

SIB

SIBLING INFORMATION BULLETIN

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Guardianship

Whether to assume Guardianship of your disabled brother or sister may be the single most important decision you will have to make as a sibling.

What Guardianship Is:

A parent is considered, by law, the natural guardian of his/her child until that child reaches the age of eighteen, regardless of the exact extent of the child's disability. Once the child reaches the age of eighteen, however, a parent or sibling (or other potential guardian) must petition the court to grant guardianship status. If you become a guardian, your role is to make decisions on behalf of your disabled sibling, and perhaps to advocate for him/her.

Remember: The function of a guardian is to make decisions on behalf of the disabled person - - decisions that the court has determined cannot be made by the person him/her self. Sibling guardians (or other guardians) are most likely to be called upon to make decisions concerning an individual's residential, educational, medical, and /or financial situations.

What Guardianship Is Not:

Legal guardianship does not mean that you must take your brother or sister into your home, or become financially responsible for him/her. You do not take on the obligation to support your brother or sister, or to become his/her caretaker. In fact, guardians are not expected to use their own funds on behalf of the disabled person. If your sibling is high functioning, you may not even be permitted to make decisions concerning all facets of his/her life. As the law becomes more sophisticated and catches up with current thinking about developmentally disabled people, the duties of a guardian may be limited to those areas in which the disabled person specifically needs assistance.

The rights of a person with developmental disabilities are not taken away with guardianship. A guardian is granted the authority to protect the interests of the brother or sister.



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