



Top Reasons Why You Should Avoid Being Subject to Guardianship

A famous singer and a 2020 cinematic hit recently brought guardianships much attention. Guardianship is the legal process of declaring a person incompetent and making the person a ward of the court. Can guardianship be avoided? You bet! You can avoid guardianship altogether by signing two legal documents known as a health care power of attorney and a financial power of attorney. Every adult should sign these documents.

If you need reasons why you should plan in advance to avoid guardianship, here are six.

1. You might end up with a stranger in charge of you. Ohio law does not require the appointment of a family member or friend as your guardian.
2. Seeking guardianship is public, not private. Your loss of capacity will be a matter of public record.
3. Guardianship is expensive. It can cost thousands of dollars in legal fees to establish a guardianship and thousands each year thereafter.
4. Guardianship is not a fast process. It may take months for the Court to make the appointment.
5. The Court is the superior guardian. The person or entity appointed as your individual guardian must seek Court permission to do anything. This means annual budgeting, reporting, and ongoing administrative expenses, as well as legal fees and filing fees.
6. Guardianship is often indefinite and terminates at death.

By signing powers of attorney, you remain in control.

- You choose your legal agent and that person is usually a loved one.
- Your health and your finances remain private.
- You limit your legal fees.
- Your agent can act immediately on your behalf.
- No Court supervision is required.

You retain the right to revoke the documents at any time.



Don't be the next Britney or topic of a 2020 movie hit. Call your attorney at Carlile Patchen & Murphy LLP today to discuss and sign powers of attorney.