

Guardianship & Trusts

Public and Private agencies that assist with guardianship and conservator ships

The Disability Law Center has provided the names of these attorneys and agencies as a courtesy.

We do not know if any of these attorneys or agencies will accept your case and we cannot guarantee the quality of their work.

Contact the Disability Law Center (DLC) toll-free at 1-800-662-9080 (Voice) or (800) 550-4182 (TTY), or visit the DLC at www.disabilitylawcenter.org.

Age Connections Inc.

13997 S. Minuteman Drive, Suite 210

Draper, Utah 84020

(801) 231-2081

Fax (801) 523-9339

Email: marygy@ageconnections.com

Services: Consultation, private care management, in- residence non-medical care providers, court visitor and expert witness services, mediation for the elderly, and individuals with disabilities

Eligibility: adults living along the Wasatch Front of Utah

Fee: call for more information

Brian G. Cannell

Hillyard, Anderson & Olsen, P.C.

175 East 100 North

Logan, Utah 84321

435-752-2601

Eldercare Consult Inc.

545 East 4500 South, Ste E155

Salt Lake City, Utah 84107

(801) 288-4004

Website: www.eldercareconsult.com

Services: Private guardianships and conservatorships, private consultation and care management, capacity evaluation

Eligibility; Incapacitated adults and older adults

Fee: fee for services

Guardianship Associates of Utah, Inc.

320 West 200 South #140B

Salt Lake City, Utah 84101

(801) 533-0206

Services: case management of guardianship cases, information, presentations, Assisted Family Guardianship Program that assists family members in gaining guardianship of adult children with disabilities.

Guardian and Conservator Services, LLC

13997 S. minuteman Drive, suite 210

Draper, Utah 84020

(801) 523-0060

Fax: (801) 523-9339

Email: rhuntercpa@attglobal.net

Services: Private guardian, conservator and trust services; V A fiduciary, social security payee, personal representative, state management and liquidation; meditation for the elderly and individuals with disabilities

Eligibility: Individuals with disabilities living in Utah

Fee: Call for more information

Legal Aid Society of Salt Lake

205 North 400 West

Salt Lake City, Utah 84103

Services: Legal Aid Society of Salt Lake provides legal services to low income persons in family law, including guardianship. Representation of proposed wards wanting to contest proposed guardianships. Representation of wards wanting to contest existing guardianships.

Eligibility: statewide but primarily limited to persons living in Salt Lake County and persons whom the office of public guardian is seeking to establish or maintain guardianship or conservatorship

Fee: There is no fee; however, individual must meet income eligibility standards in order to qualify for services.

Mahoney, Holly J. LLC

8232 South Kirkwood Place

Sandy, Utah 84094

(801) 205-0969

Santana, Maria Christina

44 West Broadway, Suite 304

Salt Lake City, Utah 84101

(801) 363-5803

Stagg Elder Care Services

Adivision of KHSA & co.

111 East Broadway, Suite 250

Salt Lake City, Utah 84111

(801) 322-2113

Website: www.khsa.biz

Services: Private Guardianships and conservator ships

Eligibility: Incapacitated and older adults

Fee: fee for services. Call for more information

Utah SNAP Fund

13997 South Minuteman Drive, Suite 210

Draper, Utah 84020

(801) 231-2018

Fax: (801) 523-9339

Email: margy@ageconnections.com

Services: Utah special needs assistance program fund, providing a pooled income alternative for individuals with disabilities living in Utah.

Eligibility: Individuals with disabilities living in Utah Parent Center

Fee: Call for more information

Basic Information on Guardianship

Guardianship

Same powers, rights, and duties that a parent has for an un-emancipated minor (a child under 18 and not married), except that a guardian is not liable to a third person for acts of the ward (incapacitated person) solely by reason of the parental relationship.

Limited Guardianship

Limited Guardianship is providing care or supervision in the least restrictive form, by individualizing Guardianships so a person under the Guardianship keeps as many rights as possible. For example: Guardianship may be over custody (where the person lives), consent to treatment (medical & mental health), receive money & oversee finances or property for the individual.

Guardianship or Limited Guardianship is a court decision requiring a hearing.

Who may be a Guardian?

Any competent adult or suitable institution is eligible to be a guardian. A person nominated by an incapacitated person, nominated prior to the person's incapacity. (Specific Form) The nomination may be disqualified with good cause by the court.

What is "thing" called guardianship?

Guardianship is about who can legally make decisions for someone else. It has to do with the fact that when someone turns 18 he becomes a legally competent adult with full adult right and legally has the ability to make his own decisions. This fact applies equally to all and there are no distinctions that might be made because someone has a disability. People with cognitive disabilities who turn 18 may lack the functionality ability to make their own decisions in some areas of their lives. People like this might benefit by having some type of assistance with decision making. Options for a person who is relatively capable in decision making might include teaching, training, and advocacy. Stronger interventions which give someone else power to make decisions in the disabled person's behalf include power of attorney or other types of advanced directives, bill paying services, or guardianship.

Guardianship is the most restrictive of these measures and should be used only when there is no other way to support someone in decision making.

Guardianship is a court process. It requires filing of a petition, a court hearing and two attorneys - one for each side as in other court processes. The "sides" are the petitioner (the person who wants to become guardian) and the protected person or ward (the person going under guardianship). This type of guardianship allows the parents to continue to perform in the parental role by making decisions in the areas where it might be difficult for their disabled adult child to do so. These areas might include medical decision making support.

Guardianship is not something that should be taken lightly. It is a court process that awards some rights held by one person to someone else. It requires honesty, integrity and objectivity on the part of the guardian to support the ward in his wishes while at the same time acting in his best interest. A guardian is under jurisdiction of the court and may act in only the areas the court has defined. Guardianship is not needed by everyone who is disabled and turns 18. Many individuals are capable of making appropriate decisions with little or no assistance. Careful consideration needs to be given to the needs of every disabled person before leaping into guardianship.

What are the different types of guardianship available?

This varies from state to state but generally:

Person- makes decisions about person, programs, medical care, residence, release of confidential information.

Estate- manages and makes decisions about financial matters, benefits, real estate and other property often referred to as conservator.

Plenary- means total and can be attached to guardianship of person or estate or both. In most states there are exclusions to plenary guardianship, which may be residential placement, certain medical procedures, and sale or transfer of property. The guidelines again are in the state laws regulating guardianship.

Limited- means that the guardian has only the authority specifically given by court order. The ward keeps all other decision-making rights not specifically outlined by the court order. In most states the appointment of a limited guardian does not equal a finding of legal incompetence.

Successor- the court appoints another guardian when the original guardian dies, resigns or is removed. Usually the successor has the same powers as the original guardian

Utah Parent Center Information Disclaimer

Utah Parent Center

Celebrating more than 23 years of service!!!

Family to Family Health Information and Education Center

Family to Family Network – A Program of DHS/DSPD

Phone: (801)272.1051 * Toll Free Utah: (800)468.1160 * Fax: (801)272.8907

Email: upcinfo@utahparentcenter.org * Website: www.utahparentcenter.org

Our mission is to help parents help their children with disabilities to live included, productive lives as members of the community.

We accomplish this through the provision of information, training, and peer support.

The Utah Parent Center is a private, non-profit organization that receives federal funding to be Utah's Parent Training and Information Center by the Office of Special Education Programs under grant #H328M020032. The Center also receives funding from other federal, state, and private agencies, organizations, and individual donors.

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