

## What is Welfare Guardianship?

### Other Information

If you cannot get permission from a family member, write a letter stating the reasons why.

The Court may still decide you are the best person to be the Welfare Guardian.

You also have to supply a doctor's certificate detailing the level of disability of the intellectually disabled person.

When all these forms are complete you lodge the application at the Family Court.

### What happens then?

In a week or so you will get a letter from a lawyer who has been appointed to act on behalf of the intellectually disabled person. This lawyer either accepts the evidence of the doctor or personally interviews the intellectually disabled person, if this is possible.

The lawyer may get extra evidence or reports. When he or she is satisfied, the lawyer files a report on the application. You will probably receive a copy of this report along with the notice of a Court hearing date.

You do NOT need to hire a lawyer to represent yourself.

### The Court Hearing

The Court hearing is held in the Family Court rooms. You are likely to meet your lawyer and/or the lawyer acting for the intellectually disabled person outside for a brief meeting.

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### Court procedures

Someone will call you into the Court when your case comes up. You'll be shown where to sit by the Court officer.

In a few moments the Court Officer will ask you to stand as the Judge enters. Once the Judge is seated you sit down.

You don't need to say anything unless the Judge asks you a question. Most of the talking will be done by the lawyer representing the intellectually disabled person.

### The decision

The Judge will usually make an immediate decision about whether you are to become the Welfare Guardian and over what areas you should have decision-making control. The final decision will be written down and sent to you in a week or so.

### What happens then?

If your son or daughter or sibling does not live with you send a copy of the Welfare Guardianship decision to the person who cares for them and ask that they record your intention to be part of the decision-making around the person's life.

### Do I get a renewal notice?

NO - Not always, even though you should get a reminder from the court, it is very important that **you make sure you remember** when you should be applying for a new Welfare Guardianship order and set the process in motion before the Order expires.

Welfare  
Guardianship?  
Who needs it?

**Did you know:  
Welfare Guardianship gives  
parents and other family  
members a say in how others  
treat their intellectually disabled  
relative.**

**Anyone can apply to become a  
Welfare Guardian to any adult  
with an intellectual disability.**

**Welfare Guardianship can cost  
you nothing**



New Zealand

Our Office is at  
5 Gordon Place  
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New Zealand

# What will Welfare Guardianship do for your daughter or son ?

## You can become a Welfare Guardian if -

- you're involved in the care and/or protection of an intellectually disabled person.
- or you have been involved for some time in that person's life.
- that person is aged 20 years or more.
- the Court agrees that the intellectually disabled person is NOT capable of making informed decisions affecting their life.
- you are considered by the Court to be a suitable person who can act in the best interests of the intellectually disabled person.

## The Court will specify -

- what areas of the intellectually disabled person's life you have decision-making control over.
- how long the Welfare Guardianship Order will stay in force (at the moment 3 years is usual).
- whether you may share Welfare Guardianship with another person.

## A Welfare Guardian can be -

- a parent.
- a brother or sister.
- another relative.
- a caring friend.
- a solicitor.
- another person involved in the regular care of the intellectually disabled person.
- the manager of the person's usual home.

**In fact, just about anyone who can convince the Court they have the best interests of the intellectually disabled person at heart.**

## What do Welfare Guardians do?

It depends on what the Court decides you will have decision-making control over.

## You can ask for decision-making involvement over -

- a person's property, money and possessions (although this is usually covered by a Property Protection Order).
- where a person will live.
- medication changes and treatment.
- day time activities and involvement with work and recreation programmes.

If you become a Welfare Guardian you won't be expected to take over the care of the person - only to be involved in the decisions made about their lives. Of course, it helps if you know the person well so you understand what they would probably want, or what they need, to keep them safe and well.

## What does this mean?

Even if the intellectually disabled person does not live with you, the people who cares for her or him will have to consult you about any life changes before they happen.

It does NOT mean you have the right to stop changes that will improve the intellectually disabled person's life, but if you have strong objections you may enforce these legally.

If others don't like your decision they will have to contest your right to remain a Welfare Guardian. Then the whole matter will be heard in the Family Court and all the issues will be discussed openly. It rarely comes to this.

## How much does it cost?

If you make the application yourself it costs you nothing.

You are making the application on behalf of the intellectually disabled person and they are highly likely to be on a benefit and entitled to Legal Aid.

If you choose to use a lawyer to represent you then it may cost several hundred dollars.

## How can you apply?

You make the application by going to the nearest Family Court office and asking for the forms for Welfare Guardianship. The forms are confusing - so if you need help - ask. Family Court officers are usually very helpful.

## The forms

One form is filled in as if you were your intellectually disabled son/ daughter/ sibling etc asking to have a Welfare Guardian appointed. Then you fill in a part that is you agreeing to act as a Welfare Guardian.

Another set of forms are to be filled in by other family members or people who might have a strong claim to be involved in the intellectually disabled person's life.

## These people could include -

another parent.  
other siblings.  
or a long-time carer of the person.

These forms ensure that you are not trying to seize Guardianship when another person would have more claim to that position.

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