

What is Guardianship? Guardianship is a legal relationship between an individual (the guardian) who has been given the legal authority and duty to make decisions on behalf of another individual (the ward) who lacks sufficient capacity to manage his or her own affairs or make and communication important decisions.

Are there different types of guardianship? There are three types of guardianship: (1) Guardianship of the Person, (2) Guardianship of the Estate, and (3) General Guardianship.

Are there other options or alternatives to guardianship since it is restrictive? Yes. There are several options such as Supported Decision Making, Health Care Power of Attorney, representative payee, joint bank accounts and others.

What are the differences in the three types of guardianship? A guardian of the person has the authority to make decisions on most areas of the ward's/individual's/ personal's life. On the other hand, a guardian of the estate has the authority to manage the ward's income and property. A general guardian has the duties of both the guardian of the person and the guardian of the estate.

Can an individual retain certain rights and still have a guardian? Yes. The law allows for a clerk of court to limit the duties of the guardian to those areas of need only. This enables the ward to still have control over specific areas of their lives. This is referred to as a Limited Guardianship.

What are the financial obligations of a guardian? The Guardian has no financial obligations. A guardian is not required to support the ward financially or to contribute their resources to the ward and is not liable for their debts. The guardian may be reimbursed from the estate for reasonable expenses incurred while carrying out their duties as guardian of the estate or general guardian. The clerk of court must approve the Guardian's commission which is taken from the ward's estate.

Who decides if a person needs a guardian? The Clerk of Superior Court makes the final decision.

Can an individual who has been declared legally incompetent have their rights restored? Yes.

What is the legal priority for a guardian? First is an individual or couple (such as family members or close friends), second is a corporation if included in its charter with the Secretary of State and third is a public agent which is the local Department of Social Services.

When does guardianship end? A guardian's powers and duties end when the clerk of superior court removes the guardian from their position; the ward dies; the guardian resigns; or the ward's competence is restored.

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What is LIFEguardianship? LIFEguardianship is a division of The Arc of North Carolina, Inc., which amended its charter with the Secretary of State several years ago, and established LIFEguardianship to enable it to become a legal, corporate guardian for individuals whose family members are unable to be their guardian. It is a statewide program advocating to protect the health and safety of wards/individuals to ensure that their civil and human rights are not violated.

Is LIFEguardianship available across the state? Yes, through LIFEguardianship.

Who is eligible for LIFEguardianship? Any individual who is unable to make or communicate important decisions about their person, family, or estate and has no family members willing or able to become their guardian.

Who should be referred for LIFEguardianship? Advocacy and support is provided primarily to adults, age 18 and up, who have an intellectual and developmental disability, chronic and persistent mental illness, the elderly, and/or substance abusers. Children may be referred and considered for support as well.

Who should be contacted about guardianship or LIFEguardianship at The Arc of North Carolina? Jean Farmer-Butterfield, Senior Director of LIFEguardianship at 800-662-8706 or 919-782-4632 or by cell at 252-373-8868 or by e-mail: jfarmerbutterfield@arcnc.org. Text messages can be received at the cell number listed.

Where can you learn more about LIFEguardianship? Please go to The Arc of North Carolina's website: <https://www.arcnc.org/guardianship>