



A National Connection for Self-Advocates



<https://selfadvocacyinfo.org/>



Self Advocacy Resource and
Technical Assistance Center

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Organization
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SARTAC Zoom
Meetings



<https://www.selfadvocacyinfo.org/resources/sartac-zoom-meetings>

Two Clicks - #1 Click on Resources then #2 Click on SARTAC Zoom Meetings

Who Needs To Be In Charge?

- We *all* need help making decisions.
- Every person should be part of every decision about his or her life.
- Both people with and without disabilities need support making decisions.
- Guardianship is a serious matter. It should only be used as a last resort after other things have been tried.



What is Guardianship?



- Guardianship gives someone the power to make decisions for a person with a disability.
- Guardianship is court-ordered. This means a judge decides what a guardian can do. They decide what type of decisions a guardian can make. For example, medical decisions or money decisions.
- Guardianship can be set up by the court any time after a person turns 18 years old.

Different Types of Guardianship



- **Private Guardians** can be a family member, a friend, a lawyer or other interested person.
- **Public Guardians** work for the State. In Vermont, this is through the Office of Public Guardian.

A judge can order limited or full guardianship.

MYTHS

VS

FACTS

*People sometimes think
guardianship will keep
a person safe.*



*Some people believe they
may “need” guardianship
to help their loved one
with school or services.*



Guardianship:

- Does not keep a person safe.
- Does not keep a person from making a mistake. We all make mistakes.
- Is not needed to help a person with a disability to make good decisions.

Why Guardianship Should be the Last Resort.



Guardianship removes an adult's legal right to make decisions about their life. It gives that right to someone else. It takes away a person's freedoms that they get from the United States Constitution.

What do you lose with guardianship?

Guardianship is serious.

Under guardianship, a person cannot:

- Sign a contract.
- Marry unless the guardian agrees to the marriage.
- Decide where you live
- Decide where and when you travel
- Make your own healthcare decisions.
- Decide how to spend your money.



Why Guardianship Should be the Last Resort



Researchers talked to 2 groups of people. In one group all the people had a guardian. In the other group no one had a guardian. They found out that people without a guardian are:

- more independent
- more of them have jobs
- and they are more satisfied with their life

Why Guardianship Should be the Last Resort



- There are **many ways** you can get help to make decisions.
- **ALL people** get help one way or another to make decisions.
- **We all make mistakes.** Sometimes we make a bad decision. We learn from our mistakes.

Alternatives to Guardianship

Now we will talk about alternatives

- There are many ways to get help to make decisions.
- **You can** get help from the people you trust.
- You decide how you want family and others to be involved when you are making a decision



Different Decisions May Mean Different Support



It's your choice

Sometimes when we are making decisions we ask family, friends, co-workers, allies, or other people for advice.

For example, we might talk to our family about medical issues. But when it comes to relationship issues, we might only want to talk to our friends. And, we might ask other people for help with money issues.

Supported Decision Making (SDM)

Supported Decision Making basically means, you put together a group of people to help you make decisions.

You pick who will help you with:

- Money decisions**
- Health decisions**
- Relationship decisions**
- Work decisions**
- Decisions about your services**
- Decision about where you live**



Supported Decision Making (SDM)

There are many different ways people can help you make decisions. You pick the people to help you. AND, you tell them what they should do to help you.

Here are some ways others can support you to make decisions

- Find information and understand it.
- Identifying your options
- Knowing the pros and cons of each option
- Think about the consequences of each option
- Let me make my own decision.
- Help me carry out my decisions even when you do not agree with my choices.



Supported Decision Making (SDM)

For Example: Sam wants a new job

- Jess helps them make a lists of what they are interested in.
- Marcus helps Sam find jobs that they are interested in.
- Jess helps Sam interview for jobs.
- Marcus and Jess help Sam think about the pros and cons of each job. They talk about the many different things that could happen when working at these jobs.
- Sam decides where to work.
- Sam tells Jess and Marcus how they can help. They all want Sam to be successful working.



Alternatives to Guardianship #1

A Supported Decision-Making Agreement

- Supported decision-making can be as **formal** or **informal** as you want it to be.
- Some people with disabilities write a plan called a “supported decision-making agreement.” **This plan says who will support you**, what kinds of decisions you want help with, and what type of support you are asking for.
- Everyone on your team signs the agreement. The agreement can be changed any time.



