a guardian of the person has the following powers and duties:

- (1) The guardian of the person is entitled to custody of the person of the guardian's ward and shall make provision for the ward's care, comfort, and maintenance, and shall, as appropriate to the ward's needs, arrange for the ward's training, education, employment, rehabilitation, or habilitation. The guardian of the person shall take reasonable care of the ward's clothing, furniture, vehicles, and other personal effects that are with the ward.
- (2) The guardian of the person may establish the ward's place of abode inside or outside this State. In arranging for a place of abode, the guardian of the person shall give preference to places inside this State over places outside this State if in-State and out-of-State places are substantially equivalent. The guardian also shall give preference to places that are not treatment facilities. If the only available and appropriate places of domicile are treatment facilities, the guardian shall give preference to community-based treatment facilities, such as group homes or nursing homes, over treatment facilities that are not community-based.

- (3) The guardian of the person may give any consent or approval that may be necessary to enable the ward to receive medical, legal, psychological, or other professional care, counsel, treatment, or service. If the patient has a health care agent appointed pursuant to a valid health care power of attorney, the health care agent shall have the right to exercise the authority granted in the health care power of attorney unless the Clerk has suspended the authority of that health care agent in accordance with G.S. 35A-1208. The guardian shall not, however, consent to the sterilization of a ward with a mental illness or intellectual disability unless the guardian obtains an order from the clerk in accordance with G.S. 35A-1245. The guardian of the person may give any other consent or approval on the ward's behalf that may be required or in the ward's best interest. The guardian may petition the clerk for the clerk's concurrence in the consent or approval.

§ 35A-1241(b) A guardian of the person is entitled to be reimbursed out of the ward's estate for reasonable and proper expenditures incurred in the performance of the guardian's duties as guardian of the ward's person.

§ 35A-1241(c) A guardian of the person who has acted within the limits imposed by this Article or the order of appointment or both is not liable for damages to the ward or the ward's estate, merely by reason of the guardian's:

- (1) Authorizing or giving any consent or approval necessary to enable the ward to receive legal, psychological, or other professional care, counsel, treatment, or service, in a situation where the damages result from the negligence or other acts of a third person; or
- (2) Authorizing medical treatment or surgery for the ward, if the guardian acted in good faith and was not negligent.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 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.



Nº	YEAR	ACT	CHARACTER
01	1987	c. 550, s. 1	ENACTED
02	2003	S.L. 2003-13, s. 4	AMENDED
03	2007	S.L. 2007-502, s. 9	AMENDED
04	2018	S.L. 2018-47, s. 1(d)	AMENDED

APPARATUS II
2 AUTHORITIES

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-1208	(a)(3)	<i>"health care agent in accordance with"</i>
G.S. 35A-1245	(a)(3)	<i>"from the clerk in accordance with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 35A-1241 (2018).

PINPOINT

N.C. Gen. Stat. § 35A-1241(a) (2018).

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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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1987, c. 550, s. 1; 2003-13, s. 4; 2007-502, s. 9; 2018-47, s. 1(d).)

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