

Down Syndrome Indiana™



Guardianship

Ask the Expert...

Q. "But I'm the parent . . . why do I need guardianship for my child with special needs?"

A. We hear that question a lot. And we know that parents can feel understandably frustrated to discover that they need to secure guardianship over their child with special needs simply to continue doing everything that they have already been doing once their child turns 18.

If you're the parent of a child with special needs, then you likely know that you are already considered to be your child's "natural guardian." You can make decisions regarding your child's health, maintenance, education and welfare, although your rights may not extend to you having access to or control of your child's finances or assets in certain circumstances (such as if your child has received proceeds from a lawsuit.)

Once your child turns 18 in Indiana, however, you no longer retain your rights as natural guardian to make healthcare decisions, financial decisions, and other life decisions for your child. To maintain and extend these rights, you need to initiate a guardianship proceeding.

The prospect of a guardianship proceeding for your child with special needs may feel stressful for you as well as for your child. We also recognize that your

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or call 317-925-7617.

child with special needs (though not our client), deserves dignity and compassion as your family moves through the process to obtain guardianship. Be assured that we will do everything in our power to minimize the stress and the expense associated with it.

Guardianship over a child with special needs isn't simply a procedural inconvenience- More importantly, it is a mechanism of legal protection for the child and for the family.

If you are the parent of a child with special needs, you should also know that it is a good idea to get the process started early so that your family isn't scrambling at the last minute.

We encourage you to contact an attorney at least six months before your child's 18th birthday to begin the process of obtaining guardianship.

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