Alternatives to Guardianship #2

Healthcare Representative or Agent

- You can name a person to make health care decisions for you when you are not able to do so.
- **This is for emergencies.** Times when you are too sick to communicate.
- The Healthcare Agent tells the doctor what to do. For example, what kind of treatment you would want.



Alternatives to Guardianship #3



A signed Release of Information

- You can name a person who can see your medical information.
- This person can be with you when you talk to a doctor. They help you make medical decisions.
- You get the final say!**

Help with Money Decisions

Sometimes a person gets a guardian because they get stuck dealing with money. But, there are other ways for a person to get the help they need to manage money. You do NOT need a guardian for this. You can be your own guardian and still get help with money.



Alternatives to Guardianship #4

There are many simple things a bank can do to help a person manage their money, including:

- **Directly depositing** the person's paycheck and benefit checks.
- Bank accounts can be set up for **automatic payment of regular bills**, such as cell phones, cable tv, or rent.
- **Different accounts** can separate money needed now from savings for later.



Alternatives to Guardianship #4



- **Ceiling limit and withdrawal limits** can be put on ATM cards and accounts. This puts a limit on how much money can be taken out in a day.
- **Co-signers or Joint signature accounts.** You can have a rule for two people to sign a check.

Alternatives to Guardianship #5

Representative Payee



Some people get SSI. Others get SSDI. The check can go to you or to a “payee.” If you have a payee they can pay your bills, like your rent, or buy food and clothing. The payee has to fill out all the forms for social security.

GMSA believes people should be taught to handle their own money. Having a payee is less controlling than having a guardian. *But, it is still controlling.* The best option is to support a person to be their own payee.

Alternatives to Guardianship #6

Bill payment services or Personal Money Managers



- can make sure your bills are paid on time, checkbooks are balanced.
- An Area Agency on Aging can do this.

Alternatives to Guardianship #7

Power of Attorney

You write a document to give a person the power to manage your money and things.

For example, they can pay your bills or sell your car or you. You say it is okay for them to sign for you. **You can change this at any time.**



Alternatives to Guardianship #8

ABLE Savings Account

- This is a special savings account for people with disabilities. All the money in your ABLE Account cannot be counted by Social Security. You will ***not*** lose Social Security if you have more than \$2000 in your Able account.
- The Vermont ABLE Program can receive automatic deposits and pay monthly bills electronically.
- The Vermont ABLE Program has a debit card that caps how much money you can spend. It can also “lock out” certain types of spending.
- <https://vermontable.com/>

Alternatives to Guardianship For Education Decisions

When a student turns 18 they get to make their own school decisions. But, sometimes a student with a disability has difficulty making decisions. A family member may want to ask a court to appoint a guardian to make decisions for the student. Before asking for a guardian, it is important to consider other options. Here are ways a student can get help from others in making school decisions without having a guardian.



Release of Information: The student signs a form that says who to invite to school meetings. The form says who can get information and records from the school.



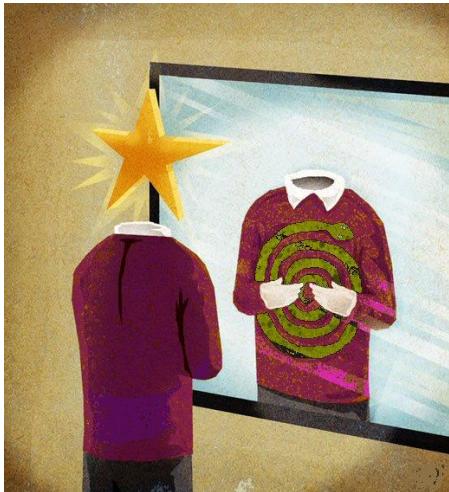
Education Power of Attorney: A student uses this document to give someone the power to make school decisions for them. You do not have to go to court. The power of attorney needs to be signed by a Notary Public. The student decides who they want to make decisions for them. The student can cancel the agreement at any time.

In conclusion, it's important to talk about guardianship because...

**WHEN YOU SEE,
MEET, OR THINK
ABOUT A PERSON
WITH A DISABILITY
PRESUME
COMPETENCE**

- People need to know the options.
- This is a way for society to presume competence.
- Mistakes are an important way to learn.

Conclusion - continued...



- There is an important *ripple effect* that happens when you make a mistake. You learn from it and get confidence to try again.
- If others do everything for you, they take away your right to grow and learn new things. They take your voice away.
- Alternatives to guardianship are ways to help people manage risk. They can point out risks, benefits, and all of the options.
- Alternatives to guardianship are all about giving people with disabilities a chance and opportunities.