

Key Points

It is important to discuss Guardianship options at least six months prior to an individual's birthday. When an individual turns 18 years of age, they obtain all the legal rights of being an adult in the State of NH.

Guardians are responsible to:

- Act on behalf of the individual to secure all services and supports
- File all court papers
- Apply for any needed services and benefits (Social Security, Medicaid etc.)
- Advocate for the best interests of the ward
- Treat the individual with respect and dignity

To file for Guardianship, paperwork can be obtained through the local probate courthouse, or online at www.courts.state.nh.us. Please note that several forms need to be signed by a notary so do not sign until there is a notary present. There is a filing fee that will be due the date the petition is dropped off.

Guardianship documents will specify the particular powers a Guardian may possess.

- Guardianship should only be sought when impaired judgment poses a major threat to a person's welfare.
- Guardianship is not intended to protect a person from normal daily risks.
- A Guardian should not be appointed simply because a person shows poor judgment or has trouble sticking to a decision.

Unless specified in the Guardianship decree, no Guardian has the right to:

- Choose friends
- Choose personal clothing styles, hairstyles etc.
- Decide how a person spends personal free time
- Limit or censor mail
- Prevent individual from having visitors
- Speak on behalf of individual if they are able to speak themselves
- Prevent the individual from being involved in an intimate relationship

Other options for families:

- Having no guardian (a right of all persons)
- Temporary Emergency Guardianship (60 days)
- Advisor or Advocate
- Power of Attorney for Financial and/or Medical
- Conservator over estate
- Representative Payee
- Authorized Representative

*An attorney will be appointed for the ward through Probate Court if the family does not have their own attorney.

Please contact your Family Support Service Coordinator with any questions at 882-6333