

FOR PARENTS

If you feel you are eligible to participate in The SJLS Guardianship Project For Children and live in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean or Salem counties, you may contact the Centralized Intake Unit of South Jersey Legal Services, Inc. at (800) 496-4570 to be screened for eligibility during the intake hours of Monday through Friday from 8:30 am to 4:00 pm. **Please note that you should call intake approximately four (4) months prior to your child's 18th birthday.** At the initial review, we will decide if you are financially eligible. An intake staff member will obtain information about your income, family size, assets and the matter for which you are seeking help. All information you provide SJLS remains confidential. If you are financially eligible, we then decide whether your case is one for which we can provide representation based on our established priorities. If the case is one which we cannot handle, we will attempt to refer you to an organization which will provide assistance. If your case is one that we usually handle, but because of limited resources we are unable to handle at present, we will try to find other legal representation for you.

WHO WE ARE

South Jersey Legal Services, Inc. (SJLS) is a private non-profit law firm whose mission is to provide high quality civil legal services to low-income residents of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean and Salem Counties.

WHAT WE DO

SJLS provides free legal services aiding low-income clients in selected civil cases based on established priorities. SJLS most often provides advice, brief services or extended representation in the following areas: Supplemental Security Income Benefits, Temporary Aid to Needy Families, General Assistance, Food Stamps, Medicaid, Unemployment Benefits, Domestic Violence, Landlord/Tenant Disputes, Public Housing Rights, Section 8 Housing Assistance, Migrant Farmworker Rights, Rights of the Elderly, Bankruptcy, Foreclosure, Consumer Issues and IRS Tax Disputes.

FOR ATTORNEYS INTERESTED IN VOLUNTEERING

If you want to participate in this Project, please contact:

Michelle T. Nuciglio, Esquire
Director of Pro Bono Services
856-403-8620
MNuciglio@lsnj.org

WHAT ARE THE BENEFITS OF VOLUNTEERING?

- ◆ The satisfaction of donating your time and talents to helping needy individuals in your community.
- ◆ Time towards satisfaction of your annual *Madden* requirement.
- ◆ Malpractice insurance at no cost for the duration of the client's case.
- ◆ All reasonable case-related costs covered by SJLS or exempt by Court Rule.

WHAT IS EXPECTED OF PARTICIPATING ATTORNEYS?

- ◆ The same, high quality service provided to paying clients.
- ◆ Status updates every three months.
- ◆ Communication with the PAI Program when issues arise with clients or cases.

The SJLS Guardianship Project For Children

Where volunteer attorneys assist low-income individuals with obtaining guardianships over their children.



South Jersey Legal Services, Inc.
Private Attorney
Involvement Program

Centralized Intake Unit
(800) 496-4570



The SJLS Guardianship Project for Children

WHAT IS THE GUARDIANSHIP PROJECT?

The Guardianship Project was started as a solution to a pervasive problem facing many parents who have children with disabilities. This Project is a collaborative effort between South Jersey Legal Services, Inc. (SJLS) and private, volunteer attorneys in our nine county service area. Typically, parents with a disabled child are confronted with the possibility of guardianship as their child approaches the age of 18. Once a child turns 18 years of age, parents no longer have the ability to make decisions and they are often forced to file for guardianship. This process can be a significant expense to most parents, who already have substantial expenses associated with the child. In this Project, volunteer attorneys assist low-income parents to obtain guardianships over their children who soon will reach the age of 18.

WHAT IS A GUARDIANSHIP?

A guardianship is a legal tool that allows one person (the “guardian”) to make decisions for another person (the incapacitated person or “ward”). In New Jersey, when a child reaches the age of 18, his or her parents can no longer make decisions legally on behalf of the child. This applies even to children who have disabilities.

DOES YOUR CHILD NEED A GUARDIANSHIP?

If your child is unable to act on his or her own behalf and will not be able to do so once he or she reaches the age of 18, you may ask a New Jersey court to grant you legal guardianship over your child.

ARE THERE DIFFERENT TYPES OF GUARDIANSHIPS?

- **Limited Guardianship** - when some but not all decisions involving education, medical treatment, financial matters must be made for an incapacitated person.
- **General Guardianship** - when an incapacitated person is incapable of making any decisions on his or her own.

This Project will only seek to obtain General Guardianships over alleged incapacitated persons.

WHAT IS THE PROCESS TO OBTAIN A GUARDIANSHIP?

In New Jersey, a verified complaint must be filed setting forth information about the alleged incapacitated person. Affidavits of two physicians must accompany the complaint or, if the person for whom guardianship is sought is eligible for and/or receiving services from the Division of Developmental Disabilities (DDD), the affidavit of one physician and one other affidavit (such as the person’s IEP) is sufficient. The specific rules regarding the required documents are found in **New Jersey Court Rule 4:86-2 and 4:86-10**. The court will appoint counsel (GAL) for the alleged incapacitated person. This counsel will personally interview the alleged incapacitated person and make inquiry of persons having knowledge of the alleged incapacitated person’s circumstances, his or her physical and mental state and his or her property. This counsel will have to file a report of his or her findings with the court. At any point, the court may appoint a guardian ad litem to evaluate the best interests of the incapacitated person and to present this evaluation to the court. A hearing will be held during which the court will determine the issue of incapacity.