



Mission

The New Mexico Developmental Disabilities Council will promote advocacy, capacity building, and systemic change to improve the quality of life for individuals with developmental disabilities and their families. It has 4 programs:

- Center for Self Advocacy Program
- Office of Guardianship**
- Federal Program
- Office of the Special Education Ombud

Purpose

The purpose of the Office of Guardianship is to provide guardianship services to income and resource eligible mentally incapacitated persons over the age of eighteen years.

What is Guardianship?

Guardianship is a legal process that may remove rights from an individual. It should only be considered as a last resort and when there are no **least restrictive forms** of intervention, such as a Power of Attorney or a decision maker designated under an Advance Directive. They may need support to make decisions on their behalf. This can be a family member (sibling, friend, parent) or professional guardianship (contract with company called professional guardianship).

Types of Guardianship

- Mental Health Treatment Guardian
- Temporary Guardian
- Limited Guardian
- Full or Plenary Guardian
- Successor Guardian

Funding

The Developmental Disabilities Council's (DDC) Office of Guardianship (OOG) is a statewide publicly funded program for New Mexican adults who need a Guardian, are income eligible, and are alleged to be incapacitated.

Services Include (Over 1000 Cases)

- Educating the public about least restrictive alternatives and guardianship;
- One-time legal services to request the State District Court to appoint a Family or Professional Guardian for income eligible adults;
- Providing Professional Guardians to Protected Persons who do not have family or natural supports who are able to become the Guardian;
- Providing Mental Health Treatment Guardians;
- Recruiting and contracting with Professional Guardians, Attorneys, and Court Visitors; and
- Responding to and investigating complaints against Professional Guardians contracted with DDPC.

Application Process

[Applications](#) are submitted to the intake coordinator. If eligible the court visitor will file a petition in court. If approved by the judge an order for guardianship is entered. They need to be certified with the center of guardianship. Once guardianship is created if it is a family member the agency has no more involvement, but if it is a professional, they pay to oversee them and will monitor. The agency contracts out to assess and evaluate each company annually to ensure safety, least restricted environment, and take the concerns of how the guardian is protecting the people.

Eligibility Criteria

- Adult (age 18 and over)
- New Mexico resident
- Alleged to be incapacitated
- Income eligible (200% over poverty level)
 - Receiving Disability Income or Medicaid

Meet the Team

- 2 attorneys
- Intake coordinator (~100 waitlisted)
- Legal director
- Court visitor
- Compliance officer
- Guardian ad Leidum (contracted)