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IS A GUARDIANSHIP WHAT I NEED?



Is a Guardianship What I Need?

Definitions:

What is a Guardian?

In the Court of Chancery, it is a person appointed by the Court to make medical and/or financial decisions for a disabled person.

What is a disabled person?

A disabled person has decisions made for them by the appointed guardian. This person is unable to make their own decisions because they are:

- a. Mentally disabled or in some instances physically disabled in a physician's opinion.
- b. A child under the age of eighteen and therefore unable to sign legal documents

Please Note:

A person who makes poor choices or who knowingly takes excessive risks is not necessarily a disabled person.

THREE TYPES OF GUARDIANSHIPS:

1. GUARDIANSHIP OF AN ADULT PERSON:

This guardian makes decisions about the personal and medical care of the disabled person while keeping the disabled person's best interest in mind.

Responsibilities may include:

- Decisions as to where the disabled person will reside.
- Resolve medical issues and provide consent for treatment as needed

2. GUARDIANSHIP OF AN ADULT PERSON'S PROPERTY:

This guardian makes decisions about the financial welfare of the disabled person while keeping the disabled person's best interest in mind.

Responsibilities may include:

- Handling the disabled person's bank accounts, investment accounts, personal property and real estate
- Filing yearly reports with the Court

3. GUARDIANSHIP OF THE PROPERTY OF A MINOR CHILD WHO IS UNDER THE AGE OF EIGHTEEN:

This guardian acts on behalf of the minor when a legal contract needs to be entered into. The guardian will be an appropriate adult who will act on behalf of the child.

Responsibilities may include:

- Sale of real or personal property
- Proper investment of liquid assets to be maintained until the minor reaches the age of eighteen

Please note:

You may need to file for the guardianship of the person of a minor child in Family Court. A Family Court guardianship will give the appointed guardian the rights normally held by the minor's parents. You may seek advice and direction from the Family Court Pro Se Help Center.