

Guardianship Services

Guardianship is a legal relationship in which someone (the guardian) is authorized by the Clerk of Superior Court to be a substitute decision maker for an incompetent adult (the ward). Incompetence is a legal finding that an individual is incapable of managing his or her own affairs, or is unable to make important decisions. Guardianship is the route of last resort and cases are generated by the results of an Adult Protective Services investigation, referrals from the state psychiatric hospitals, or by requests from the Clerk of Superior Court.

There are three types of guardianship:

- Guardian of the Person - This guardian makes decisions in most areas of the ward's life which often includes: where they live, what type of care they receive, and medical decisions.
- Guardian of the Estate - This guardian manages the ward's finances and property.
- General Guardian - This guardian has the legal authority to manage all affairs including residential, medical, and financial decisions.

Anyone may file a written request (a petition) with the Clerk of Superior Court alleging that an adult (the respondent) aged 17 ½ year old and up should be declared incompetent and that the adult should have a legal guardian appointed.

At this time, Lee Co. Department of Social Services serves only as Guardian of the Person for Lee County's wards. The wards reside in various locations across the state. We provide continuous case management and some of our services include: visiting our wards on a routine basis, completing assessments with our wards and care providers to determine service goals, and providing consent for care and medical procedures. The Social Worker must regularly evaluate the appropriateness of the guardianship arrangement and seek opportunity to restore competency to the adult, transfer guardianship to a relative or other entity, or request from the court a limited guardianship arrangement.

Guardianship, and the guardian's powers and responsibilities end when the following occur: the guardian resigns, the ward's competence is restored, the Clerk of Superior Court transfers guardianship to another person, or the ward dies.

All Guardianship services are documented on the daysheets and are billable under the Social Services Block Grant- 25% paid by the state and 75% paid by the county until the SSBG funds are used up at which time the county is 100% financially responsible for the time incurred.