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GUARDIANSHIPS

A guardianship occurs when the court appoints one person to take care of another person or that person's property. There are three types of guardianships including Guardian of the Estate, Guardian of the Person, and General Guardian.

A **Guardian of the Estate** is appointed to manage another person's property.

A **Guardian of the Person** is appointed to make decisions with regard to another person's care.

A **General Guardian** is appointed to both manage another person's property and to make decisions with regard to that person's care.

We encourage all of our clients to sign **Durable Powers of Attorney** and **Health Care Powers of Attorney** in which the client selects the person who will take care of the client and his or her property if he or she is unable to do so. With this planning, it is normally not necessary to have a court appointed guardian.

Occasionally we meet with clients whose family members have not signed Durable Powers of Attorney or Health Care Powers of Attorney. If the person suffers from dementia or other incapacity, it may be too late to sign these documents. If that happens, the family must go to court to ask the judge to appoint a guardian. This process can be very confusing and stressful for all involved. The person for whom guardianship is sought has the right to a lawyer as well as a jury trial. The judge may order the person to undergo medical and psychological evaluations. Once a person is appointed as guardian, he or she will be under the constant supervision of the court.

Guardianship can be avoided with proper planning. However, in the event that a guardianship is necessary, our attorneys are here to help.