

Guardianship for an Adult Disabled Child (Article 17A)

Does your child have an intellectual or developmental disability that prevents them from making decisions for themselves? Are they 18 years or older? If so, you may need to become an Article 17A Guardian.

What is Article 17A Guardianship?

An Article 17A Guardianship in New York State can be obtained when a parent (or another caregiver) wishes to continue serving as their child's guardian after the child turns 18. When a child is intellectually or developmentally disabled, and incapable of making decisions for themselves, parents (and others) can apply for guardianship to remain the legal decision maker for the child, including decisions about healthcare, finances and personal interests.

Why Become a 17A Guardian?

Many parents often assume that their right to make decisions continues after their developmentally or intellectually disabled child turns 18, but this is not the case. You may need to seek court authority to continue making decisions on behalf of your disabled child after they reach 18 years. A 17A Guardian can be authorized to make all decisions for their child, including all healthcare, financial and personal decisions.

How Does Someone Become a 17A Guardian?



Article 17A proceedings are filed in Surrogate's Court. There are specific forms and documents that need to be completed. When the evidence is clear that the child needs a guardian and all family members agree on what's best for them, an Article 17A proceeding can be relatively straightforward. A medical doctor as well as a psychologist or psychiatrist who knows the incapacitated person will also need to complete specific forms, but will not have to attend the hearing.

FAQs

- **My child is significantly older than 18. Is it too late to become their guardian?**

No. It does not matter if the adult child is significantly older than 18 years, as long as they were disabled when under age 22.

- **Who can become a 17A Guardian?**

A parent, sibling or other relative or caregiver can potentially serve as a 17A Guardian.

- **Can only one parent be a 17A Guardian?**

Parents can apply together to become co-guardians, sharing responsibility.

- **Are there alternatives for someone who is not intellectually or developmentally disabled?**

If someone is not developmentally or intellectually disabled, but still wants or needs assistance with financial and medical decisions, a power of attorney and health care proxy may be appropriate.

- **What if someone loses their mental capacity as an adult over 18 years of age?**

There is a different type of guardianship proceeding (an Article 81 proceeding) for someone who loses their mental capacity as an adult, such as a parent who develops dementia. Article 17A and Article 81 Guardianships are very different proceedings, filed in different courts with different requirements and procedures.

CLA can help assess what's best for you and your loved ones.



Community Legal Advocates of New York, Inc.
38 Old Country Road, Garden City, NY 11530
(516) 210-6763 | info@cla-ny.org | [f](#) [t](#) [@](#)
www.CLA-NY.org