

# **GUARDIANSHIP:**

## **WHAT IS A GUARDIANSHIP?**

A Guardian is the parent of a minor or someone who has been appointed by the Court to be responsible for the personal care of an individual.

## **WHAT IS A WARD?**

Legal name for a person for whom a guardian has been appointed.

## **WHO CAN BE A GUARDIAN FOR AN ADULT?**

1. Person named in a durable power of attorney
2. Spouse or spouse's nominee
3. Adult child
4. Parent or parent's nominee
5. Relative with whom person has lived the prior 6 months
6. Nominee of caretaker of person

## **WHO CAN BE A GUARDIAN FOR A CHILD?**

The court may appoint any person who will be in the best interest of the minor. However, if the minor is 14 years old or older, the minor's nominee must be appointed unless the appointment is contrary to the minor's best interest. Also, a parental nomination has priority.

## **CAN A PARENT APPOINT A GUARDIAN?**

Yes, in a Will or other document properly signed and witnessed, a parent may appoint a guardian for a minor child or for an unmarried incapacitated child.

## **CAN A SPOUSE APPOINT A GUARDIAN?**

Yes, in a Will or other document properly signed and witnessed, a parent may appoint a guardian for his or her incapacitated spouse.

## **WHAT ARE THE POWERS OF A GUARDIAN?**

- a. must assume responsibilities of a parent regarding support, care and education.
- b. must become personally acquainted with ward
- c. must take reasonable care of ward's personal effects
- d. must apply available money for current needs or health, support, education and maintenance
- e. must conserve excess money
- f. must report the condition of the ward to the court
- g. may receive limited funds for support of ward
- h. may take custody of ward and establish a home
- i. may compel payment of support
- j. may consent to marriage or adoption
- k. may delegate certain responsibilities to the ward for the decision making

(Court may limit powers of guardianship)

**WHEN DOES A GUARDIAN END?**

- a. upon death of ward
- b. upon resignation of the guardian
- c. upon adoption of the minor
- d. upon marriage of the minor
- e. upon minor becoming an adult
- f. when ward's incapacity is terminated

THIS INFORMATION, WHICH IS BASED ON ALABAMA LAW, IS ONLY TO INFORM AND NOT TO ADVISE. NO PERSON SHOULD EVER APPLY OR INTERPRET ANY LAW WITHOUT THE AID OF A LAWYER WHO ANALYZES THE FACTS, BECAUSE THE FACTS MAY CHANGE THE APPLICATION OF THE LAW.

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