



A Guide to Guardianship & Alternative Options

At 18 years old all individuals, including those with intellectual and developmental disabilities, reach the legal age of majority. This means that parents can no longer make decisions legally on behalf of their children, regardless of the nature of their disability and regardless of whether or not they still live with their family. Some families may want to consider guardianship as an option for their family.

What is a Guardian?

A guardian is a person or agency appointed by a court to make personal decisions for an individual who is not capable of making some or any decisions independently.

Role of guardian?	Who can be a guardian?
<p>A guardian makes decisions about the care and treatment of another person.</p> <p>New Jersey law allows for limited guardianship. This means a guardian can make some decisions in some areas, but not all areas of an individual's life.</p> <p>A guardian may make decisions about property and assets of the person under guardianship, unless the property is in trust or consists of SSI Benefits.</p>	<ul style="list-style-type: none"> • Person over 18 • Parents • Close relative • Sibling over 18 • Person with a close relationship to the individual • The court may appoint a public guardian (for persons over 60) or an attorney to serve as guardian.

Where do I begin?	What should I read?	What is the process?	Alternatives to guardianship
<p>All guardianship appointments require a Judgement rendered by a Superior Court Judge. Families can pursue guardianship by:</p> <ul style="list-style-type: none"> ⇒ Representing themselves (pro se) ⇒ Through an attorney ⇒ With assistance of the Bureau of Guardianship Services (BGS) <p>Pro se: means “without a petitioning attorney”. The proposed guardian represents himself or herself in court.</p> <p>Through an attorney: Families can hire an attorney at their own expense to complete the entire process. <i>This is the only option if guardianship is to be of person and property.</i></p> <p>Assistance of Bureau of Guardianship Services (BGS): <i>This process is for guardianship of the person only.</i> BGS is only able to assist individuals who are eligible to receive services funded by the Division of Developmental Disabilities.</p> <p>Note: There are approximately 4000 requests currently pending with BGS</p>	<p>Pro Se: forms, instructions and other resources can be found at: bit.ly/njcourtselfhelpcenter</p> <p>Visit:</p> <ul style="list-style-type: none"> • Guardianship Go Bag: bit.ly/guardianshipgobag • Future Planning Webinars: bit.ly/fiwebinars • Planned Lifetime Assistance Network of New Jersey (PLAN/NJ): bit.ly/planNJ • Guardianship Association of New Jersey, Inc. (GANJI): www.ganji.org • Bureau of Guardianship Services (BGS): FAQs, fact sheets, roles of a guardian, and family guides to the court process can be found at: bit.ly/1HGFUUB <p>**Type all links exactly as seen including any capital and lowercase letters, and numbers.**</p>	<ol style="list-style-type: none"> 1. Identify a guardian or co-guardians 2. Complete a psychological or medical evaluation 3. Receive a court recommendation: Based on the psychological evaluation, a recommendation is made as to whether legal guardianship is needed. 4. File paperwork with the court: After getting forms signed and notarized they will get filed with the Superior Court in the individual's county of Residence. 5. Conduct a hearing (if necessary): If the Public Advocate does not oppose appointing a guardian, the court reviews the paperwork and signs Judgement. 6. Obtain a court judgement: Once the court signs the judgement appointing a guardian, the individual and his/her family will receive a copy of it. <p>Processing time varies</p>	<p>Conservatorship is a voluntary, judicially supervised arrangement for people who need assistance, but who are capable of giving informed consent.</p> <p>Living wills and durable powers of Attorney are documents where the guardian names a person to make decisions for him/her when the guardian is unable to do so. <i>Ex: medical decisions.</i></p> <p>Person-centered Planning involves a group of people, family and/or friends who focus on the individual and that individual's vision of what he/she would like to do in the future. It is an ongoing problem solving process.</p> <p>Supported decision-making is a series of relationships, arrangements and agreements designed to assist an individual with a disability to make and communicate to others decisions about the individual's life.</p>