

Q: What is the cost to file for guardianship through the VLP?

A: If you qualify for the Volunteer Lawyer Program, the filing fee is generally waived by the Court. Attorney's fees are also waived for qualifying individuals. A \$30.00 processing fee is payable to the Volunteer Lawyer Program.

Q: If I am interested in applying for guardianship for my child or an incapacitated adult family member or friend what should I do next?

A: Contact The Volunteer Lawyer Program

Guardianship Coordinator
260.407.0917 #2
kathy@vlpnei.org

Q: What if there are individuals in my care who would benefit from a guardian, but there is not a family member willing or able to serve as the court appointed guardian?

A. The VLP may be able to refer individuals to an entity that provides professional guardians that serve as court appointed legal guardians to incapacitated individuals who do not have family or friends willing or able to serve as their guardian and live in a long term care facility.

Q: I am an administrator, caregiver, or social services provider; Can the VLP help when it becomes clear that a person may benefit from a guardian?

A: Yes. An individual who is unable to understand treatment options or to provide consent for medical treatment may benefit from a legal guardian. The service provider may encourage a family member or close friend of the person to petition for guardianship.

The proposed guardian may call the VLP to determine eligibility for the guardianship program. The facility may be asked to assist the proposed guardian in obtaining information necessary to file a petition for guardianship, such as income of the person and a medical report.



Guardianship Services

**Volunteer Lawyer Program of
Northeast Indiana, Inc.**

347 W. Berry Street Suite 101
Fort Wayne, IN 46802

260.407.0917 #2
www.vlpnei.org

VLP GUARDIANSHIP SERVICE ELIGIBILITY

Client Eligibility: The VLP Guardianship Program serves persons with an alleged incapacitation. These can vary from mental, physical, onset birth or other various diagnoses. The program is also available for minor children in at-risk situations regardless of their intellectual capacity.

Financial Eligibility: The VLP works with local attorneys to provide legal services at no cost to low-income individuals. Financial eligibility for guardianship services is based on the household income of the alleged incapacitated person. If the person resides in a facility, rather than in the family home, the income eligibility is based on the person's individual income.

Legal Requirements: Anyone who is at least 18 years of age, mentally competent and has not been convicted of a felony may serve as a guardian.

VLP MISSION:

To cultivate a culture of pro bono service within the community dedicated to meeting the legal needs of low-income families and individuals.

QUESTIONS & ANSWERS

Q: My child has special needs and will turn 18 soon. Will I need to be appointed guardian?

A: Yes, generally. Once your child turns 18, you may no longer have legal authority to act on behalf of the child. The Court may grant you authority to act on behalf of your child.

Q: What is the procedure for being appointed as guardian for my child or an adult in need of a guardian?

A: The petitioner for the guardianship of the child or adult will be represented by an attorney.

▶ A petition is filed with the Court in the county in which the child or adult resides.

▶ The Court will generally require a written statement from a physician attesting to the incapacity of the child or adult.

▶ A *guardian ad litem* (for this case) will be appointed to represent the interests of the child or adult in Court.

▶ The Court will set a hearing to hear evidence and determine if the child or adult is incapacitated, whether a guardian is necessary, and whether the proposed guardian is qualified.

▶ The Court requires that the child or adult, both parents and other interested family members be notified of the hearing.

VLP Contact Information:

(260) 407-0917 option #2

kathy@vlpnei.org

Q: How long does the process take to be appointed guardian ?

A: The process may take up to 60 (sixty) days after the Volunteer Lawyer Program receives all the information required in the initial intake packet to prepare the necessary court documents.

Q: When should I begin the process for my child?

A: Generally, the Court will hear guardianship cases for incapacitated

children no more than two to three months prior to their 18th birthday.

Q: What will my duties be as a legal guardian?

A: This will vary depending on the circumstances of each case taking into consideration the condition of the adult or child. Generally, some general guidelines include:

▶ Work with physicians and other medical practitioners to make medical decisions on behalf of the person for whom you serve as legal guardian.

▶ Work with school personnel to make decisions on your child's academic, social and behavioral progress.

▶ You may wish to work with the Social Security Administration or other agencies to access or verify benefits on behalf of the protected person.

▶ The FIRST step is to call the VLP and ask to speak to the Guardianship Coordinator.

(260) 407-0917

Option #2

The logo for the Volunteer Lawyer Program (VLP) features the letters "VLP" in a large, blue, serif font. The letters are centered between two horizontal blue lines.

VOLUNTEER LAWYER PROGRAM
• NORTHEAST INDIANA •