

Guardianship

Protecting your loved one when the need arises.

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Do you know when to consider a guardianship?

Whether to seek guardianship over a loved one can be a difficult decision. If an individual was able to execute powers of attorney for financial or health care matters in advance, there may be no need to file for guardianship. If no powers of attorney exist, however, a court-ordered guardianship may be needed for a loved one who loses capacity to make independent decisions due to any medical condition, whether a stroke, mental health crisis, Alzheimer's disease or other form of dementia, or for a child turning age 18 who will continue to need significant assistance. Essentially, guardianship is a protective arrangement that must be petitioned for and established by order of the probate court. When an individual has not signed powers of attorney or later disagrees with the person they designated to make decisions for them, a court action must be filed to have a guardian appointed to make those decisions.

More facts about guardianship:

What types of guardianship are there? There are two types of guardianship. The first is guardianship over the person, which grants authority to an individual (the "guardian") to make personal and medical decisions for another (the "ward"). The second type is guardianship over the estate, which allows the guardian to make financial decisions for the ward.

Can there be more than one guardian? Yes. It is possible for more than one person to serve as guardian ("co-guardians") and for one person to serve as guardian over the person and another to serve as guardian over the estate.

How do I become a guardian? Guardianship appointment requires a petition to be filed with the probate court in the county in which the individual over whom guardianship is sought ("proposed ward") lives. The proposed ward will have an attorney appointed to represent their interests and rights throughout the process. A hearing will be held at the probate court and sometimes testimony will be needed. Once appointed, the guardian must report to the court.

How can we help with guardianship issues? Whether to seek guardianship, and whether or not to become someone's guardian, can be a sensitive and complicated decision for families. We meet with clients to discuss their situation and assist in determining whether guardianship is needed or if other options are available. We help with preparing and filing guardianship petitions when clients want to be appointed by a court as decision-makers for another. We also represent individuals over whom guardianship is being

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sought to ensure their rights are protected.