

# A Guide To Guardianship & Alternative Options For People with Intellectual and Developmental Disabilities



## What is a guardian?

- A guardian is a person (18 years of age or older) or agency appointed by a court to make personal decisions for an individual who is incapable of making some or any decisions independently. New Jersey law allows for limited guardianship. This means a guardian could make some decisions in some areas, but not all areas of an individual's life.
- Find out more about the role of a guardian, [bit.ly/njguardianshipresponsibilitiesguide](http://bit.ly/njguardianshipresponsibilitiesguide)

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.

## Where do I begin?

- All guardianship appointments require a Judgment rendered by a Superior Court Judge.
- **Families can pursue guardianship by:**
  - representing themselves (pro se)
  - through an attorney
  - with assistance of the Bureau of Guardianship Services (BGS)
- **Pro Se:** means "without a petitioning attorney." The proposed guardian represents themselves in court.
- **Through an attorney:** Families can hire an attorney at their own expense to complete the entire process. This is the only option if guardianship is to be of person and property.
- **Assistance from Bureau of Guardianship Services (BGS):** This process is for guardianship of the person *only*. BGS is only able to assist individuals who are eligible to receive services from the Division of Developmental Disabilities and if no one else is available to serve as a guardian.

## What should I read?

- **Pro Se:** forms, instructions and other resources can be found at:
- [bit.ly/njcourtsguardianship](http://bit.ly/njcourtsguardianship)
- Visit:
  - **Guardianship Go Bag:** [bit.ly/guardianshipgobag](http://bit.ly/guardianshipgobag)
  - **Future Planning Webinars:** [bit.ly/fiwebinars](http://bit.ly/fiwebinars)
  - **Planned Lifetime Assistance Network of New Jersey (PLAN/ NJ):** [bit.ly/planNJ](http://bit.ly/planNJ)
  - **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/bureauguardianship](http://bit.ly/bureauguardianship)

**\*\* Type all links exactly as seen including any capital and lowercase letters, and numbers. \*\***

## What is the process?

- **Identify a guardian or co-guardians**
- **Complete a psychological or medical evaluation within a month of filing.**
- **Receive a court recommendation:** Based on the psychological evaluation, a recommendation is made as to whether legal guardianship is needed
- **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.
- **Conduct a hearing (if necessary):** If the Public Advocate does not oppose appointing a guardian, the court reviews the paperwork and signs Judgment.
- **Obtain a court Judgment:** Once the court signs the Judgment appointing a guardian, the individual and his/her family will receive a copy of it.

**\*\*Processing Time Varies\*\***

## Alternatives to Guardianship

- **Living wills** make your wishes known, whatever those wishes may be, and should summarize your medical care wishes as well.
- **Durable Power of Attorney for Health Care:** When you create a living will, you may also want to designate a person to make health care decisions on your behalf through this type of legal document.
- **Person-Centered Planning:** involves a group of people, family and/or friends who focus on the individual's vision of what he/she would like to do in the future. It is an ongoing process.
- **Supported decision-making:** a series of relationships, arrangements and agreements designed to assist an individual with a disability to make decisions and communicate to others about the individual's life. <https://bit.ly/supporteddecisionmaking>
- For a full list of alternative options and other end of life planning resources, visit: [bit.ly/endoflifegobag](http://bit.ly/endoflifegobag)