

## Guardianships

A Guardianship proceeding is a court proceeding in which the court approves and allows an individual or an estate to make important decisions for minor children, or someone who is either born or becomes developmentally disabled or incapacitated. Depending on the level of incapacity, a guardian may be authorized to handle an individual's personal needs, such as providing food and shelter and making health care decisions. A guardian may also be appointed to handle the financial management of the individual's assets by making decisions on the individual's behalf about income distribution, personal property, real property and other financial needs. A guardianship proceeding may also involve a combination of personal needs and financial management. A high level of proof is required by the petitioner to prove that an individual is in need of a guardian and that appointment of the specific guardian to be named is appropriate. **How We Can Help**

Tully Rinckey PLLC's elder law attorneys in Syracuse, NY

can help Central New Yorkers through guardianship proceedings. The process for being named a guardian by a court can be complex and subject to numerous filing requirements and a high standard of proof. Parents can also appoint a guardian for their minor child in a will in the event of their death. In addition, preparation and execution of a power of attorney in advance of an individual's incapacity may avoid the need for a future guardianship proceeding. Call us today, and let our elder law attorneys help you obtain any of the following guardianships: Article 17 Guardianship:

An Article 17 Guardianship appoints a guardian to manage property owned by an orphaned child. It is a proper guardianship for a minor child whose parents died. This proceeding is typically brought by a relative of a minor child. This process can be substantially reduced if a parent names a guardian under his or her will to serve in the event both of a child's parents die. Article 17-A Guardianship:

An Article 17-A guardianship authorizes the guardian to make decisions for and manage the personal needs and/or property of an intellectually disabled or developmentally disabled person

, depending on the person's level of capacity. It is not necessary for the intellectually disabled or developmentally disabled person to be a minor. This option is ideal for relatives of an intellectually disabled or developmentally disabled person. Article 81 Guardianship:

An Article 81 guardianship authorizes the guardian to make decisions for and manage the personal needs and/or property of an incapacitated person.

The powers given to a guardian depend on the needs of the incapacitated person and his or her level of capacity. This type of guardianship is ideal for children of elderly parents who are

unable to tend to their personal needs or financial management. This proceeding may be avoided if, in advance of an incapacity, the parent properly executes a power of attorney form appointing a power of attorney to act on the parent's behalf. Call a Tully Rinckey PLLC guardianship lawyer in Syracuse, N.Y.

We are available to represent individuals throughout Central New York, including Syracuse, Cicero, North Syracuse, Manlius, Liverpool, East Syracuse, Cazenovia, Skaneateles, Baldwinsville, Utica, New Hartford, Fayetteville and DeWitt.

To schedule a meeting with a guardianship attorney, call 315-492-4700 or e-mail [info@tullylegal.com](mailto:info@tullylegal.com)

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here

to view a video about our consultation process.

Our office is located in Franklin Square, near exits for I-81 and I-690, with free parking available for firm clients.

If your legal matter is urgent, call 518-727-3593 to speak to an attorney 24 hours a day, seven days a week. The firm is responsive to the needs of current and prospective clients and will respond to phone calls within normal business hours and e-mails within hours on the same business day. If you call or e-mail us after hours, you should expect to hear from our office by the next business day.