

Guardianship

RSA 464-A is the New Hampshire Statute that covers all guardianship procedures and RSA 547-B is the New Hampshire statute that describes public guardianship programs.

Guardianship

Parents are guardians for their children until they turn 18. Once they turn 18 the child is entitled to make his or her own decisions regarding where to live, how to manage money and decisions about health care. If someone believes a person is unable to make these decisions they can petition the Probate Court to request that a guardian be appointed. The Court can appoint a parent, another family member, a friend or a public guardians as a guardian.

A guardian is appointed by the Probate Court to "stand in the shoes" of the person. A Probate Court gives the guardian the power and duty of taking care of the ward and/or their property. There are two main types of guardianship: A "guardian of the person" (who manages the ward's personal affairs) or "a guardian of the estate" (who manages the ward's financial affairs).

A judge appoints a guardian after a hearing, because based on the evidence and testimony he or she decided beyond a reasonable doubt that the person:

- ♦ Is unable to manage their affairs;
- ♦ Needs a guardian to make sure they get continuing care, supervision, and rehabilitation, or to manage their money and property;
- ♦ There are no available alternative resources which are suitable with respect to their welfare, safety, and rehabilitation or the prudent management of their property and money;
- ♦ It is the least restrictive form of intervention consistent with the preservation of the ward's civil rights

If you have questions about guardianship, you can contact either of the agencies below or you may also be able to obtain information from a mental health center, area agency, the probate court in your county, or an attorney.

Temporary Guardianship

It is possible for someone to request guardianship for a temporary period of time. This is usually done under the Emergency Temporary Guardianship guidelines and will cover a 60 day period. This may be helpful during a crisis situation when a person may not be able to make a safe decision. The goal would always be to return guardianship to the individual as soon as they are able to make those decisions themselves.

Less Restrictive Alternatives

The law says the court should only appoint a guardian if there are no available alternative resources to make sure the person stays safe, well, and get the services they need, and that their property and money is handled prudently. Some alternatives include:

- ♦ Revocable Power of Attorney. A person may choose to give Power of Attorney to someone if they would like them to be able to make decisions on their behalf regarding medical and/or financial concerns. This is a contract between two people and does not involve the courts. This agreement can be cancelled at any time for any reason. Most Power of Attorney agreements are prepared by a lawyer. A "Health Care Power of Attorney" can usually be obtained from a hospital.
- ♦ A mentor (see www.mentorship.us)
- ♦ A representative payee for Social Security

Granite State Guardianship Services

Main Office: 34 Jefferson Road

Whitefield, NH 03598-1221

Telephone: (603) 837-9561

Concord Office: Telephone: (603) 224-0805

Website: <http://www.gsgs.org>

Office of Public Guardian

10 White Street

Concord, NH 03301

Telephone: (603) 224-8041

Mentorship, Inc

4 Park Street, Suite 21

Concord, NH 03301

Telephone (603) 226-4470

Website: <http://www.mentorship.us>.

Voluntary Alternative to Guardianship