3 Minute Webinars: Guardianship Myths

Lucy Beadnell, The Arc of Northern Virginia

74% of the funding for this product was provided by the Virginia Board for People with Disabilities under the federal Developmental Disabilities and Bill of Rights Act. For more information on the Board, please contact:

Virginia Board for People with Disabilities, 1100 Bank Street, 7th Floor, Richmond, VA 23219, (800) 846-4464, or visit the Board’s website
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/

2. National Resource Center for Supported Decision Making-
   http://supporteddecisionmaking.org/

3. Center for Public Representation-
   https://supporteddecisions.org/
Learn More About The Arc of Northern Virginia

• Visit us online
• Ask us a question online

• Find our Transition POINTS
guides and tool kits online
  • Early Intervention
  • Special Education
  • Securing a Future
  • Entering the World of Work
  • Finding a Home
  • Aging with a Disability