

Guardian Ad Litem in New York

A guardianship is a legal arrangement where the court gives someone the right to make decisions for another person who is incapable of making decisions on their own. Guardian ad litem are often appointed in cases involving children, or mentally incapacitated adults. If you believe you need the assistance of a guardian regarding a probate matter, consult with an experienced [estate planning attorney](#) as soon as possible.

What is guardian ad litem?

A [guardian ad litem](#) is a person assigned by a Judge to act on behalf of another person during a court case when they cannot protect their own interests or defend their own rights. In any guardianship, there are two parties: the guardian and the ward. The guardian is the person appointed by the court to look after the ward. Guardian ad litem are appointed to wards who lack cognitive or communicative capacity and cannot make decisions for themselves. This means that they cannot legally give informed consent for personal, medical, or financial affairs.

When is guardian ad litem appointed?

When a person has an interest in a Surrogate Court proceeding but does not have the mental capacity to provide informed consent, the court will appoint a guardian ad litem. Some examples of individuals who may require a guardian ad litem for a probate proceeding or intestacy inheritance, include:

- **Minors** — Anyone under the age of 18 cannot legally sign a waiver or object to a proceeding that affects them in the state of New York. Guardian ad litem are often sought in child custody cases. However, guardian ad litem may also be appointed if a minor has an interest in a Surrogate Court proceeding.

- **Mentally/physically disabled** — People who are mentally or physically disabled for any reason may require a court-appointed guardian to defend their rights and interests. This includes individuals who suffer from traumatic brain injuries, dementia, or are unresponsive or in a coma.
- **Incarcerated** — Individuals who are incarcerated may be unable to participate in the probate or intestacy process and may require a representative.
- **Lost** — When a person has an interest in a Surrogate Court proceeding but cannot be located, guardian ad litem may be appointed as an advocate for their interests.

For more information about guardians and [estate planning in New York](#), consult with an experienced [probate attorney](#).

Contact New York guardianship lawyers today

The Law Offices of Lissner & Lissner helps New Yorkers with a wide range of probate and estate planning matters including trusts, wills, estate administration, and guardianships. To speak with an experienced estate planning lawyer about your case, call [\(212\) 307-1499](tel:2123071499) or contact us online today.