

There are Alternatives: Before You Think About Guardianship, Consider Your Options

The Jenny Hatch Justice Project (JHJP) helps people with disabilities and their families think about **Alternatives to Guardianship**. Youth with disabilities can improve their decision-making abilities with support and a chance to practice. Before you think about going to court to get guardianship, call us. We can talk to you and your child about other available options.

What is Guardianship?

Under D.C. law, when people – including those with disabilities – turn 18 years old, they are presumed capable of making their own decisions. Guardianship means a judge takes away some or all of someone’s decision-making rights and gives them to a “guardian.” The guardian’s power is spelled out in a court order and D.C. law.

Why May You Be Thinking About Guardianship?

Planning for a child with a disability to transition into adulthood is not easy. You may worry that your child won’t be able to make complicated decisions about healthcare, money, education, housing, or relationships. It may seem like a guardianship is the only way you can protect your child. Teachers, caseworkers, doctors, and other service providers may be telling you to get guardianship. However, we want you to remember that there are ways to support people with disabilities without going to court and taking that step. We are here to help.

D.C. Law Provides a New Option for Adults with Disabilities

Because of the Disability Services Reform Amendment Act of 2018, D.C. now formally recognizes Supported Decision-Making Agreements, which allow people with disabilities to make their own decisions with the help they want and need from chosen supporters.

Feeling Overwhelmed? Call the Jenny Hatch Justice Project

Remember, guardianship is more than going to court to get a piece of paper. It has consequences. Guardianship takes away a person’s right to make important decisions about his or her own life. It also means the court will become part of your family’s life going forward. It can change relationships, take time, and cost money. There are no guarantees that a judge will appoint you as your child’s guardian or be willing to change the guardianship in the future, if you decide it is not the right fit for your family. Before you go to court, support your child by talking to a lawyer at the Jenny Hatch Justice Project. We help people with disabilities explore **Alternatives to Guardianship**.

Want to Talk More About Alternatives to Guardianship? Call Us:

Morgan Whitlatch, Legal Director, and Holly Ceasar, Staff Attorney
Quality Trust, Jenny Hatch Justice Project
202-448-1448

You can both support your child's **Right to Make Choices** as she or he becomes an adult **AND** remain involved in your child's decision-making.

Here are some **Concerns** that have led parents to think about guardianship and some **Alternatives** that can address those concerns. We can work with you and your child to create a plan that is right for him or her.

Concerns about Healthcare: My adult child needs more time to build her skills to make medical decisions. I am concerned that my child's physician will not continue to provide her with medical care unless I am involved.

Alternatives in Healthcare:

- If your child signs a "**HIPAA**" **release form**, doctors can share information with you, and you can help your child make her own decisions with informal **Supported Decision-Making**. If your child wants you to be her formal supporter, you and she can sign a **Statutory Supported Decision-Making Agreement Form**.
- If your child wants to sign a **Durable Power of Attorney for Healthcare**, she can give you the power to make health decisions for her, if doctors feel she cannot make them herself, even with support.
- If your child is not able to make medical decisions, even with support, and cannot sign a power of attorney, the **D.C. Health Care Decisions Act** can give you the power to make her health care decisions without going to court.

Concerns about School: My adult child is not leaving high school when he turns 18. I want to be sure I can continue to attend and participate in his IEP meetings.

Alternatives in School:

- If your child signs a **DCPS or OSSE Supported Decision-Making Form**, you can continue to get information about your child's education and support him in making his own decisions. If your child wants you to be his formal supporter for other decisions in addition to those about education, you and he can sign a **Statutory Supported Decision-Making Agreement Form**.
- If your child wants to sign an **Educational Power of Attorney**, he can give you the power to continue to make decisions about his education.
- If your child is not able to make educational decisions, even with support, and cannot sign a power of attorney, OSSE can appoint you as his **Educational Representative** without you having to go to court.

Concerns about Money: I worry that my adult child is not ready to manage her own money and that someone will take advantage or steal from her.

Alternatives for Money:

- Daily **money management strategies** can include direct deposit, automatic bill pay, and joint accounts.
- A **Statutory Supported Decision-Making Agreement Form** may allow you to support your child in making his own financial decisions.
- A **Power of Attorney** can be used by your child for financial decisions, too.
- The Social Security Administration can appoint you as your child's **representative payee** and you do not have to go to court.

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