

Once a child turns 18, they are legally an adult who has, by law, the right to make their own decisions. If your child has difficulty making or communicating their decisions, the law can take away or limit their rights to make decisions by giving that right to someone else. This is called **GUARDIANSHIP**.

ALTERNATIVES TO GUARDIANSHIP



A court appoints the guardian – it could be a family member, friend, or complete stranger. Guardians' decisions involve personal needs, finances, and property. This impacts where the person lives, works, vacations, how they spend their money, even what clothes they'll wear.

In short, guardianship takes away your child's rights and does **NOT** guarantee your child will get the services, supports, or finances they need to live the life they want.

*Guardianship is the **MOST RESTRICTIVE** form of surrogate or substitute decision-making; it gives someone complete control over a person's life.*

ALTERNATIVES TO GUARDIANSHIP

There are less restrictive alternatives to guardianship. These options may provide less protection, so seeking legal consultation is recommended.

REPRESENTATIVE PAYEE OR AUTHORIZED REPRESENTATIVE

A person appointed by the Social Security Administration to receive and manage your child's SSI benefits. The payee, which can be a parent, must follow strict rules when overseeing your child's money.

Understanding alternatives to guardianship before your child turns 18 is critical. We all have friends, family and others – our support circle - who we value, trust, and turn to when making big decisions. Your child needs help in establishing their own circle so they can live as self-determined a life as possible.

POWER OF ATTORNEY

Authorizes one to act on another's behalf. A Power of Attorney can be limited or general. Limited focuses on a specific matter such as medical care; general allows the designee to act on a wide variety of decisions. Powers of attorney can be changed or withdrawn at any time.

CONSERVATORSHIP

Similar to guardianship in that a court appoints a conservator who has the same powers as a guardian. The difference is that there is no finding of your child being incompetent like there is in a guardianship hearing.

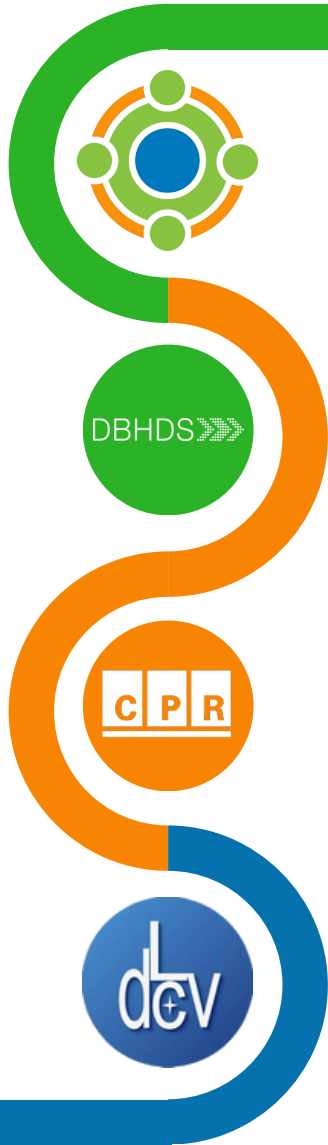
TRUSTS

Provide a way for parents, family, and others to make money or assets available for the benefit of your child without putting qualifications for public assistance such as SSI and Medicaid at risk. A trustee will work closely with your child to identify their needs to best utilize the trust funds.

SUPPORTED DECISION MAKING AGREEMENTS

Are now formally recognized in Virginia as an alternative to legal guardianships. These agreements help your child document when they want support in their decision making, how they receive it, and who helps them.

MORE INFORMATION ABOUT ALTERNATIVES TO GUARDIANSHIP:



[Center for Family Involvement](#)



[Virginia DBHDS](#)



[Supported Decision Making](#)



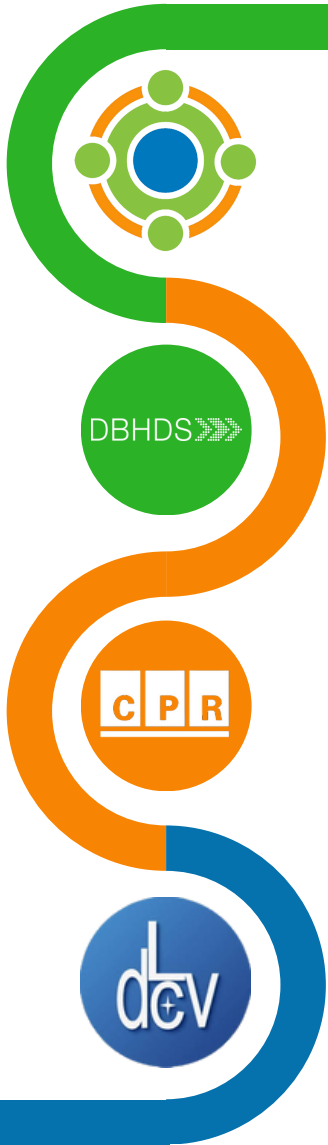
[disAbility Law Center of Virginia](#)



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**MORE INFORMATION ABOUT
ALTERNATIVES TO GUARDIANSHIP:**



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