Syndicate Legal Advisory Services

Guardianship

Syndicate Legal Advisory Services – *Guardianship*

SYNDICATE LEGAL ADVISORY SERVICES

Team of:
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A **Guardianship** exists when an adult - who is not the child's parent - is appointed by the Court to care for the child's person and/or property. If you are appointed as the legal guardian of a child, you will have the authority and obligation to make decisions affecting the care, education, medical treatment and supervision of the child (also referred to as "**the ward**" for Guardianship Proceedings). When a Guardianship is established, the parents' rights to the care, supervision, and custody of the child are ***temporarily suspended***. However, the parents may have the right to reasonable visitation with the child as well as an obligation to pay child support to the guardian.

Generally, the court will appoint you as guardian of a child if the parent or parents are unable or unwilling to exercise their parental rights or if the parents voluntarily consent to the guardianship. The court will grant a Guardianship if it is shown through clear and convincing evidence that appointment of the guardian serves in the best interest of the child.

A Court can appoint you to be the Legal Guardian of a child if you are a relative, friend of the family or if the court considers you suitable to raise the child.

Types of Guardianship:
1. Guardianship of the Person
2. Guardianship of the Estate

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Guardianship of the Person: When a court appoints you as a Guardian of the Person, you will have the same responsibilities to care for the child as the natural parent. You would have full legal and physical custody of the child and may make all the decisions about the physical care of the child. You would be responsible for the child's care, supervision, food, clothing, shelter, safety, protection, physical growth, emotional growth, medical care, dental care, and education.

Guardianship of the Estate: When a court appoints you as a Guardian of the Estate, you will be responsible for managing the child's income, money, investments, or other property until the child reaches the age of majority, which is 18 years-old. A child may need you to be a Guardian of the Estate if he or she inherits money or assets in which the parents are absent or dead. Generally, a court would appoint the surviving parent to be the guardian of the child's estate. Usually, this form of Guardianship may be necessary if the minor has substantial real and personal property assets.

NOTE: A Guardianship is NOT an Adoption. First, with a Guardianship, parents still have parental rights and can ask the court for reasonable contact with the child. With an adoption, the parents' rights are permanently ended. Second, another difference is that with a Guardianship, the court can end the guardianship if the parents become able or willing to care for the child. With an adoption, the legal relationship with the adoptive parents is permanent.

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