

New Jersey Department of Human Services

GUARDIANSHIP

A guardian is a person or agency that is legally authorized to act on behalf of a minor or an incapacitated adult to assure that the person's health, safety, and welfare needs are met and that his or her rights are protected. The duties of a guardian also include making decisions on behalf of the individual and giving informed consent in certain matters. However, the guardian is required to involve the person in decision-making to the extent that his or her abilities permit.

The Division of Developmental Disabilities is required to evaluate all persons who receive services as to their need for a guardian, either upon entry into the service system, or prior to their 18th birthday, if they are receiving services as minors. A decision that an individual needs a guardian is based on a sound clinical assessment of the individual's ability to make choices and decisions, capacity for independent living and understanding of guardianship.

Guardianship may be considered for an individual only when it is clearly necessary and only to the extent that it is required. Limited guardianship is appropriate for persons who have been found capable of making and expressing some, but not all, decisions. General guardianship is appropriate for persons who have been found incapable of making or expressing any decisions.

There are several options for processing guardianship:

- A relative or other interested party may choose to pursue appointment as guardian privately, at his or her own expense. This is the only option when guardianship of both person and property is sought.
- The Division of Developmental Disabilities can facilitate the court action at no charge for the legal costs. A family member or other interested party may be designated guardian of the person only, not of his or her property.
- A family member who is unable or unwilling to serve as guardian may propose another appointee.
- A family member who is unable or unwilling to serve as guardian may accept the appointment of the Division's Bureau of Guardianship Services as guardian of the person.

Unless there is a privately initiated action to apply for guardianship, the Bureau of Guardianship is responsible for preparing the documents necessary to petition the court for appointment of the guardian.

Guardianship of the person only, and not of his or her property, involves no financial obligation for the guardian. A guardian's only role related to financial matters is to sign applications for benefits or other entitlements for which the person with a disability may qualify.

The Division's Bureau of Guardianship Services' authority is limited to guardianship of the person only, not of his or her property. Also, the BGS staff may not consent to procedures such as shock treatment; psychosurgery; sterilization; or medical, behavioral or pharmacological research as experimentation. Those matters may be referred to a court of competent jurisdiction for the appointment of a guardian ad litem.

The Bureau of Guardianship Services may provide guardianship services to a minor under certain circumstances. This applies to a person under age 18 who is without parent or guardian or whose legal guardian has granted a power of attorney to BGS to make personal decisions.

Guardianship is not permanent. As part of the annual Individual Habilitation Plan process for each adult with a guardian or receiving guardianship services, staff shall review the individual's continuing need for guardianship. If an assessment supports termination or reduction of guardianship, staff must initiate necessary action to terminate or limit guardianship.

Bureau of Guardianship Services

PO Box 726,
Trenton, NJ 08625-0726
(609) 631-2213

Northern Regional Office
153 Halsey St.
PO Box 47009, Newark, NJ 07102
(973) 648-4638

Serving Bergen; Essex, Hudson, Passaic, Morris, Somerset, Sussex, Union, and Warren Counties of Community Services; North Jersey and Woodbridge Developmental Centers and Green Brook Regional Center

Central Regional Office
PO Box 726,
Trenton, NJ 08625-0726
(609) 631-2213

Serving Hunterdon, Mercer, Middlesex, Monmouth and Ocean Counties of Community Services; Hunterdon and New Lisbon Developmental Centers

Southern Regional Office
860 N. Orchard Road
P.O. Box 1513
Vineland, NJ 08362-1513
(856) 690-5260

Serving Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties of Community Services; Vineland and Woodbine Developmental Centers