

**List of New and Revised N.C Administrative Office of the Courts Forms  
in Response to S.L. 2023-124 Guardianship Changes**

**New Forms**

[AOC-SP-197](#) (Notice of Rights of Respondents and Wards)

**Revised Forms**

[AOC-SP-200](#) (Petition For Adjudication Of Incompetence And Application For Appointment Of Guardian Or Limited Guardian) – Rev. 1/24

*On Page One, Side One, in the title block, the “AND MOTION FOR APPOINTMENT OF INTERIM GUARDIAN (AOC-SP-198)” checkbox option and the citation to G.S. 35A-1114 were removed. On Page One, Side Two, new items 6 (“I considered the following less restrictive alternatives prior to seeking an adjudication of incompetence: (see Notes To Petitioner below and list the less restrictive alternatives that were considered)”) and 7 (“The less restrictive alternatives listed above are insufficient to meet the needs of the respondent because: (explain why these less restrictive alternatives are insufficient to meet the needs of the respondent)”) were added. Also added at the bottom of the page were Notes To Petitioner, defining “less restrictive alternative” and providing additional information. Previous items 6 and 7 were renumbered as items 8 and 9, and these appear with new item 10 (previous item 8) on Page Two, Side One. In the first instruction in item 10, the “Item 9” reference was updated to make it an “Item 11” reference. New item 10 continues on to Page Two, Side Two. On Page Two, Side Two, item 9 was renumbered as item 11. The MOTION FOR APPOINTMENT OF INTERIM GUARDIAN section header was removed and in the Note that appeared beneath that header, “attach form AOC-SP-198” was changed to “file with the Court form AOC-SP-198.”*

[AOC-SP-201](#) (Notice Of Hearing On Incompetence And Order Appointing Guardian Ad Litem) – Rev. 1/24

*On Side One, the Instructions To Petitioner text was changed from “This Notice and a copy of the petition must be personally served on the respondent and must be served on the guardian ad litem by any method that complies with Rule 4 of the Rules of Civil Procedure. In addition, within five (5) days after filing the petition, you must mail this Notice and a copy of the petition, by first-class mail, to the respondent’s next of kin named on the petition and any other person(s) the clerk may designate (except those person(s) who have accepted notice) and file with the Clerk an affidavit of that mailing or a certificate of acceptance of notice.” to “This Notice, a copy of the Petition, and, for petitions filed on or after January 1, 2024, the Notice Of Rights Of Respondents And Wards (AOC-SP-197) must be personally served on the respondent and must be served on the guardian ad litem by any method that complies with Rule 4 of the Rules of Civil Procedure. In addition, within five (5) days after filing the petition, you must mail this Notice, a copy of the Petition, and, for petitions filed on or after January 1, 2024, a copy of the Notice Of Rights Of Respondents And Wards (AOC-SP-197) by first-class mail, to the respondent’s next of kin named on the petition and any other person(s) the clerk may designate (except those person(s) who have accepted notice) and file with the Clerk an affidavit of that mailing or a certificate of acceptance of notice.” On Side Two, in the RETURN OF SERVICE section, the introductory language was changed from “I certify that this Notice and a copy of the Petition were received and served as follows” to*

*"I certify that this Notice, a copy of the Petition, and, for petitions filed on or after January 1, 2024, the Notice Of Rights Of Respondents And Wards were received and served as follows." In the RESPONDENT section, the language of the first item was changed from "By delivering to the respondent named above a copy of the Notice and Petition" to "By delivering to the respondent named above a copy of the Notice, a copy of the Petition, and, for petitions filed on or after January 1, 2024, a copy of the Notice Of Rights Of Respondents And Wards." In the GUARDIAN AD LITEM section, the language of the second item was changed from "By delivering to the guardian ad litem named above personally a copy of the Notice and Petition" to "By delivering to the guardian ad litem named above personally a copy of the Notice, a copy of the Petition, and, for petitions filed on or after January 1, 2024, a copy of the Notice Of Rights Of Respondents And Wards." The language of the third item was changed from "By leaving a copy of the Notice and Petition at the guardian ad litem's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein" to "By leaving a copy of the Notice, a copy of the Petition, and, for petitions filed on or after January 1, 2024, a copy of the Notice Of Rights Of Respondents And Wards at the guardian ad litem's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein."*

[AOC-SP-202](#) (Order On Petition For Adjudication Of Incompetence) – Rev. 1/24

*On Side One, in the lower part of the page, "A copy of the petition and a notice of this hearing were properly served" was changed to "copy of the petition, a notice of this hearing, and, for petitions filed on or after January 1, 2024, the notice of rights in a form substantially similar to G.S. 35A-1117, were properly served." A new item ("The Court finds that the petitioner [ ] did [ ] did not have reasonable grounds to bring the petition.") was added and "[ ] The Court finds that the respondent is indigent." was changed to "The Court finds that the respondent [ ] is [ ] is not indigent." On Side Two, at the beginning of the ORDER section, Notes To Clerk, were added, defining "less restrictive alternative" and providing additional information. At the bottom of the ORDER section, the "select from 1 or 2" parenthetical instruction was changed to a "select if applicable" instruction. Item 1 ("costs are taxed to: [ ] petitioner. [ ] respondent.") was removed and the introductory language of former item 2 was changed from "due to respondent's indigency, costs are taxed" to "There were reasonable grounds to bring the proceeding and due to respondent's indigency, costs are taxed." A Note ("A separate motion for costs and fees must be filed for the court to consider taxing costs and fees, including attorneys' fees, against any party or apportioned among the parties pursuant to G.S. 35A-1116(a).") was added.*

[AOC-SP-207](#) (Certificate Of Service (Incompetent Proceeding)) – Rev. 1/24

*The colon after "IN THE MATTER OF" was removed. In the body text, "and for petitions filed on or after January 1, 2024, the Notice Of Rights Of Respondents And Wards (AOC-SP-197)" was added. A Name And Address Of Person 9 cell and a Name And Address Of Person 10 cell were added. In the jurat (the SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME section), the Signature cell was retitled as a Signature Of Person Authorized To Administer Oaths cell and a County Where Notarized cell was added.*