

Guardianship and Conservatorship

For individuals with developmental disabilities and their families



What is Guardianship?

Guardianship is when a court appoints someone to help make decisions for a person who can't make those decisions on their own. There are three different types of guardianship:

1. Full Guardianship

A full guardian makes all major decisions about the person's life, like where they live and their health care.

- **Pros:** It ensures someone is always there to make important decisions.
- **Cons:** The person may lose the ability to make their own decisions.

2. Limited Guardianship

A limited guardian is in charge of specific areas, like making medical decisions, while the individual keeps control over other parts of their life.

- **Pros:** The person can still make some of their own choices.
- **Cons:** The person still loses some independence in the areas covered by the guardian.

3. Temporary Guardianship

This type is for short-term situations, like during an emergency.

- **Pros:** Provides quick support when needed.
- **Cons:** Only helps for a short time and may not be enough for ongoing needs.

What is Conservatorship?

Conservatorship is when a court appoints someone to manage a person's money or property if they can't do it themselves.

- **Pros:** Ensures the person's finances are managed and protected.
- **Cons:** The person loses control over their finances, and it involves ongoing court supervision.

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Comparing Guardianship and Conservatorship

Similarities

- Both involve a court choosing someone to help an individual who may need support with decisions.
- Both can limit the person's ability to make their own decisions.
- Both aim to protect the individual's safety and well-being.

Differences

- Guardianship often involves personal care decisions (such as health and daily life). Conservatorship focuses on managing finances and property.
- Guardianship can be either full or limited. Conservatorship usually focuses only on financial matters.

When More Support is Needed

There are times when guardianship or conservatorship may be necessary to keep someone safe, especially if they can't make important decisions on their own. We suggest looking at all options and choosing what helps the person most while respecting their dignity.

The Council's Approach: Explore Alternatives First

As a council, we believe in exploring other options that support independence first, before seeking guardianship or conservatorship. Some examples include:

- **Supported Decision-Making (SDM):** The person makes decisions with help from trusted people.
- **Power of Attorney (POA):** Someone can help make specific decisions, like handling finances or health care, without taking away all rights.

These options help keep individuals in control of their own decisions while getting the support they need.

Contact

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