

University of Richmond School of Law

Aging & Disability Law Practicum

CONTACT US

If you're interested in the University of Richmond School of Law Aging & Disability Law Practicum's legal assistance, please contact us to find out about our application process.

WHO WE SERVE:

- ✓ Entire Commonwealth of Virginia
- ✓ Disabled Individuals and their Families
- ✓ Qualified household incomes (affordable referrals for those in excess)

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Guardianship/Conservatorship

What is a Guardianship or Conservatorship?

A **guardianship** is a court-ordered supervision over an individual who is unable to make his or her personal decisions. A guardian is responsible for making medical and housing decisions for the incapacitated individual.

A **conservatorship** is a court-ordered supervision over an individual who is unable to make financial decisions. A conservator is responsible for managing financial accounts, paying bills, and filing tax returns, as well as handling legal matters on behalf of the incapacitated adult.

Diagnosis that may indicate a need for guardianship include: autism, Down syndrome, developmental delays, intellectual disability, learning disabilities, seizure disorder, traumatic brain injury, cerebral palsy, bipolar disorder, ADHD, processing disorders, expressive language disorder, schizophrenia, etc.

What is the Process for Guardianship in Virginia?

To begin guardianship or conservatorship proceedings, an individual interested in the welfare of the incapacitated person can file a petition with the Virginia Circuit Court as soon as the incapacitated person turns 17.5. The Court will then schedule a hearing and will appoint a Guardian *ad litem* as an independent investigator to protect the incapacitated person's rights.

What are the Guardian's/Conservator's Reporting Responsibilities?

Because the guardianship is overseen by the Court, the guardian must file regular reports with the Department of Social Services. The conservator must file regular financial accountings with the Court to ensure that the incapacitated person's finances are properly managed.