



Guardianship



“A guardian for an adult is a person or agency appointed by a court to act for an adult who has been found to have a functional impairment in decision making or communication that meets the legal standard for finding of incompetence.”-Department of Health Services

- Types of Guardians:**
- *Guardian of person
 - *Guardian of Estate
 - *Temporary Guardian
 - *Standby Guardian
 - *Successor Guardian

***It is estimated that the number of adults under guardianship has **tripled** since 1995! -Reynolds, 2002;Schmidt, 1995, Uekert & Van Duizend, 2011

- ***Rights Lost under Guardianship*****
- *Right to vote
 - *Right to execute a will
 - *Right to serve on a jury
 - *Right to consent to marriage
 - *Right to apply for a license
 - *Right to consent to sterilization
 - *Right to consent to organ donation

Negative Consequences of Guardianship:

- *Guardian’s overuse of power
- *Loss of decision making
- *Feeling of being labeled as a second class citizen
- *Fail to look at other forms of support
- *Loss of dignity and respect by others
- *Focus on incapacity rather than strengths
- *Fail to consider benefits of risk-taking
- *Greater risk of abuse and exploitation
- *People can “learn” incapacity

- People with Intellectual and Developmental Disabilities who do NOT have a guardian are more likely to:**
- *Have a paid Job
 - *Live Independently
 - *Have Friends other than staff or family
 - *Go on dates and socialize in the community
 - *Practice the religion of their choice
- National Core Indicators 2013-2014

- ***Guardianship is NEVER needed JUST...*****
- “Because you have an IQ of ___”
 - “Because you’re sick”
 - “Because you need help”
 - “Because that’s the way its always been”
 - “For your own good”
 - “Because you have a disability”

- How do you make decisions?**
- | | |
|---------------|-----------|
| Medical care | Education |
| Where to live | Insurance |
| Employment | Finances |

- ***Guardianship MAY be needed*****
- ***In emergency situations when:**
The person is incapacitated and can’t give consent; the person did not previously identify how decisions should be made in that situation; there is no one else available in a person’s life to provide consent through an advance directive
 - ***To support people:**
Who face critical decisions and have no interest or ability to make decisions; who need immediate protection from exploitation or abuse