

Improving lives THROUGH
supports and services
THAT FOSTER self-determination.

MO DDD & You: Alternatives to Guardianship Project

Information for Individuals & Families

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May 23, 2023
12:30pm-1:00pm



Webinar Agenda



- Introductions
- About the Project
- Guardianship, limited Guardianship, and Conservatorship
- Other options and alternatives to Guardianship
- Questions

ALTERNATIVES TO GUARDIANSHIP

**AND OTHER RESOURCES TO SUPPLEMENT
ALREADY ESTABLISHED GUARDIANSHIP**

A LITTLE ABOUT US.....



- **A little about myself and Hulme Resources Inc**
- **A background on the MODDC Alternatives to Guardianship Project**
- **What's the latest in Missouri re: legislation, investigations, future changes**

WHAT IS GUARDIANSHIP?

Guardianship is a legal process where a Judge takes away a person's rights to make decisions – like where to live, whether to work, who to spend time with, and what kind of medical care to get – and gives them to someone else.

WHAT IS LIMITED GUARDIANSHIP?

A limited guardian is a person whose powers as guardian are limited by the court to certain functions, purpose.

WHAT IS CONSERVATORSHIP?

Conservatorship is similar to guardianship, but differs in that it deals only with the financial affairs of an individual.

IT'S IMPORTANT TO KNOW

Before pursuing guardianship, it is important that you consider whether guardianship will achieve the outcome you desire.

Guardianship is not a quick fix!



WHAT ARE OTHER OPTIONS?

Alternatives to guardianship may allow individuals to hold on to some or all of their rights.

They include:

- **General Supports** – natural, unpaid, and community resources and may include family, friends, and advocacy organizations.
- **Decision-Making Supports** – create legal documents (such as Power of Attorney) giving authority to someone on behalf of the individual in certain areas.
- **Money Management Supports** – help manage financial obligations and avoid exploitation. These supports include such things as joint bank accounts and trusts.
- **Personal Safety Supports** – are useful for individuals at risk for being abused/neglected by an intimate partner, spouse, family member, personal assistant or caregiver.

ALTERNATIVES

- Missouri's statute on guardianship updated its language to include that *least restrictive alternative* to guardianship be explored prior to filing for guardianship.

Missouri Statute says that an individual should be offered:

- The least restrictive form of guardianship assistance, taking into consideration the individual's functional limitations, personal needs, and preferences;
- As a least restrictive alternative to guardianship, Supported Decision-Making (SDM) is one approach that is supported by both national and local efforts.

SUPPORTED DECISION MAKING

Supported decision making (SDM) is **a tool that allows people with disabilities to keep their decision-making capacity by choosing supporters to help them make choices.**

A person using SDM selects trusted advisors, such as friends, family members, or professionals, to serve as supporters.

WHAT IT IS....

- A supportive practice that presumes the capacity of people with disabilities
- A skillset that can move and grow with the person with disabilities
- Voluntary
- A way to help someone come to their own decision about what they feel is best for their own lives
- A practice that allows each person a right to risk, make mistakes, and learn from them

WHAT IT ISN'T....

- A way to presume the incompetence of a person with disabilities
- A prescriptive set of actions
- Ordered
- A way to coerce a person with a disability into making a decision that someone else thinks is best for them
- An opportunity to protect a person with disabilities from a perceived threat, even if they do not wish so be protected from this threat made

WHAT DOES SUPPORTED DECISION MAKING LOOK LIKE???

SDM will look different for everyone. It means finding tools and supports to help a person with a disability understand, make, and communicate her own choices.

Examples of these tools might be:

- plain language materials or information in visual or audio form
- extra time to discuss choices
- creating lists of pros and cons
- role-playing activities to help the person understand choices
- bringing a supporter into important appointments to take notes and help the person remember and discuss her options
- opening a joint bank account to manage financial decisions together

POWER OF ATTORNEY

- a financial POA, which allows someone to handle your financial or business matters, and
- a medical POA, which allows someone to make medical decisions on your behalf. (In Missouri, this document is called a "power of attorney for health care.")

MISSOURI REQUIREMENTS FOR POWER OF ATTORNEY

- **Mental Capacity for Creating a POA**

- The person making a power of attorney must be of sound mind. The exact contours of this mental capacity requirement are open to interpretation by Missouri courts. If you're helping someone make a POA and you're not sure if they meet the mental capacity requirement, you should consult a lawyer.

- **Notarization Requirement**

- To make a power of attorney in Missouri, you must sign your POA in the presence of a notary public. In addition, many financial institutions will not want to rely on a POA unless it has been notarized—a process that helps to authenticate the document.

HOW ABOUT IF GUARDIANSHIP IS THE BEST OPTION?

- You can **STILL** use Supported Decision Making!
- You can use SDM for situations that an individual wants some or all of their rights restored

QUESTIONS?

REACH OUT TO US!

info@hulmeresources.com

<https://alternativestoguardianship.com/whats-new.html>

<https://hulmeresources.com/>

We can provide short or long term supports on this topic through a Medicaid Waiver, Autism Project Funding, and our MODDC grant project funding.

Mark your calendar now!

The next “MO DDD & You” webinar is
scheduled for

June 27, 2023
12:30pm-1:00pm