Guardianship:

What You Need to Know

When someone turns 18 in North Dakota, they are legally an adult and make their own decisions. But sometimes, a person with a disability may still need help making important choices about their life. That's where guardianship comes in. Guardianship is a legal process where a judge gives another person (a guardian) the right to help make decisions for someone (called a ward) who cannot safely make them on their own. Guardians are expected to act in the best interest of the person they are helping.

Types of Guardianship:

- General Guardian
  - Makes decisions in all areas of a person's life (where they live, medical care, education, job training, etc.).
- Limited Guardian
  - Makes decisions in only certain areas, like finances or housing. The court decides which areas apply.
- Emergency/Temporary Guardian
  - Chosen in urgent situations when fast action is needed. This type usually lasts no longer than 90 days.
- Testamentary Guardian
  - Named in a will by a parent or spouse who was already the guardian, to continue care after their death.
- Conservator
  - Manages a person's money and property (not their personal decisions). A guardian may not be needed if a conservator is in place.

Alternatives to Guardianship:

Sometimes, full guardianship isn't needed. These are some other options:

- Representative Payee
  - Manages Social Security or government benefits. Must report how money is spent.
- Power of Attorney (POA)
  - Let someone else make decisions. It is easy to set up and can be changed or canceled at any time.
- Co-Signer on Bank Account:
  - Allows someone else to help with money, but offers no legal protections or oversight.
- Alternative Resource Plan:
  - A plan that includes support services instead of guardianship. Examples: home care, adult day programs, social services, or POA.

How to Become a Guardian

- Talk to a lawyer – They will help file a petition in court.
- The court will schedule a hearing and notify all involved.
- A judge will decide if guardianship is needed, what type (limited or full), and who the guardian will be.

Need More Information?

- Protection & Advocacy Project
  - www.ndpanda.org – 1-800-472-2670
- Legal Services of North Dakota
  - www.legalassist.org – 1-866-621-9886
- ND Dept. of Human Services – Aging Services Division
  - www.nd.gov/dhs/services/adultsaging/index.html – 1-800-472-2622
- ND Aging and Disability Resource Link
  - www.carechoice.nd.gov – 1-800-451-8693

701-837-7500 info@pathfinder-nd.org http://pathfinder-nd.org PO Box 758, Minot, ND 58702

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