

HOW TO LEGALLY CARE FOR A DISABLED ADULT

El Derecho Del Pueblo

Columna de comentario [Socialización de Riesgo Policial](#) abogado y maestro Matthew “Mateo” Katz.

The People’s Right

A column of social comment [Destiny](#) and legal advice by attorney and teacher Matthew “Mateo” Katz.

Okay, so it’s not my regular type of column topic, but this is an issue that concerns a large number of people! If your mother or father, or anyone that you care very much about for that matter, is suffering from a disability which results in them being unable to care for themselves and run their own lives, there are steps to take for you to gain the legal authority to assist them in doing so.

The procedure I’m going to explain is not something to take lightly, because once a court orders a guardian appointed over another’s, that guardian has lots of power, indeed almost complete power, over the other’s life. This is only something you want to proceed with if the disabled person is truly mentally incapacitated.

As you’ve seen I’ve written above, the procedure by which you become legally empowered to run a disabled adult’s affairs is called a “guardianship”. The first step to take in becoming a guardian is to have a licensed physician, a medical doctor, to perform an evaluation of the disabled adult and to render an opinion as to the condition of the “respondent” (the you in this case is the “petitioner” or the person asking to be appointed the guardian).

If a doctor does not determine that the alleged disabled adult is medically disabled so as to be unable to meet certain criteria, than stop here. There’s no need for the guardianship. The questions an evaluating doctor must answer include: the nature of the respondent’s disability, the mental and physical condition of the respondent, is the respondent capable of making financial and other personal decisions, what are appropriate living conditions for the respondent, among others.

If a doctor finds that the respondent is in need of a guardian, per these criteria, you will go to the local courthouse and complete a “Petition for Appointment of Guardian” and obtain a court date for a judge to hear the case. Next, you or the sheriff will serve a copy of the Petition on the respondent, informing them of the pending court date to determine the issue and of their right to a jury trial, among other rights.

When you go to court, you will present to the judge the physician’s report, explain why you will make an appropriate guardian of the disabled adult, and answer other various questions. If the judge determines that the respondent is indeed disabled, and that you are an appropriate guardian, there will issue a court order stating these findings.

Now, you have a huge responsibility to care for another adult! If you are granted guardianship over the person, you must care for the physical well being of the respondent. If you are granted guardianship over the estate of the person, you must spend their monies in a legal and caring fashion.

Okay. Now, if you’re still awake, you know everything you have ever wanted to know about guardianship petitions!