

Guardianship is a legal proceeding where a court appoints someone (“guardian”) to make decisions on behalf of someone who has been determined by the court to be incapacitated (“ward” or “protected person”). There are several types of guardianship and alternatives to guardianship. The Indiana State Guardianship Association and the National Guardianship Association agree that alternatives to guardianship, including supported decision making, should be considered before beginning guardianship proceedings.

Supported Decision Making is an alternative to guardianship where a person selects supporters to assist the person in the decision-making process. It is a process of supporting or accommodating an adult in the decision-making process to promote greater self-determination. Supported Decision Making agreements can be as general or specific as the individual chooses and can cover a wide range of topics including, but not limited to, medical, financial, government benefit, and educational matters.

Health Care Representative can be an alternative to guardianship. An individual may appoint a health care representative if there are concerns that at some time the individual may lack the ability to make decisions regarding his or her health. The health care representative can then make these decisions on the individual’s behalf. A person must be competent to enter into a health care representation form, and it can be withdrawn by the individual at any time if he or she is competent to do so.

Power of Attorney can be made by someone who is competent as an alternative to guardianship. It is a written notarized directive from one person to another delegating authority to another person to make certain decisions. Power of Attorney can be as general or specific as the individual chooses and can cover a wide range of topics including, but not limited to, medical, financial, government benefit, and educational matters.

Limited guardianship allows for the appointment of someone as guardian over only the portion of a person’s life where the person is both incompetent and has a need. For example, there might be a limited guardian appointed for medical or financial purposes only. This is the least restrictive form of guardianship and should be utilized whenever possible.

Guardian of the Person oversees the proper living condition and medical treatment for the protected person.

Guardian of the Estate oversees and manages the financial affairs and property of the protected person.

Plenary Guardian, often called a Full Guardianship, is both Guardian of the Person and the Estate and is appointed to make all decisions on behalf of a Protected Person.

Co-Guardianship is where two or more people are appointed to act as guardian for someone at the same time.