

Guardianship & Supported Decision Making

Guardianship is a legal process to determine if a person is incapacitated. The court decides if the individual is substantially unable to manage their financial affairs or personal affairs (to provide food, clothing, or shelter for themselves, and to care for their physical health).

Under a full guardianship of the person, an individual loses many rights, including the right to drive, choose where to live and work, vote, get married, consent to medical treatment, and more. It should be understood that all people need and use support to make important life decisions.

Guardianship is not the only option.

Some alternatives to guardianship:

Supported Decision Making

The use of friends, family members, and professionals to help an individual understand the situations and choices they face, so they may make their own decisions without the need for a guardian.

Health Care Representative

A Health Care Representative may be appointed if there are concerns that at some time, the individual may lack the ability to make decisions regarding his/her health. The appointment of a health care representative must be done when the individual is competent.

Power Of Attorney (POA)

A written notarized directive from one person to another delegating authority to make certain decisions

Representative Payee

A person who acts as the receiver of United States Social Security Disability or Supplemental Security Income for a person who is not fully capable of managing their own benefits

Trusts

Relationships created at the direction of an individual, in which one or more persons hold the individual's property subject to certain duties to use and protect it for the benefit of others.

Advanced Medical Directives

A written statement of a person's wishes regarding medical treatment, often including a living will, made to ensure those wishes are carried out should the person be unable to communicate them to a doctor.

For additional information:

<http://www.arcind.org/future-planning/guardianship/>

<http://www.friendshipcircle.org/blog/2012/10/16/when-your-child-turns-18-a-guide-to-special-needs-guardianship/>

http://www.in.gov/fssa/files/Advance_Directives.pdf

