North Carolina Industrial Commission

IC File #_____

Emp. Code #_____

Carrier Code #_____

APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM

_____ _____

_____ _____

_____ v. _____

Plaintiff (s) Defendant (s)

TO THE NORTH CAROLINA INDUSTRIAL COMMISSION:

The undersigned _____ respectfully shows unto the North Carolina Industrial Commission that _____ Is an ☐ infant or ☐ incompetent without general or testamentary guardian in this State, and that by reason thereof can bring an action only by a guardian ad litem; that the person has a cause of action against the defendants on account of the following matter and things:

_____

The undersigned is a reputable person closely connected with the infant or incompetent having the relationship with the infant or incompetent as follows: _____

WHEREFORE, the undersigned prays the Commission that a fit and proper person be appointed Guardian Ad Litem for the infant or incompetent for the purpose of bringing in his behalf an action as above set out.

_____

Signature of Applicant Date

(Please complete page 2 of form)

ORDER APPOINTING
GUARDIAN AD LITEM

It appearing to the North Carolina Industrial Commission from the above application that _____ _____ is an ☐ infant or ☐ incompetent having no general or testamentary guardian within this State and that said infant (or incompetent) appears to have a good cause of action against the defendant(s) ; and it further appearing to the Commission after due inquiry that _____ is a fit and proper person to be appointed guardian ad litem for the infant or incompetent for the purpose of bringing this action in his or her behalf;

IT IS THEREFORE ORDERED that _____ be and is hereby appointed guardian ad litem of _____ to bring this action in his or her behalf.

This _____ day of _____.

_____

Commissioner/Deputy Commissioner/Executive Secretary

FORM 42

ATTORNEYS: FILE VIA EDFP
HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML
EMPLOYEE FILING OPTIONS:
EMAIL TO: DOCKETS@IC.NC.GOV
FAX TO: (919) 715-0282
MAIL TO: NCIC – DOCKET SECTION 1236
MAIL SERVICE CENTER
RALEIGH, NC 27699-1236
HELPLINE: (800) 688-8349
WEBSITE: HTTPS://WWW.IC.NC.GOV

PLEASE TYPE OR PRINT:

Full name and address of minor or incompetent:

Birth date of minor: _____

Full name and address of proposed guardian ad litem:

Rule 11 NCAC 23A .0604

(a) Minors or incompetent individuals may bring an action only through their guardian ad litem. Upon the written application on a Form 42 Application for Appointment of Guardian Ad Litem, the Commission shall appoint the person as guardian ad litem, if the Commission determines it to be in the best interest of the minor or incompetent individual. The Commission shall appoint the guardian ad litem only after due inquiry as to the fitness of the person to be appointed.

(b) No compensation due or owed to an incompetent individual shall be paid directly to the guardian ad litem, unless the guardian ad litem has authority to receive the money pursuant to a federal or state court order. No compensation due or owed to a minor shall be paid directly to the guardian ad litem, except that a parent, legal guardian, or legal custodian may receive compensation on behalf of a minor in his or her capacity as parent, legal guardian, or legal custodian.

(c) The Commission may assess a fee to be paid by the employer or the insurance carrier to an attorney who serves as a guardian ad litem for services rendered upon receipt of an affidavit of time spent in representation of the minor or incompetent individual as part of the costs.

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