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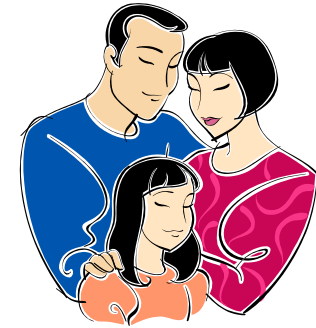
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CONTINUING TUTORSHIP: WHAT PARENTS NEED TO KNOW

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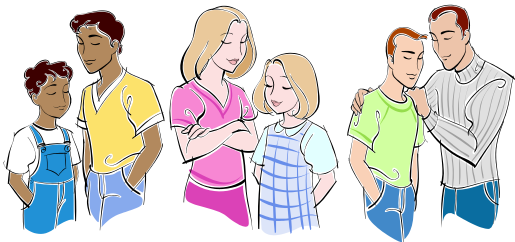


This brochure, prepared by Acadiana Legal Service Corporation, is intended to inform and provide general information, not to advise. If you have a specific legal problem you should not try to apply or interpret the law without the aid of a licensed attorney who knows the facts because the facts may change the application of the law.

CONTINUING TUTORSHIP: WHAT PARENTS NEED TO KNOW

Continuing Tutorship is a legal process in which a court decides that your child will not be competent to make decisions after he or she reaches 18 years old, the legal age of majority. Instead another person will have the legal authority to make all business and legal decisions for the child just as if he or she were still under age 18. Without the approval and signature of this court-appointed person, the child cannot do such things as:

- Enter into business contracts of any kind (get a credit card, write checks, etc.)
- Get married
- Rent an apartment or live in a separate home



How old should a child be for continuing tutorship?

Your child must be **at least 15 but cannot be over 18** at the time of the court decision. Because the legal procedure can take a while, it's best to apply before your child's 17th birthday.

Why can't I just wait until my child turns 18? Why should I apply so early?

Once your child turns 18, you can no longer ask the court for a continuing tutorship. Instead you will have to ask the court for an interdiction. This is a far more complicated legal process in which the court appoints a lawyer for your child and may make you post a bond. It is much easier, and less expensive to apply for continuing tutorship before the child turns 18.

What else does the court require for a continuing tutorship?

You must establish that your child's mental abilities are at a **level 2/3 or less than average for children of the same age**. The proof will be reports of standardized tests, such as IQ tests, which have been given by licensed psychologists or psychiatrists.

You must also have the approval of the coroner in your parish.

How can I prove my child's limited ability?

School or medical records probably have the information you need. You should talk to your child's doctors or school counselors if you do not have any records yourself.

How long will the continuing tutorship last?

The child will have a tutor until you or an attorney representing your child asks the court to remove the tutorship and presents evidence that the child does not need a tutor any longer.

If I establish continuing tutorship will I be liable for my child's actions?

Yes, if your child is found at fault in causing an accident or harm to someone, such as in a personal injury suit, the tutor could be liable.

If I establish continuing tutorship will my income or resources affect my child's SSI benefits after he or she reaches age 18?

No, once a person turns 18, parental income and resources are no longer considered by SSI even if the recipient's parents have continuing tutorship.

Who will the court name as the person to make decisions for my child?

The court will usually name the child's parents, but may select someone else if necessary. The person named to make decisions for the child is called the child's "tutor".