

Guardianship

A Guide for the Families, Caregivers, Advocates and Friends of People with Developmental Disabilities

A **guardianship** is a legal relationship where a person (the guardian) is given the legal right to care for another person (the ward) and/or the ward's property.

There are three possible relationships:

1. Guardianship of the person
2. Guardianship of the estate
3. Guardianship of the person and the estate

When Is a Guardian Needed?

The need for a guardian arises when a person is incapacitated to the extent that he/she is not capable of making decisions about their care and/or managing their assets. Incapacity is a result of the person's medical condition, adaptive behavior and intellectual functioning. It can also be needed if the person is a minor. A court proceeding is required before a guardian can be appointed.

The **Arkansas Code Section** for the statutory authority for guardianship is Arkansas Code Annotated §28-65-201-221. The assistance of an attorney is required to complete this process under normal circumstances. The statutory provision for guardianship requires the loss of voting privileges unless the

guardianship ruling specifically includes those rights. Please speak with your attorney regarding this important item.

Where Can I Find Help for Guardianship?

Resources available for guardianship, including information on **attorneys** who practice this specialty, are available at the following:

For guardianship information and forms:
ARLegalServices.org/guardianship

For licensed attorneys near you whose practices specialize in guardianship:
mx.ArkBar.com/ArkansasFindALawyer.aspx.
In the drop down menu, choose "Elder Practice," and the site will return a list of local attorneys who specialize in guardianship.

Does GCDD Offer Legal Advice about Guardianship?

The Governor's Council on Developmental Disabilities (GCDD) does not provide legal advice. We provide this guide to assist you in obtaining information about Arkansas guardianship law from a qualified professional.



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