

Guardianship

The principles and practice of person-centered planning and self-determination give us the ability to support people with disabilities to live full lives in our communities. This ability allows us to rethink the need for guardianship in its traditional purpose and to assist people to find the assistance they need in making decisions and managing their lives using the same resources available to all community members.

Quality in Practice

- Reject the idea that because a person has an intellectual disability, he or she is automatically incompetent and requires a guardian.
- Understand that all people receive assistance from family, friends and/or paid professionals when making major life decisions. People without intellectual disabilities do so without the need for a guardian. It is also possible, ethical, and correct for people with intellectual disabilities to do the same.
- Do research and become knowledgeable about alternatives to guardianship. The following strategies can be used to provide a person with assistance in decision making without stripping the person of his rights as guardianship does:
 - surrogate decision-making
 - powers of attorney for legal or medical issues
 - circles of support
 - family consent statutes
 - family consent policies
 - representative payees
 - conservators
 - amenities trusts
- Educate staff, people supported, family members, friends, and corporate guardians about the available alternatives to guardianship.
- Support people to put alternatives to guardianship in place, preferably prior to the need for such assistance.
- If a person already has a guardian, make every effort to assure that the guardianship is limited and specific in scope.
- Assure that the guardianship is reviewed at least annually and request the guardianship be relinquished as soon as other supports are in place.
- Support staff in understanding that even when someone has a guardian, the person's wishes and desires should be considered first.
- Educate and encourage (family and corporate) guardians to actively solicit information from the person to determine what he or she wants and to honor those wishes. Ensure that guardians do not make all decision for people without their direct input.
- Encourage and support guardians to be actively involved in people's lives to foster their knowledge about people's desired outcomes.
- Ensure that when a person has a guardian, or even a strongly vocal family member, the organization maintains its focus on the person receiving supports. Support staff in maintaining this focus.
- If the above strategies do not work, take action to assist the person to petition the court to remove a guardian who is acting against his/her wishes and desires. The court can be petitioned to remove the guardian completely, to restrict their scope, or to appoint another guardian if necessary.