

Guardianships

New Jersey Estate Planning Attorneys Establishing Guardianships

A legal guardian is a person or institution that is appointed by the court to act on behalf of another individual who is unable to take care of themselves. Guardianships can be established for many different reasons, such as where a minor child is without parents, a young adult has developmental disabilities that prevent him or her from addressing their own needs, or a loved one becomes incapacitated due to an illness or advanced age.

When these types of situations arise, a family member may request that a court appoint a guardian to attend to the person's personal, medical and financial matters. While the process of appointing a legal guardian often invokes conflicting emotions, particularly when a parent or spouse suffers from a sudden accident or illness, a guardianship can give you the peace of mind that your loved one's needs will be taken care of and that their rights and interests will be properly protected.

General and Limited Guardianships in New Jersey

New Jersey provides for two types of guardianships: general guardianships and limited guardianship. General guardianships are typically established when an individual is unable to make or express any of their own decisions. A limited guardianship restricts the guardian's scope of authority to cover specific decisions when a person has the ability to make or express some decisions, but not all. For instance, a limited guardianship may grant the guardian the authority to make educational, vocational and medical decisions but not financial or residential decisions.

Navigating Families Through the Guardianships

The New Jersey guardianship attorneys at Einhorn Barbarito have extensive experience guiding individuals and families through guardianships in the state. Our practitioners handle guardianship matters for young adults who will be unable to live independently as they reach the age of majority and those situations where a senior member of the family is suffering from cognitive deficiencies making it impossible for them to live without the assistance of skilled caregivers.

Our firm understands the challenges involved in these types of situations and will work one-on-one with you to develop a plan that ensures your loved one will receive the care and support he or she needs. We also know that court proceedings can be confusing and overwhelming, particularly if this is your first time dealing with the legal system. Our attorneys will answer all of your questions and do everything they can to make certain that the process goes as quickly and smoothly as possible.

Contested Guardianship Proceedings

While many guardianship petitions move easily through the legal system, there are times when the appointment of a guardian may be contested. In some situations, the individual may object to the guardianship, asserting that they can manage their affairs on their own without a guardian. In other scenarios, another family member may file his or her own petition to serve as guardian or may challenge the action by claiming that the individual seeking to be appointed as the guardian is inappropriate.

These matters can involve emotional complexity and emotionally-charged litigation. We understand that protracted litigation is not in anyone's best interest. Should these types of problems or challenges arise, our lawyers will work with you and your family to reach a fair and agreeable resolution. However, if a compromise cannot be accomplished outside of litigation, we are fully prepared to see the matter through to a proper conclusion.

Schedule a Consultation With a New Jersey Guardianship Attorneys

If you have questions about guardianship or conservatorship proceedings in New Jersey or want to know how you can best protect your loved ones, the estate planning attorneys at Einhorn Barbarito are

here to help. Schedule a consultation with our dedicated legal team today by calling [973-627-7300](tel:973-627-7300).