



**SENIOR SERVICES**  
Helping Our Elderly Live With Dignity

ELIZABETH AND TAB  
WILLIAMS ADULT  
DAY CENTER

MEALS-ON-WHEELS

**HELP LINE**

HOME CARE

LIVING-AT-HOME

SENIOR LUNCH

ELDER CARE CHOICES

Senior Services, Inc.

2895 Shorefair Drive

Winston-Salem, NC 27105

[www.seniorservicesinc.org](http://www.seniorservicesinc.org)

[HelpLine@seniorservicesinc.org](mailto:HelpLine@seniorservicesinc.org)

**336-724-2040**

## INCOMPETENCY PROCEDURES

Location: Hall of Justice, Room 243, Liberty and Main St.  
Contact Person: Assistant Clerk of Court, Teresa Hinshaw  
Phone Number: 761-2340  
Hours of Business: 8:00 a.m. – 5:00 p.m.

If the person's safety is in question and they will not agree to care, guardianship may be the only option. The following process must be initiated for guardianship of the person. Form AOC-SP-200 can be downloaded at [www.nccourts.org](http://www.nccourts.org).

- Go to the address above and tell the Clerk of Court's office that you want incompetency papers drawn up and served by the sheriff's department. There is a \$66 charge (\$51 for paperwork and \$15 for serving the papers). An attorney is not needed for guardianship of the person.
- Give specific examples of why you want incompetency papers served. For example:
  - Deterioration physical condition
  - Refusal to acknowledge physical problem
  - Behavior: does not bathe, wears dirty clothes, wanders, leaves stove on, etc.
  - Unable to answer questions appropriately
  - Unable to take medication properly
  - Other - specify
- Bring the following information with you:
  - Letter from family doctor stating his observations, if available
  - Medical testimony as to patient's mental competency (dementia or other illness)
  - Testimony of witnesses who know the person
  - Specific evidence that supports need for a guardian.
- An attorney will be appointed for the incompetent person. The attorney will question the individual and visit the person's home.

At the hearing the Court will hear both sides and determine at that time if the person should be declared incompetent. If it is determined that the person is incompetent, a guardian will be appointed for that person.

If there is an immediate need for guardianship, an Interim Guardian can be appointed. This is in effect for only 45 days.

If an individual is applying for guardianship of the estate, an attorney may be needed to represent him/her in the case. Guardianship of the state requires a bond to be posted and bondsmen will not do this without representation by an attorney. This type of guardianship is more involved and an attorney is needed for both parties.

This information is provided to the consumer by Senior Services' Help Line (724-2040), a hub of the Forsyth County Aging and Disability Resource Connection. 08/2008