

Guardianship

If you are approaching 16 years old and are not able, perhaps because of complex health issues, to make informed decisions by yourself about things like your care, your welfare or your money, it may be that you need someone to apply for a legal order, which is called Guardianship, which allows that person to make decisions for you. Until you are 16 yrs old, your parents may have been making these decisions for you. However, from the age of 16 yrs old, it may be that there are decisions to be made which your parents can no longer make on your behalf because you are now a young adult, but which you can't make by yourself. Guardianship is only appropriate where the order will be of benefit to you, and where there is no other way of achieving that benefit for you. This means that the type of order applied for should be the least restrictive for you, and an application should show that other ways of managing these decisions have been considered and why they would not work.

If needed, a Guardianship order can be applied for 3 months before your 16th birthday, and it can take effect on your birthday. The first step to applying for Guardianship is to consult a solicitor,

and the person or people who are considering becoming your Guardian should do this. The solicitor will apply for Legal Aid, and this is based on your income rather than on the income of those applying. The solicitor will write to the local authority requesting a suitability report from a Mental Health Officer, who will speak to everyone involved and write a report. You will also be seen by two medical professionals, who will assess your capacity, which means your ability to make informed decisions. A decision is then made in Court. The powers granted depend on what is needed, and this is supervised by the Social Work Department.

You can find out more about Guardianship on this website:

<http://www.publicguardian-scotland.gov.uk/guardianship-orders>

***This information is provided by H&SC North Lanarkshire Council
Transition team.***