



GUARDIANSHIP AND POWERS OF ATTORNEY

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Serving people with disabilities and their families since 1992

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WHY MIGHT A GUARDIANSHIP OR CONSERVATORSHIP BE NECESSARY?

When people turn 18, they can legally make all of their own decisions unless a guardianship is in place. They can:

- Decide about medical and dental procedures
- Make housing arrangements and sign leases
- Sign contracts, including credit card contracts
- Get married
- Make social decisions
- Make education decisions
- Manage funds
- Interact with benefits agencies like SSA and DDA

A court can appoint a guardian to make some or all of these decisions.

ALTERNATIVES TO GUARDIANSHIP

Because a guardianship takes away someone's rights, **we always consider less restrictive alternatives first:**

- A power of attorney
- A limited guardianship
- A special needs trust or ABLE account

We will help you sort through these options to see what is right for your family.



POWER OF ATTORNEY

Less restrictive than a guardianship.



Requires no court process.

The person must have capacity to sign the document.

Revocable, so it can be undone at any time.

Doesn't allow contracts to be voided or decisions to be overridden.

COMPARING GUARDIANSHIP AND POA



Guardianships require court proceedings; POAs do not



Guardianships do not require that the person understand the process; POAs do



Guardianships must be dismissed by a court; POAs are revocable



Guardianships are more expensive



Guardianships allow “bad” decisions to be replaced; POAs don’t

SPECIAL NEEDS TRUSTS AND ABLE ACCOUNTS

If a person only needs help managing money, a special needs trust or an ABLE account may work instead of a guardianship over the finances.

A trust can't replace a guardianship for other matters such as health, housing, or education.



Guardianships have two parts: the guardianship of the **person** and the guardianship of the **estate**.

Each part can be “full” or “limited.”

The court order is tailored to the person’s needs, and is designed to have as few restrictions as possible.

**LIMITED
GUARDIANSHIPS/
CONSERVATORSHIPS**



ONGOING RESPONSIBILITIES OF THE GUARDIAN

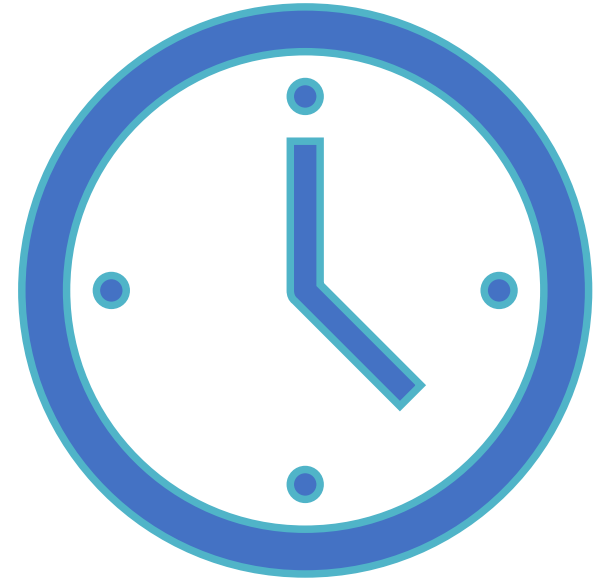
**Ongoing reports to the court
with careful tracking of
finances.**

**Making decisions on behalf of
the person with the disability.**

TIMELINE

We prefer to start a guardianship **a few months** before the person turns 18, but we can start after that. We have done guardianships for people who are much older.

The standard timeline, provided that there are no contested issues, is **2-3** months from start to finish.





OTHER FAQs

Should I have a co-guardian? Often 2 parents, even if divorced, serve as co-guardians/conservators.

What is a successor guardian? A backup guardian that makes decisions if you are not available.

What if I have no one to serve as successor guardian/conservator? You can select a professional.

We can help you sort through these decisions.

Planning	Helping families plan for the future
Establishing	Establishing wills, guardianships, and powers of attorney
Representing	Representing guardians with court reports and other court requirements
Protecting Benefits	Helping people with disabilities and their families establish special needs trusts

What services do we provide?

Why seek our help?

- At Jones & Ibrahim, we have helped hundreds of clients make decisions about their estate plans, trusts, and guardianships.
- We charge affordable flat fees, and keep the process straightforward and efficient.
- Our attorneys and support staff have immediate family members with disabilities, so we understand families' concern about planning for the future.

Disclaimer: this power point is for general purposes only, and does not constitute legal advice. No attorney-client relationship exists until you contact our firm and consult with us about your particular situation. This power point was written in 2024 and is intended to be an overview of information at that time. We encourage clients to seek legal advice from a knowledgeable professional before making decisions about any type of trust, since the consequences can be difficult when things are not done exactly in accordance with federal and state rules and regulations.