

What To Do When Your Adult Child Isn't Fully Adult

Guardianship and Other Ways to Help Your Child

Law Office of Pamela Parker



What is Guardianship

After 18, parents no longer have “rights”

Incapacity is

an adult, who, because of a physical or mental condition, is substantially unable to

- Provide food, shelter or clothing for him/herself,
- care for their own physical health, or
- manage their own financial affairs

Guardianship puts the individual under the care of the state

Alternatives to Guardianship

- Can the person's wellbeing be safeguarded without a formal guardianship?
- Power of attorney
- Medical information releases
- Educational information releases
- Appointment of representative payee
- Joint bank accounts
- Supported decision-making agreement

Who Needs a Guardian?

- Level of understanding
- Vulnerability
- Co-operativeness
- Third party demands
- What are they able to do NOW, not in the future

Who can be a Guardian?

- Parent
- Both parents as co-guardian
- Other family members
- Siblings
- Family friend
- Professional guardians
- No record of abuse

How do you get Guardianship

- Court action needed
- File application
- Physicians certificate of medical examination
- Notice to parents and adult siblings
- Ad litem review
- Final court hearing and order

What does Guardianship mean?

- Removes individual's right to do certain things for him/herself
- Guardian has the exclusive authority to make those decisions
- Guardian has responsibility to make sure individual has access to food, shelter and medical care
- Guardian is not liable for acts of individual
- Guardian is not financially responsible for individual
- Court order specifies any limitations

What happens after there is a Guardian?

- Yearly report filed with the court
- Family members receive notice of major changes
- New guardian appointed when current one can no longer serve – guardianship itself continues unless individual gains capacity to care for him/herself.

How much does it cost?

- Court filing and miscellaneous fees \$400-\$500
- Ad Litem fee \$350-\$550***
- Applicant's attorney fee \$900 - ??***
- Bond \$100 - \$150
- Other
 - Criminal background check \$7-\$10
 - Notice to siblings \$7 each
 - Medical exam ??
 - Copies of court documents \$10-\$20
 - Yearly report \$12-\$25

How do you get started?

- Discuss with doctor anytime if you are unsure about guardianship
- Line up an attorney
- Official exam can take place no earlier than six months prior to 18th birthday – talk to attorney first!
- Application can be filed within six months of the 18th birthday or any time thereafter



**The Purr-a-legal
says:**

You've been fearless
about getting
resources for your
child, now be fearless
about facing the
future.

We're here to help.



LAW OFFICE OF PAMELA PARKER

Serving Special Needs Families Throughout Texas • (512) 804-9934

ParkerCounsel.com
pparker@parkercounsel.com