

# Guardianship order for a person under 18 years

## **When is guardianship needed?**

When a young person turns 18 they become an adult and are legally entitled to make their own decisions. The right to make decisions about life applies to every person over the age of 18 years regardless of their capacity to do so.

These decisions can include giving consent for medical matters and deciding where and with whom they live. It also means they have the legal right to manage their own finances.

Not all persons with a disability need a guardianship order or guardianship orders for all matters. Depending on the persons disability they may be able to make certain decisions with support or they may only need a guardianship order for certain matters such as finance or complex health decisions.

For some young people however, this may create difficulties as their decision-making capacity may be impaired.

When a person is deemed to have impaired decision-making capacity a guardianship order may be put in place. Guardianship is a legal way to appoint a person (a 'guardian') to act in certain personal or financial matters for an adult who has impaired decision-making capacity.

## **Can guardianship orders for persons under 18 be made?**

Yes. The Northern Territory Civil and Administrative Tribunal (NTCAT) can make a guardianship order for an individual who is at least 17 years of age.

The order will come into effect the day the young person turns 18 years. Having an order in place to come into effect when the young person turns 18 allows for the smooth transition of decision-making authority as the young person moves from childhood to adulthood.

## **Applying for guardianship**

### **How do you make an application for a young person?**

Anyone with a genuine interest in the person can make an application for a guardianship order. Applications will be made to NTCAT and application forms are available from NTCAT or online at [www.ntcat.nt.gov.au](http://www.ntcat.nt.gov.au)

### **Supply evidence to support the application**

Along with the application form, you will need to give evidence of the adult's impaired decision-making capacity, such as a recent medical or psychological assessment report.

You can ask a doctor or health professional to fill in the 'Report by Medical Practitioner or Other Health Practitioner' form (AG3).

You might also need to supply a:

- Proposed Guardian Eligibility Declaration form (AG2)
- Primary Carer's Report (AG4).

All of these forms are on the NTCAT website [www.ntcat.nt.gov.au](http://www.ntcat.nt.gov.au) .

## Who can be a guardian

To be a guardian in the Northern Territory:

- you must be aged 18 or over and be considered suitable for the role
- you or someone else must apply to the NTCAT for a guardianship order
- the NTCAT must legally appoint you and you must agree to the role

It is preferred if family or someone who knows the adult is appointed as guardian.

The Public Guardian and Public Trustee can also be appointed as guardian for an adult if there is no one else.

## What happens next?

### The NTCAT will set up a hearing

The NTCAT will arrange an application hearing and let you know by letter when and where it will be.

The Office of the Public Guardian takes an interest in guardianship applications, so our staff might contact you to ask you some questions before the hearing happens.

### You should come to the hearing

You are responsible for coming to the hearing. You might need to help the person the application is about to get there too.

If needed, you can arrange to take part by phone or video instead. Let the Tribunal know if you or the adult needs an interpreter.

### Other relevant people can also attend

Any interested person with concern for the adult can also come to the hearing. An interested person might be:

- their relative, friend or a social worker
- someone who provides support or care
- anyone else with a genuine and sufficient interest in protecting the adult's best interests
- the Public Guardian or the Public Trustee.

## Getting help and support


The Office of the Public Guardian provides guidance and support to all private guardians and people who are considering becoming a guardian


## Important documents

- *Guardianship of Adults Act 2016*
- *Northern Territory Civil and Administrative Tribunal Act 2014*
- *our Understanding guardianship guide*

### Office of the Public Guardian

for guardianship information and support


 **1800 810 979** (8 am to 4 pm weekdays)

 [public.guardian@nt.gov.au](mailto:public.guardian@nt.gov.au)


 [www.publicguardian.nt.gov.au](http://www.publicguardian.nt.gov.au)

### Northern Territory Civil and Administrative Tribunal


for guardianship orders, applications and changes


 **1800 604 622** (8.45 am to 4 pm weekdays)


 [agd.ntcat@nt.gov.au](mailto:agd.ntcat@nt.gov.au)

 [www.ntcat.nt.gov.au](http://www.ntcat.nt.gov.au)


### Tribunal's Darwin office


 The Met Building, CASCOM Building 5, Casuarina Village, Level 1, 13-17 Scaturchio Street, Casuarina NT 0811


 PO Box 41860, Casuarina NT 0810

 08 8922 7201

### Tribunal's Alice Springs office

 Westpoint Building, 1 Stott Terrace, Alice Springs NT 0870

 PO Box 1745, Alice Springs NT 0870

 08 8951 5442