

Legal Guardianship

For Young Adults With Special Needs



Decide If Your Child Needs a Legal Guardian

Deciding if your child needs a guardian is not easy. Consider whether your child is or will be able to do all of the following:

- Pay bills and budget for daily expenses
- Use and protect personal credit
- Obtain health care when needed
- Follow the doctor's advice and medication instructions
- Enroll into a suitable school or job training program
- Understand his or her learning difficulties and find help
- Understand what happens when he or she signs a legal document
- Make decisions about where to live and work

By law, children are considered adults when they reach the age of 18. They can make personal decisions related to finances, health care, housing, and other matters. But some people with developmental disabilities – such as autism or intellectual disability – are not as able to make proper decisions for themselves. For this reason, some parents or other family members may consider becoming their legal guardian.

Discuss With Your Doctor or Social Worker What Type of Guardianship Your Child Needs

To become your child's guardian, parents must file a petition at family court. There are two types of guardians:

1. **A General Guardian (Article 17A)** makes broad decisions on behalf of the child. You do not need a lawyer to file. But you may consider asking a lawyer who is an expert in this area for legal advice.
2. **A Limited Guardian (Article 81)** makes decisions only in some areas, such as health care. You may consider becoming a limited guardian if your child can make some decisions on his own. For example, your child may be able to pay his bills, but would need a guardian to help make decisions about his health care. It is best for a lawyer to handle this process.

When your child is 16, start thinking about what type of guardianship he or she needs. The process to file for guardianship can take 6 months to a year, so start when your child is 17. When you apply, you can choose a "standby guardian." A standby guardian takes over if you are unable to be your child's guardian.

There are many forms you will need to complete. Your child's disability will need to be certified by two doctors. When you are ready to file, talk to your doctor or social worker who can help you start the process.

Learn How To Become A Legal Guardian

You can also contact these offices that offer guardianship services. You may be able to speak with a Chinese-speaking staff person; be sure to ask if you need one:

- **AHRC New York City**, 212-780-4491 or 212-780-4493 (in English), ahrcnyc.org/services/services-for-families/guardianship.html
- **YAI**, 212-273-6182 (in English and Mandarin), yai.org

You can read more about becoming a legal guardian online at nycourts.gov/courthelp/Guardianship/17A.shtml (in English).

Development of this educational material was made possible with funding from the Hearst Foundations.



CHARLES B. WANG
COMMUNITY HEALTH CENTER
王嘉廉社區醫療中心

General Info Line (212) 226-8339

Website www.cbwchc.org

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