

**Guardianship** is a legal process where a guardian takes on responsibility for helping make decisions for a person with mental, physical or developmental disabilities. To begin the guardianship process, a judge must decide that the person (“ward”) is not able to make responsible decisions for themselves, in all or some areas of their life.

The guardian should help promote the wellbeing of the ward, encourage their independence, and protect them from abuse and neglect. Every guardianship case is different: a judge may grant the guardian the power to make decisions in some areas of the ward’s life, but not others.

### **A guardian may be allowed to...**

- Decide where the ward will live
- Provide or arrange for the care, comfort and support services of the ward
- Arrange for the education, social, and recreational needs of the ward
- Manage the estate, finances, bills, taxes, and bank accounts of the ward
- Communicate with healthcare and other service providers on behalf of the ward
- Do estate planning and manage assets of the ward

### **A guardian can never ...**

- Consent to involuntary medication, electroconvulsive therapy (ECT) or medical procedures on their ward’s behalf if the ward is objecting to such treatment
- Consent to sterilization against the wishes of the ward, absent a court order
- Place the ward in a residential facility such as a nursing home without their consent (absent a specific order from a court allowing such placement)
- Involuntarily admit the ward into a mental or psychiatric facility, without other legal processes

### **Alternatives to Guardianship:**

If guardianship is not the right fit for your situation, there are other legal processes that may be helpful instead.

- Power of attorney for financial affairs
- Power of attorney for health care
- Health care surrogacy
- Mental health advance directives/treatment declaration
- Designating a payee for finances
- Special Needs Trust
- Bill-paying assistance programs
- In-home supports, home healthcare, homemaker services
- Advocacy and case management
- Psychosocial skills-building groups