



When your child with special needs turns 18, he or she legally becomes an adult who can make his or her own binding decisions with resulting consequences.

When legal adulthood approaches, parents worry that their child can't make safe or sound decisions and/or is susceptible to fraud or undue influence. Such decisions can include medical care, transition planning, living arrangements, finances, education planning, employment, and tasks of daily living. To protect and support their child, parents frequently pursue the action of becoming their child's official legal Guardian.

WHAT IS GUARDIANSHIP?

"Guardianship" confers the legal right to make decisions on behalf of a disabled adult. There are two basic types of Guardianship: Guardianship of the Person and Guardianship of the Estate. A Guardianship of the Person involves the ongoing personal, healthcare, living arrangements, employment options, and social services or program selection. A Guardianship of the Estate encompasses the responsible management and protection of the person's assets.

DOES MY ADULT CHILD NEED GUARDIANSHIP?

Each soon-to-be adult with special needs is unique, as are his or her understanding of decisions and consequences, and awareness of those who may take advantage.

Here are some questions to think about when considering

GUARDIANSHIP

- What types of support does my child need on a day-to-day basis?
- Does my child understand the choices they have and the consequences of each choice?
- Can my child carry out treatment plans, attend medical appointments, therapy appointments, and administer medications?
- Can my child make responsible educational decisions, including representing him or herself at IEP meetings and transition programs?
- Can my child manage his or her own money?
- Is my child susceptible to fraud or undue influence?

WHEN SHOULD WE START THE GUARDIANSHIP PROCESS?

We recommend starting the process with our Firm about 2 months prior to your child's 18th birthday. We begin by gathering the necessary documentation and physician's report and prepare petitions and court documents for filing. We can often plan the process so the court hearing takes place just after your child's 18th birthday, and final paperwork is complete just a few weeks later.

Guardianship, when used correctly, can provide families with a sense of relief in ensuring their child is protected and cared for during the next stage of his or her life. Our legal team will guide you through your options and help you determine whether Guardianship is right for your family.



ONE. PHYSICIAN'S REPORT

Your child's physician must complete a "Physician's Report", which will serve as evidence to the judge that Guardianship is recommended by a medical expert. We will give you this form to submit to your child's doctor for completion; it must be dated within 3 months of the date we file the Petition for Guardianship.



TWO. PREPARING DOCUMENTS AND SCHEDULING HEARING DATES

We will draft your Petition for Guardianship and other legal documents and file them with the court. Your hearing will take place about 30 days later. You, the Co-Guardian (if applicable), and your child must attend the hearing which will take place on Zoom. You can appear from the comfort of your own home or our office.



THREE. SERVICE OF PROCESS

Laws require that your child receive direct notice of the proceedings at least 2-3 weeks prior to the hearing. This notice is referred to as "Service" or "Service of Process." Our Firm schedules a friendly person to hand the papers ("serve") to your child.



FOUR. NOTICE TO SIBLINGS

Your child's adult siblings must be notified of the Guardianship proceedings, but they need not attend the hearing.



FIVE. THE HEARING

Your attorney will attend the video Hearing with you, the Co-Guardian, and your child. You can attend the Hearing on Zoom from your home or our offices. The Hearing takes between 15- 30 minutes. Judges are very familiar with this type of Guardianship proceeding; they are very kind and patient with our clients and know that everyone might be a bit nervous!



SIX. LETTERS OF OFFICE

"Letters of Office" are the official Guardianship papers that prove you are your child's official legal Guardian. Letters of Office are provided by the Court after the Hearing and Judge's approval of the Guardianship. Our Firm will obtain them and send them to you as soon as they are available.



SEVEN. ANNUAL REPORTING AND ACCOUNTING

As Guardian, you must prepare and file an Annual Report and Accounting with the Court each year. These forms are available on the County Clerk's website. If you'd like our help completing these documents, please contact us.