

# 3 Minute Webinars: Guardianship Myths

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# I have to Become Guardian

- 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

# 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

# If I'm Not 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

# Guardians prevent abuse

- Just having a guardian does nothing to prevent abuse, but having an active support network who communicates does. A Supported Decision Making team can fill this role.
- People who have greater self-determination (e.g., are empowered to make their own choices) are less likely to be abused or exploited

# 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.

# IF I'm 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

# People with Guardians Can't be financially abused

- 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



# SDM Resources

1. [The Arc of Northern Virginia's SDM Resource Library-](https://thearcofnova.org/sdm/)  
<https://thearcofnova.org/sdm/>
2. [National Resource Center for Supported Decision Making-](http://supporteddecisionmaking.org/)  
<http://supporteddecisionmaking.org/>
3. [Center for Public Representation-](https://supporteddecisions.org/)  
<https://supporteddecisions.org/>

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