



Law Offices of  
J. Baron Groshon

## Guardianship

A guardianship proceeding may be necessary in order to allow you to assist your aging or incompetent loved one make the legal, financial, and health care decisions that they are unable to make themselves.

A person who lacks capacity will require assistance to manage their affairs. In many cases, individuals may have planned for possible incapacity by appointing financial and health care agents through a power of attorney to make decisions for them when they are deemed incompetent. However, even the most organized, well-intentioned, and successful individuals may have not taken these steps, which means that concerned family members have little choice but to pursue guardianship to establish the necessary supervision and protection for their loved one.

The determination of competency of an individual is made after consideration of evidence presented by interested family and friends, as well as medical evidence, which sometimes includes a court ordered medical evaluation. If the court determines that an individual lacks capacity, it will then consider evidence as to who is qualified to serve as the guardian of the person (similar to a health care power of attorney) and a guardian of the estate (similar to financial power of attorney).

A court-appointed guardian is granted the legal authority to make decisions to help ensure the health and well-being of another individual, who is referred to as the "ward." These decisions can include making determinations as to where the ward will live, health care decisions on behalf of the ward, and management of the ward's finances.

My years of experience as a court-appointed Guardian ad Litem and Guardian of the Estate will be put to work for you in helping family and friends evaluate options to protect the best interests of an individual suffering with compromised mental and/or physical capacity while easing the stress of the litigation process for all concerned.