

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 Questions and
Assistance, Please Contact

**PATRICK SPACE FORCE BASE
LEGAL OFFICE**

45TH SPACE LAUNCH DELTA OFFICE OF
THE JUDGE ADVOCATE

PHONE: 321-494-2281

OR EMAIL

SLD45.JAD.WORKFLOW@SPACEFORCE.MIL. AND
INCLUDE YOUR DOD ID NUMBER

1303 Edward H. White II St. (Building 402), Patrick
SFB, FL 32925-3242

We also provide:

Wills, Living Wills, and Powers of Attorney

Landlord-Tenant and Consumer Legal Advice

Family Law Advice

And More

To Qualifying Persons in Qualifying
Circumstances!

**PATRICK SPACE FORCE BASE
EXCEPTIONAL FAMILY MEMBER PROGRAM**

FAMILY SUPPORT COORDINATOR

PHONE: 321 494-5676



U.S. AIR FORCE



BECOMING YOUR
EXCEPTIONAL FAMILY
MEMBER'S
GUARDIAN or
CONSERVATOR



45th Space Launch Delta

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 Scott JA or EFMP or any department of the Air Force or DoD

Helpful State Laws, FL

Information Provided	FL Statute
Definitions and standards for disability/ incapacity	Ch. 825 §101
Where the guardianship petition should be filed	Ch. 744 § 3201
List of required information to include on application	Ch. 393 § 065
General process for hearing on capacity	Ch. 744 § 3201

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.

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