



COVID-19 Vaccine and Guardianship

What is a guardian?

There are many ways to support individuals in their decision-making. Following the consideration of all available less restrictive alternatives, such as Supported Decision-Making and Power of Attorney, a court may determine that an individual is “legally incapacitated.” Then, the court may decide to appoint a guardian.

A guardian is a person or entity responsible for the care and protection of the person and/or that person’s property. An individual under guardianship may be referred to as a “ward” or “protected person.”

A “guardian of the person” can typically make decisions about matters that directly impact the protected person, such as health care and where the person lives. A “guardian of the estate” can typically make decisions about the protected person’s money and property. In Indiana, the vast majority of guardianships are “plenary guardianships,” meaning that the guardian has authority over both the person and estate.

A guardian should respect the choices of the individual under guardianship and encourage them to exercise and develop their independence. Having a guardian does not mean an individual can no longer make decisions. Someone under guardianship should still participate in and make decisions about their life to the fullest extent possible. This participation includes decisions about health care and vaccines.

What is the COVID-19 vaccine?

The Federal Drug Administration (FDA) has approved several vaccines as generally effective at protecting recipients from severe disease and death caused by the COVID-19 virus. These vaccines are often available at clinics and pharmacies throughout the community.

Equity Through Advocacy

The Protection and Advocacy System for the State of Indiana



Is the COVID-19 vaccine safe?

According to the Centers for Disease Control and Prevention (CDC) and the Indiana Department of Health (IDOH), the COVID-19 vaccine is safe, effective, and available. You can check credible sources, like the [CDC](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety-of-vaccines.html) (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety-of-vaccines.html>) and [IDOH](https://www.in.gov/health/) (<https://www.in.gov/health/>) for further information.

Do I need my guardian's permission if I want the COVID-19 vaccine?

If your guardian has been appointed to oversee your person (i.e., healthcare, where to live), your medical provider may require your guardian to provide their consent for you to receive the vaccine.

If your guardian has only been appointed to oversee your estate (i.e., money and property), neither your medical provider nor anyone else can require your guardian's consent for you to receive the vaccine.

What if my guardian will not let me get the vaccine?

If you want to be vaccinated and your guardian won't let you, you can call Indiana Disability Rights (IDR) to talk about your options. As a last resort, you can ask the guardianship court to order that you be permitted to receive the vaccine.

If you feel you no longer need or want a guardian, you can learn more about your options by visiting <https://www.in.gov/idr/sdm/>, or calling IDR at 800-622-4845.