

Welfare Guardianship

What is Welfare Guardianship?

Welfare Guardianship involves a person being appointed by the courts to help with decisions around the care and welfare of an individual who is unable to make decisions for themselves.

What's involved in applying to be a Welfare Guardian?

Applying to be a Welfare Guardian for someone requires filling out six forms, some of which need to be witnessed by a Justice of the Peace or a lawyer.

One of those six forms is a sample medical report which is to be filled out by the person's GP or a specialist and clearly outlines the person's physical and mental capacities, so the court is clear that they are in need of a Welfare Guardian.

These forms can be obtained from the [Ministry of Justice website](#) or through [Spectrum Care Advocacy Services](#), who can also make a time to sit with you to help you fill them out (at no charge).

How much does it cost?

There is no cost in applying to be a Welfare Guardian, unless you employ the services of a lawyer or legal adviser (and this can cost up to \$3000).

Who can apply?

Anyone who is over 20 years old and who the courts believe will work in the best interests of the person can apply. If the person is not a family member, but a friend of the family, it's best to include consents in the application that outline the consent of family to their appointment.

There can also only be one Welfare Guardian appointed to a person, unless there's a valid reason to appoint two.

What happens to the application?

Once the application documents have been lodged at the family court closest to where the individual (who requires a Welfare Guardian) lives, the court appoints a lawyer to look into the matter on the court's behalf. This is covered by Legal Aid.

Do I have to appear in court?

Very rarely will you be required to appear in court. A decision is usually made by a judge in his chambers, once he has sufficient information.

How long does it take for the courts to make a decision?

That depends on how busy that court is, but can often be a couple of months.

How long does Guardianship last?

The order will be made for three years or, on some occasions, five years.

What if I don't know of anyone who wishes to be a Welfare Guardian for our loved one?

Then you can apply to the courts to appoint someone – usually a lawyer. Spectrum Care also has a lawyer (who is currently a Care and Welfare Guardian to three people in our [Residential Services](#)) who we can employ on your behalf.

Note: It is preferable that there be a person appointed who has some connection to the individual requiring a guardian. This is ideally a family member, but can be a family friend or just someone who cares about the individual. When a lawyer is appointed, they are able to make decisions, but often do not visit or provide them with individual attention. Spectrum Care believes it is in the best interests of the person that they have someone not just to make important decisions around their care and welfare, but also visit with them and have a meaningful relationship.

What if I want to look after their money or property they have?

Then you need to apply to be a Property Manager through the courts. It is recommended that a Property Manager be appointed if a person with a mental incapacity has sizable assets and an income of more than \$20,000. There is a requirement that the Property Manager keep receipts and accounts that are to be provided to the courts annually and overseen by the Public Trust.

Where do I find out more?

You can go to the [Ministry of Justice website by clicking here](#).

Or you can contact:

Helen Mulford, Coordinator – Advocacy Services

Email: Helen.mulford@spectrumcare.org.nz

Ph: 634 3790 ext 312 or (0274) 757 577