If you are seeking the legal right to care for an adult friend or family member with special needs, you potentially have a few different options available. Choosing between these options requires an assessment of your unique circumstances, and it requires you to have a clear understanding of how each option will impact you and your loved one's lives.

In many cases, two of the most-viable options will be adoption and guardianship. Here is a brief introduction to each of these options along with some questions that will help you start to make informed decisions:

Understanding Adult Adoption in Texas

With an adult adoption, the adoptee is treated for all legal purposes as the child of the adopting party. The adoption process is generally the same for minor and adult adoptions, and the benefits, rights and responsibilities of the adopted child and adoptive parent are largely the same as well. The special circumstances leading to your decision to adopt may present some unique legal challenges, but these challenges can typically be overcome with careful planning and execution.

Understanding Adult Guardianship in Texas

Guardianship differs from adoption in a number of important ways. Most significantly, the parties' legal relationship is not that of a parent and child, but rather of a "guardian" and a "ward." The ward remains the child of his or her existing parents, and the guardian takes on the legal right and obligation to provide for the ward's needs. This can include the ward's housing, health and general physical wellbeing (referred to as "guardianship of the person"), the ward's finances (referred to as "guardianship of the estate"), or both.

Preliminary Considerations for Individuals Considering Adult Adoption and Guardianship

In order to decide which option makes the most sense for your personal circumstances and your loved one's specific needs, there are a number of important

questions you will need to answer. These include:

- Is your loved one likely to be considered legally incapacitated? If so, does he or she have an estate plan that addresses care in the event of incapacity?
- Are your loved one's parents (i) in the picture, and (ii) in agreement with the need for adoption or guardianship?
- Are you prepared to go through the legal process of adopting or becoming a guardian?
- Are you prepared to take on the legal responsibilities of being an adoptive parent? Are you comfortable with the potential liability risks associated with being a guardian?
- Is an alternative to adoption or guardianship a better option?

Contact the McKinney Guardianship Lawyers at The Nordhaus Firm

Our attorneys provide experienced legal advice and representation for individuals in McKinney, TX who need help providing for loved ones with special needs. If you would like more information about the options that are available, we invite you to schedule a complimentary initial consultation. To speak with a lawyer in confidence, please call our offices at (214) 726-1450 or request an appointment online today.