

Is adult guardianship right for your special needs child?



You know your exceptional family member better than anyone.

Perhaps you believe that your special needs adult child or family member will not be capable or comfortable making important decisions about living arrangements, medical care, purchases, education, etc.

You can continue to make those decisions for your adult child by petitioning to be their **Guardian**.

A similar option exists for making financial decisions when your special needs family member comes to own substantial amounts of money or property. A

Conservator can make decisions for that person regarding accounting, spending, investing, purchasing, selling, and legal or economic representation.

For Assistance, Please Contact

MISAWA AIR BASE

LEGAL OFFICE

35th Fighter Wing

Office Of The Judge Advocate

DSN: 315-226-4022

COMM: 011-81-176-77-4022

OR EMAIL AT 35FW.JA@US.AF.MIL AND INCLUDE
YOUR DOD ID NUMBER

Building 656 (Tori Building)

Unit 5009 APO, AP, 96319

We also provide:

*Wills, Living Wills, and Powers of Attorney
Landlord-Tenant and Consumer Legal Advice*

Family Law Advice

Civil Claim Processing

And More

To Qualifying Persons

MISAWA AIR BASE

EXCEPTIONAL FAMILY MEMBER PROGRAM

FAMILY SUPPORT COORDINATOR

PHONE: 315-226-6222

BECOMING YOUR EXCEPTIONAL FAMILY MEMBER'S GUARDIAN or CONSERVATOR



35th Fighter Wing

Office Of The Staff Judge Advocate

Guardianship and conservatorship are governed by individual state law – you should research the relevant state laws and consider retaining an attorney while deciding or preparing to undergo the process.

Does my family member qualify to be appointed a guardian or conservator?

- A person is generally eligible to be appointed a guardian if a court finds them to be “incapacitated”
- An incapacitated person is unable to make decisions responsibly to meet their own basic needs
- For conservatorships, the incapacitated person typically has substantial economic assets

What are the typical steps of becoming appointed as a guardian or conservator?

- The person seeking guardianship files a petition at the local courthouse
- The court informs the incapacitated person and relevant family
- A hearing is held to determine incapacity; the incapacitated person is typically represented by an advocate
- The court grants or denies the appointment of a guardian/conservator

What are the typical requirements for guardians?

- Becoming a guardian means taking on a serious (but usually not permanent) responsibility to your exceptional family member
- You must be diligent and competent in making decisions and monitoring the actions of the family member

Will my exceptional family member be insured if I am their guardian?

Yes, if you are:

- Current active duty
- Retired
- Current and retired NG/Reserve*
- a Medal of Honor recipient

Adults you have guardianship over are considered dependent family members and are insured by TRICARE.**

You must ensure that the adult dependent is enrolled in the Defense Enrollment Eligibility Reporting System

If you have any questions about qualifying for coverage, please contact EFMP or TRICARE

*that qualify for family coverage

**with potential exceptions where the adult is not in your immediate family



DISCLAIMER: This pamphlet is intended for educational purposes only, and does not constitute legal advice nor does it form a lawyer-client relationship. This pamphlet also does not represent the views of the Misawa JA or EFMP or any department of the Air Force or DoD

Being appointed as a guardian or conservator is a LEGAL process

As such, nuances in state and federal law as well as military regulations are involved in your decision and in the process.

Feel free to reach out to the Judge Advocate office for help and to ask questions if you are thinking about or are already in the process of applying to be a guardian or conservator.

While the Judge Advocates cannot represent you in a guardianship hearing or related dispute, they can provide legal assistance and guidance. They can also point you to free or affordable legal services available to military community members.

Local contacts

USAF EFMP
226-6356 or 226-6222

Family Member Relocation Clearance
Coordinator
226-6222

Navy EFMP
226-6136 or 0176-77-6136

Overseas TRICARE Area Office Director
1-888-777-8343

Location

Building 99, Main Floor for Air Force and Army
Basement at Flight and Navy Medicine for Navy

The Exceptional Family Member Program (EFMP) is also here to help with guardianship matters or any issue involving your exceptional family member