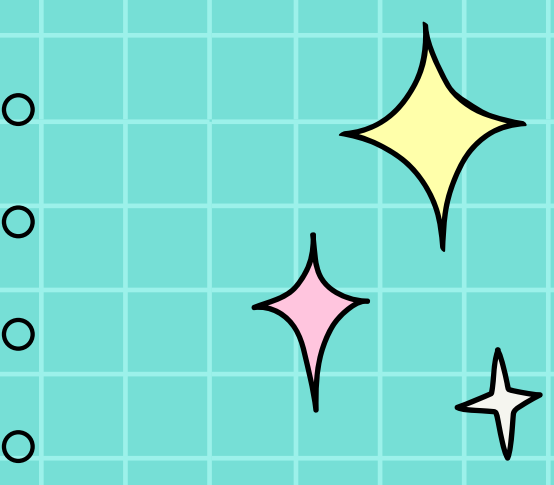


Power of Attorney

Power of Attorney is a legal document where an individual—called a principal— gives someone else—called an agent—the power to act in their place, without the principal losing their right to act on their own behalf. This means the agent has the authority to carry out certain authorized activities that the principal would otherwise do for themselves. For example, a principal may authorize an agent to write checks for them or deposit money into their bank account. In order for a Power of Attorney to be created, the principal must be able to understand how it can be used and the effect it can have on their property.

In Florida, a Power of Attorney must be signed before two witnesses and a notary public to be considered a legal, binding document. If the principal later becomes incapacitated, the Power of Attorney can be revoked, unless the principal specifically agreed to allow the Power of Attorney to continue after a finding of incapacity. This is known as a Durable Power of Attorney.

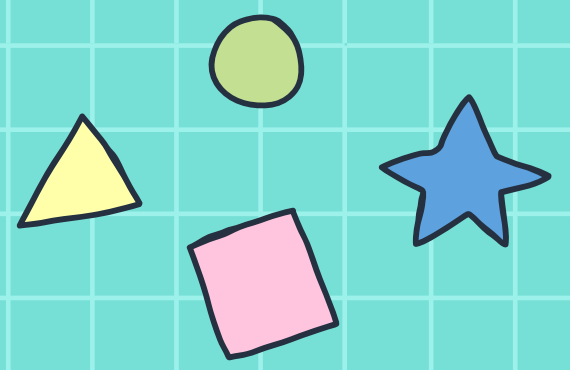


Guardianship- requires legal rep., your child must be found incapable of making decisions, applicante must pay for evaluations, lawyer fees, etc., must submit documentation to court every year

Guardian Advocate- self submitted through probate court, child must be able to make *some* decisions, applicante will go through background & credit check, applicant must pay for court costs, background checks, guardian advocate must submit plans/documentation to court every year.

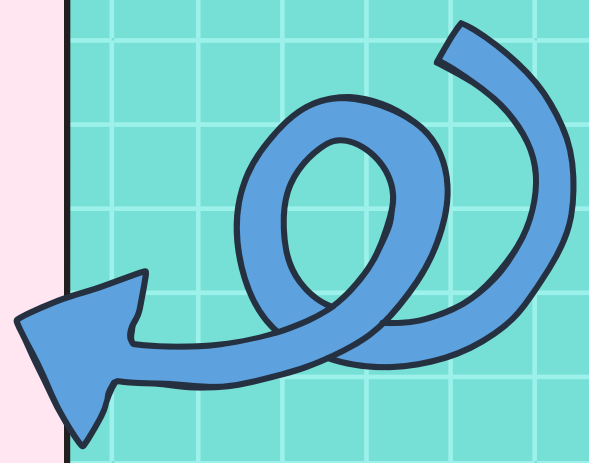
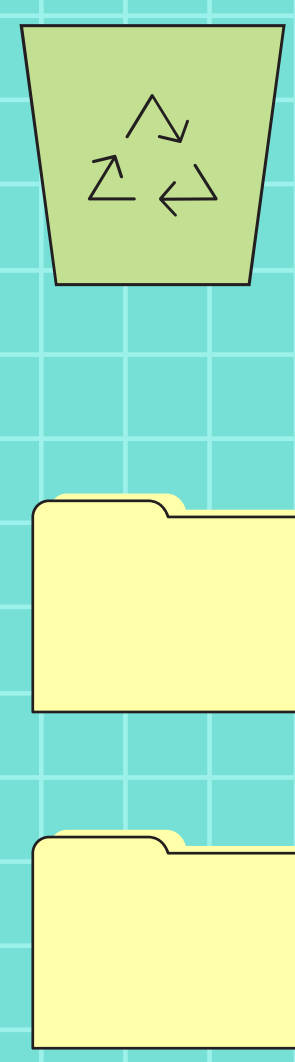
Guardians and guardian advocates will give similar rights over your child.

