

When a loved one is not able to care for their own needs personally or financially, guardianship allows you to step in and help. However, Texas only allows you to obtain guardianship over another adult if you can demonstrate that the guardianship is the most appropriate option.

A McKinney guardianship attorney can review your situation to determine whether alternatives to guardianship would better serve your interests and then work with you to help you achieve your objectives.

Why You May Need to Consider Alternatives to Guardianship

When you serve as guardian of another person, you have tremendous control over their life and they lose the ability to make many decisions on their own behalf. This is a natural arrangement for children, but appointing a guardian for an adult is an extreme measure.

Before granting guardianship, Texas courts must be satisfied that less extreme options will not work. Therefore, an experienced McKinney guardianship attorney will review and explore all available alternatives before initiating guardianship proceedings. If the alternatives won't work, a court will generally grant some form of limited guardianship rather than full guardianship.

Alternatives to Guardianship

The alternatives to consider will depend on the type of guardianship you feel is necessary. Guardianship of the estate gives a guardian authority to manage financial

affairs for another adult (referred to as the “ward.”). Guardianship of the person gives the guardian the ability to make decisions about the ward’s physical care.

If you believe your loved one needs a guardian to handle their money and pay bills, then gaining a financial power of attorney is one alternative. With a power of attorney, the agent has the ability to act on behalf of the person who granted the power, but that person also retains the power to act on their own behalf. Other options include:

Establishing a joint bank account

Creating a special needs trust or another type of trust

Setting up a representative payee

The main problem with many alternatives is that the person needing assistance must have the capacity to grant authority to an agent, and if they have already reached a point of incapacity, then they will not be able to legally establish a power of attorney or add another signer to their bank account. Nonetheless, a McKinney guardianship attorney can determine which alternatives are still viable in that situation.

If financial measures are already in place but an adult needs help with physical care, some less extreme alternatives to guardianship could involve supported decision-making, obtaining in-home care services, and establishing advance health care directives.

A Dedicated McKinney Guardianship Attorney Can Assist with Alternatives as Well as

Guardianship

The best time to implement alternatives to guardianship is before the need arises because most options will still be available. However, a McKinney guardianship attorney can assist whether you are planning in advance or need to take emergency action.

To speak with a knowledgeable legal advisor at The Nordhaus Firm about the best options for your situation, contact us now for a confidential consultation. If guardianship is necessary, the legal proceedings take considerable time, so it is important to act without delay to protect the health and wellbeing of your loved one.