



# Financial and legal considerations - Part 2

## Guardianship and administration orders

### How to know when a guardian and/or administrator is needed

If your family member or friend is assessed as being unable to make reasonable and informed decisions for themselves, existing legal orders will take effect. This may be an Enduring Power of Attorney (Financial). The person entrusted with this power will now take responsibility for making relevant decisions.

Where there are no legal orders in place, usually the closest family member will take responsibility for this role. This is not to say that the person responsible should act alone, rather that the final decision rests with them.

Where there is debate over who the person responsible should be or concerns are held over that person's ability to make decisions in your family member's best interests, legal steps may be taken to appoint a formal guardian or financial administrator. A hearing will decide whether this is necessary and if so, who it should be - sometimes another family member will be appointed, but often it will be someone independent.

### How to have a guardian and/or administrator appointed

The concerned individual (which may be the GP, a health professional, service provider or another family member), will need to complete an application to the Executive Office of Adult Guardianship (EOAG).

The EOAG then investigates the need for a guardianship order - this includes gathering information from the GP. A Community Panel member will visit the person and may request an assessment of his or her needs. A report will then be made to the Local Court, making recommendations about what is best.

Usually, one or more family members are appointed as guardians to make decisions about accommodation, health care and day-to-day care. The Public Guardian is appointed to make decisions for people without family. When a financial administrator is needed, the Public Trustee is usually appointed.

### Further information:

- ☐ [Executive Office of Adult Guardianship](#) - ph: 8999 2557.
- ☐ [The Public Trustee](#) - ph: 8999 7271.
- ☐ [Financial and legal considerations - Part 1: Enduring Powers of Attorney](#) - information sheet.

Contact the [Commonwealth Carer Resource Centre](#) on 1800 242 636\* to request the above information sheet be sent to you - or to find out about other information sheets in this series.

\*Free call except from mobile phones. Mobile calls at mobile rates.

We do our best to keep these links up to date, but the internet changes all the time. If you can no longer access any of the above resources, please go to our [Internet Troubleshooting Guide](#), or email us at [website@carersvic.org.au](mailto:website@carersvic.org.au)