



Guardianship Alternatives and Options for Supported Decision Making

When a child turns 18, he or she becomes a fully independent adult with important choices to make in the areas of health, education, finances, and residential living. Legally, the individual can refuse the parents' involvement in these decisions. This is a normal and desirable stage for most young adults, but it can cause some concern among parents of youth with special health care needs.

Fortunately, a number of options exist to help adults who have disabilities or other special health care needs with decision-making, including power of attorney, health care representative, and varying levels of guardianship. Generally, parents will want their adult child to be able to make as many life decisions and have as much independence as possible. Sometimes, however, an adult child is unable to manage proper self-care, communicate needs and desires, and maintain safety and welfare. The range of assisted decision-making options offer solutions for families in all sorts of situations—and can be used in combination. These options can help maximize the adult child's self-direction and independence while still providing an appropriate level of assistance.

Health Care Representative – a person selected by the person with special health care needs to handle health care decisions if the person is incapacitated (voluntary written letter/form)

Education Decision-Making – a student's rights transfer to the student at the age of majority (18), if no guardianship is in place that prevents this. A **special rule** allows the school to appoint a parent or other person to represent the student's educational interest if the school determines the student is not competent to do so.

Power of Attorney – an adult child who is competent can appoint someone as her power of attorney voluntarily, as someone who can make decisions for her if she is incapacitated. The adult child can remove or change the power of attorney at any time (voluntary written letter notarized).

Again, the above options are provided so that you and your loved one may make an informed choice best suited to your situation. If these options do not meet your family's needs, varying levels of guardianship may be considered. See Family Voices Indiana fact sheet "Guardianship" for additional information.

Guardianship – an adult child can voluntarily appoint a guardian, or parents can seek guardianship. A decision to appoint or terminate guardianship must be made in court, and usually involves a person who is incompetent to manage property or

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provide self-care. Even for guardianship, a parent can choose the least restrictive form of guardianship for their adult child's needs (court-appointed).

- *Guardian of the Person* – makes decisions involving the day-to-day life, except financial decisions, such as food, clothing, living arrangements, medical care, recreation and education.
- *Guardian of the Estate* – makes all financial decisions
- *Guardian of the Person & Estate* – combining guardianship of the person and guardianship of the estate, makes nearly all decisions
- *Limited Guardianship* – makes decisions in only the part of a person's life where s/he is incompetent and has a need.
- *Co-Guardianship* – Two people share the guardianship.
- *Temporary/Emergency Guardianship* – can be ordered by a court for no more than 60 days without a court hearing. Permanent guardianship requires a court hearing and continues for as long as necessary.

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Programs and systems change often. It is important to ensure that you are using the most current information. This Fact Sheet was updated June 2016. Please check http://fvindiana.org/fact_sheets for the most recent edition.

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