



Guardianship Overview

What is a guardian?

A guardian is a person or agency appointed by a court to act on behalf of an individual for his/her health, safety and welfare and to protect his/her rights in accordance with the judgement of guardianship.

What does guardianship mean?

Guardianship is the court appointed person or agency who makes personal decisions for an individual who is not capable of making decisions independently.

Do I have decision-making authority on behalf of my son or daughter when he or she turns 18 years old?

No. Without guardianship, parents' legal decision-making authority for their children ends at the age of 18. However, parents can continue to be involved in planning for their son or daughter. You may continue to attend planning meetings such as the IEP. On the other hand, your medical team may not communicate with you about your son or daughter's health plan even in an emergency.

Is there more than one type of guardianship?

Yes. Guardianship of the person can be either General or Limited.

- General Guardianship is appropriate for people who have been found incapable of making or expressing any decisions. This is sometimes referred to as 'plenary' guardianship.
- Limited Guardianship is appropriate for people who have been found capable of making and expressing some, but not all, decisions. The law identifies six areas of Limited Guardianship: residential, educational, medical, legal, vocational and financial.

How will a judge know about my child's ability to make decisions?

All applications for guardianship require an up-to-date assessment (30 days prior to the individuals 18th birthday) from a psychologist, psychiatrist or medical doctor licensed in the State of New Jersey. The purpose of this assessment is to verify the need for a guardian and, if so, whether General or Limited guardianship is required.

Who can be a guardian?

The guardian can be a family member, another interested person, or the New Jersey Bureau of Guardianship Services. An individual can also have a co-guardian appointed if appropriate.

For more information, please refer to:

https://www.state.nj.us/humanservices/ddd/documents/guardianship_faqs.pdf