

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent

- ORDER AUTHORIZING
EMERGENCY SERVICES**
 EX PARTE EMERGENCY SERVICES

G.S. 108A-101(g), -101(h), -106

Name And Address Of Petitioner

Name And Address Of Attorney For Petitioner

Telephone Number Of Petitioner

Telephone Number of Petitioner's Attorney

State Bar No.

FINDINGS

This matter comes on for hearing on the Petition for Order Authorizing Protective Services, Emergency Services and Ex Parte Emergency Services filed under the statutory authority of the director of the county department of social services. Based on the record, testimony and other evidence presented to the Court, the Court makes the following findings of fact by clear, cogent and convincing evidence:

- The respondent is
 A resident of this county or can be found in this county.
 A disabled adult _____ years of age or a lawfully emancipated minor _____ years of age present in the State of North Carolina and is physically or mentally incapacitated as defined in G.S. 108A-101(d).
- The petition was filed on (date) _____ and respondent was served pursuant to G.S. 1A-1, Rule 4(j) on (date) _____.
- The respondent is in need of protective services due to physical or mental incapacity and unable to obtain essential services and is without a willing, able and responsible person to perform or obtain essential services.
- The respondent lacks the capacity to consent to the provision of protective services.
- That an emergency exists that has created a substantial likelihood the respondent may suffer death or irreparable harm if emergency protective services are not provided.
- There is no other interested party authorized by law or order available and willing to arrange for the provision of emergency services.
- An emergency does does not exist that necessitates an ex parte emergency order.
- And it appears to the Court that the respondent lacks the capacity to waive the right to counsel and is in need of a guardian ad litem to represent him/her in this action.

CONCLUSIONS OF LAW

Based on the findings of fact, the Court concludes that:

- This matter is properly before the Court and the Court has subject matter and personal jurisdiction.
- Petitioner proved an emergency exists as defined by G.S. 108A-101(g) and that there is not time to proceed under G.S. 108A-105.
- The respondent is in need of a guardian ad litem pursuant to G.S. 1A-1, Rule 17.
- It is in the best interest of respondent that this order be entered.

ORDER

It is ORDERED that:

- The petitioner named above is authorized to provide and/or consent to emergency protective services as are reasonably necessary for the respondent as authorized in G.S. 108A-101(h) and G.S. 108A-106.
- The order does does not include the authority to enter a premises without the respondent's consent.
- The order does does not include the authority to take physical custody of the respondent if necessary.

4. The petitioner named above shall provide and/or consent to such emergency services as are necessary to protect the vital functions of the respondent in order to prevent irreparable harm or death and may also include:

5. Each person upon whom this order is served may appear immediately or at any time up to the time of the hearing and show cause, if any exists, for the dissolution or modification of this order, otherwise the order shall remain in effect.

6. If services are required by the respondent for more than 14 days, the petitioner named above shall proceed pursuant to the provisions of G.S. 108A-105.

7. The Court appoints (name) _____, Attorney at Law as guardian ad litem for the respondent in this action.

<i>Date</i>	<i>Name Of Presiding District Court Judge</i>	<i>Signature Of Presiding District Court Judge</i>
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CERTIFICATE OF SERVICE

I certify that on the date of mailing shown below a copy of this Notice was served on the respondent at the address listed above by depositing a copy in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

<i>Date Of Mailing</i>	<i>Date Of Certification</i>	<i>Signature Of Petitioner</i>
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