

Common Myths about Guardianship

MYTH

I was told I had to get guardianship

- Parents are never mandated to get guardianship when their child turns 18
- There are several alternatives to guardianship, like Supported Decision Making, that are free or low cost AND protect the rights of the person with a disability

MYTH

All people with DD need guardians

- The overwhelming majority of people with developmental disabilities (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 are determined to be inappropriate for the individual

MYTH

If I'm not the guardian, no one will talk to me

- Powers of Attorney (POAs) or a signed consent to exchange information can be executed to allow anyone to be in the room whom the person with a disability wants there
- POAs can be customized to detail who should be involved and how they are to be included

MYTH

Guardians prevent people from being abused

- 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

MYTH

It won't hurt to put guardianship in place

- Guardianship is expensive and restricts rights, including the right to vote, 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.

MYTH

If I am the 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

MYTH

People with guardians can't be financially harmed

- If money is taken away in a scam, guardianship does nothing to recover those lost funds
- Low cost tools like POAs, Special Needs Trusts, and ABLE Accounts can protect money and assets without removing rights

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