What is Guardianship? Guardianship is a legal relationship between an individual (the guardian) who has been given the legal authority and duty to make decisions on behalf of another individual who lacks sufficient capacity to manage his or her own affairs or make and communicate important decisions.

Are there different types of guardianship? Yes, General Guardianship, Guardianship of the Person, Guardianship of the Estate, Limited Guardianship, and Interim Guardianship.

Are there other options or alternatives to guardianship since it is restrictive? Yes. There are several options such as Supported Decision Making, Health Care Power of Attorney, representative payee, joint bank accounts, and others.

What are the differences in the three types of guardianship?

- **General Guardianship** - Appointed as both Guardian of the Person and Guardian of the Estate
- **Guardianship of the Person** - Appointed solely for the purpose of performing duties relating to care, custody, and control
- **Guardianship of the Estate** - Appointed solely for the purpose of managing property, estate, and business affairs
- **Limited Guardianship** - Tailored to fit the individual in the areas in which assistance with decision making is needed
- **Interim Guardianship** - Appointed when there is an imminent or foreseeable risk of harm to the individual or their estate

Can an individual retain certain rights and still have a guardian? Yes, the law allows for a clerk of court to limit the duties of the guardian to those areas of need only. This enables the ward to still have control over specific areas of their lives. This referred to as Limited Guardianship.

What are the financial obligations of a guardian? The guardian has no financial obligations. A guardian is not required to support the ward financially or to contribute their resources to the ward and is not liable for their debts.

Who decides if a person needs a guardian? Anyone can petition the court to initiate guardianship but the Clerk of Superior Court makes the final decision regarding guardianship.

Can an individual who has been declared legally incompetent have their rights restored? Yes, they can petition to have their rights restored but the Clerk of Superior Court makes the final decision regarding restoration.

What is the legal priority for a guardian?

1. Family Member
2. Corporate Guardian
3. Disinterested Public Agency
When does guardianship end? A guardian’s powers and duties end when the clerk of superior court removes the guardian from their position; the individual dies; the guardian resigns; or the individual’s competence is restored.

What is LIFEguardianship? LIFEguardianship is a division of The Arc of North Carolina, Inc., which amended its charter with the Secretary of State several years ago, and established LIFEguardianship to enable it to become a legal, corporate guardian for individuals whose family members are unable to be their guardian. It is a statewide program advocating to protect the health and safety of individuals to ensure that their civil and human rights are not violated.

Is LIFEguardianship available across the state? Yes, we have a contract with the Division of Aging and Adult Services that covers all 100 counties and we have some private contracts with local Department of Social Services.

Who is eligible for LIFEguardianship? Any individual who is unable to make or communicate important decisions about their person, family, or estate and they have no family members willing or able to become their guardian.

Who should be referred for LIFEguardianship? Advocacy and support is provided primarily to adults, age 18 and up, who have been diagnosed with an intellectual and developmental disabilities, chronic and persistent mental illness, the elderly, and/or substance use and have been declared incompetent by the court. Children may be referred and considered for support as well.

Where can you learn more about LIFEguardianship? Please go to The Arc of North Carolina’s website: https://www.arcnc.org/guardianship