

APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM

The use of this Form is required under Rule 11 NCAC 23B .0203.

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 infant or incompetent 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 on his or her 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 on his or her behalf;

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

This _____ day of _____.

Commissioner, Deputy Commissioner, or Executive Secretary

SEND TO: **ATTORNEYS:** FILE WITH AN IC FILE NUMBER VIA EDFP [HTTPS://WWW.IC.NC.GOV/DOCFILING.HTML](https://www.ic.nc.gov/docfiling.html) OR IF NO IC FILE NUMBER, FOLLOW UNREPRESENTED PLAINTIFFS FILING OPTIONS.
UNREPRESENTED PLAINTIFFS: File via EDFP, <https://www.ic.nc.gov/docfiling.html> OR Mail to: Industrial Commission Clerk's Office, 1236 Mail Service Center, Raleigh, NC 27699-1236 OR File via hand delivery: Business days from 8 a.m. – 5 p.m., Dobbs Building, 6th floor, 430 N. Salisbury Street, Raleigh, NC 27603 OR Fax to (919) 715-0282 OR Email to dockets@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:

IMPORTANT INFORMATION FOR PARTIES

Parties should take notice of the provisions set forth in Rule 11 NCAC 23B .0203.

11 NCAC 23B .0203 INFANTS AND INCOMPETENTS

(a) Persons seeking to appear on behalf of an infant or incompetent in accordance with G.S. 1A-1, Rule 17 shall apply on a Form T-42 Application for Appointment of Guardian ad Litem. The Commission shall appoint a guardian ad litem if it is in the best interest of the minor or incompetent. The Commission shall appoint the guardian ad litem only after due inquiry as to the fitness of the person to be appointed.

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

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