

SUPPORTED DECISION-MAKING: A NEW ALTERNATIVE TO GUARDIANSHIP

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WHY NOT GUARDIANSHIP?

What Does Guardianship Do?

- Requires a court order to establish and ongoing court oversight.
- Removes the person's freedom of choice, self-determination and independence.
- Removes some or all of a person's decision-making rights.
- Assigns decision-making to a third party (the guardian).

What Does Guardianship Do?

- Expensive – attorney fees and court costs; bond.
- May be difficult to terminate or modify.
- Annual accounting and reports on the condition of the ward.

Why Families May Seek Guardianship

- Child reaches 18 years of age.
- School or physician tells them it is necessary.
- Think it is necessary for school, health care or other decisions after age 18.
- Help their child handle money.
- Connect their child with adult services.
- May believe this is the only legal solution.

Important Things to Remember

- The law presumes all adults have the capacity for decision-making – this applies to everyone, including people with disabilities.
- Decision-making is a learned skill – people with disabilities need opportunity, experience and support to learn to make well informed decisions.
- There are other legal ways to assist people with decision-making that do not restrict, limit or remove individual rights.

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