

Common Myths about Guardianship

MYTH: I was told I had to get guardianship

- Parents are never mandated to get guardianship when their child turns 18
- There are loads of alternatives to guardianship, like Supported Decision Making, that are free or low cost AND protect the rights of the person with a disability

MYTH: All people with DD need guardians

- The overwhelming majority of people with DD don't need a guardian, but we all need help making decisions
- People need guardians only when all less restrictive options have been explored and will not work

MYTH: If I'm not the guardian, no one will talk to me

- Powers of Attorney or a signed consent to exchange information to allow anyone in the room who the person with a disability wants there
- POAs can be totally customized to detail who should be involved and how they are to be included

MYTH: It won't hurt to put guardianship in place

- Guardianship is expensive and restricts rights, which can limit life options and self-determination
- Once a guardian is in place, someone always needs to be in that role, so future guardians are critical. It can be difficult and expensive to undo guardianship.

MYTH: If I am guardian, my child cannot be arrested

- Guardianship provides no protections against arrest or incarceration
- Guardians are given no special rights to speak or advocate at criminal hearings

MYTH: People with guardians can't be financially harmed

- If money is taken away in a scam, guardianship does nothing to bring it back
- Low cost tools like POAs, Special Needs Trusts, and ABLE Accounts can protect money and assets without removing rights