POA- is **not** a type of guardianship, however, you will be able to make **some** decisions for your child Your child must be able to sign and understand documents.



Parental Rights After 18

When your child turns 18, your rights as their natural guardian expire, without regard to your child's disabilities. You, as their parent/guardian, will lack the authority to direct or participate in your child's medical treatment or make decisions for their care. In order to re-establish your status as legal guardian and caretaker, you must initiate some type of court preceding.

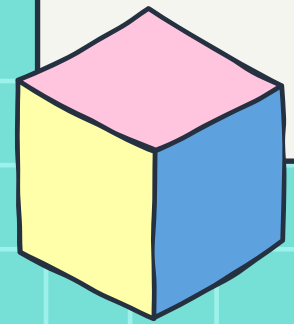


Guardianship

A guardian is appointed to exercise the legal rights of an **incapacitated** person, which includes providing medical, mental and personal care services; and determining the place and kind of residential setting best suited for the ward. The guardian of the person must also present to the court every year a detailed plan for the ward's care along with a physician's report.

Guardian Advocate

Guardian Advocacy is a process for family members, caregivers, or friends of individuals with a developmental disability to obtain the legal authority to act on their behalf **if the person lacks the decision-making ability to do some, but not all, of the decision-making tasks necessary** to care for his or her person or property. This is accomplished **without** having to declare the person with a developmental disability incapacitated.



Resource Page

Guardianship vs. P.O.A.

Medical decision making	Yes, if requested	vs.	Only if doctor activates healthcare POA
Court involvement	Yes	vs.	No
Finding of legal incompetence	Yes	vs.	No
Requires child's consent	No	vs.	Yes, child must sign & understand documents
Record Keeping	Must file forms with court	vs.	Agent(parent/guardian) must maintain records
Revocation	With court approval	vs.	By principal (child) at any time if competent.

Guardian advocacy is something that can be done without legal representation in probate court

Law Offices of Laurie Ohall, P.A. | Advocacy Workshops | Tampa, FL (ohalllaw.com)

<https://ohalllaw.com/free-guardian-advocacy-workshops/>

The above address provides videos and a manual on how to complete the guardian advocacy process.

Guardianship will require legal representation.

Bay Area Legal Services may be able to help those who qualify: <https://bals.org/apply-eligible>

Hispanic Services Counsel can help Spanish speaking families find adequate representation: <https://hispanicservicescouncil.org>

Guardianship vs Guardian Advocate

Any/all rights can be taken away vs. Only certain rights are taken away

Incapacity for any reason vs. Developmental Disability

Determination of incapacity of Protected Person (child) vs. Letter from Treating physician that Protected Person (child) has Developmental Delay identified before the age of 18.

Guardian must be represented by lawyer vs. guardian advocate does not need lawyer

Both give similar rights

Things to Consider

Your child's ability level. Guardian advocate and power of attorney both require your child to be able to make *some* decisions by themselves and be diagnosed with a developmental delay. Guardianship requires that your child is incapable of making any decisions for themselves and found to be incapacitated by three different specialists.

Your child's birthday. Time passes quickly, and you don't want to be in a position where there is a medical emergency, and you have no parental rights or input. All of these legal processes will take some time to finish. Begin planning early, maybe around your child's 16th birthday. Be mindful of birthdates and years.

Finances & level of assistance you will receive. Some families will qualify for assistance to cover legal fees. Other families will not qualify and must pay out of pocket. These processes often can take months to be enstated and completed. Final planning and thinking ahead will be crucial for you and your family.