

Information for Courts on Alternatives to Guardianship

Vermont Legal Aid, Green Mountain Self-Advocates, the Office of Public Guardian, and the Vermont Agency of Education are working to promote viable alternatives to involuntary guardianship for adults with disabilities over whom guardianship may traditionally be sought. While there are instances where guardianship may be necessary, the significant curtailment of liberty resulting from the imposition of involuntary guardianship requires that alternatives to involuntary guardianship always be fully considered.

Why Should Alternatives to Guardianship be Considered?

- Statutorily required under 14 V.S.A. § 3063(8).
- Guardianship removes an adult's legal right to make decisions about his or her life and transfers that right to someone else. It significantly deprives a person of his or her individual liberty under both the Vermont and United States Constitutions.
- Taking away a person's decision-making power can have a significant negative impact on their physical and mental health, longevity, and ability to function, as well as on their overall well-being.
- Studies have repeatedly found that people with disabilities who exercise greater control over their lives have greater independence, employment, and quality of life.

What Alternatives to Full Guardianship Exist?

- Supported decision-making
- Health care proxies
18 V.S.A., Chapter 231
- Representative payees
42 U.S.C. §1007
- Durable powers of attorney
14 V.S.A., Chapters 121 and 123

- Voluntary guardianship
14 V.S.A. §2671
- Limited involuntary guardianship
14 V.S.A. §3069(c)

What is Supported Decision Making?

- Supported decision-making (SDM) is an umbrella term for a range of models, both formal and informal, which allow an individual with a disability to retain the final say in her or his life. Under supported decision-making models, adults with disabilities get help in making and communicating decisions, while retaining control over who provides that help.
- The person's "supporters" can help the person make and communicate decisions in the same areas of life that a guardian would, including education, financial, and medical decisions. Importantly, the person with the disability makes the final decision, not those supporting him or her.

For more information and resources on supported decision-making go to
www.gmsavt.org

Revised 5.31.18

The Vermont Supported Decision-Making Partnership

Green Mountain Self-Advocates, the Vermont Agency of Education, the Vermont Office of Public Guardian, and the Disability Law Project of Vermont Legal Aid, Inc.

These materials were developed with support from the Vermont Developmental Disabilities Council and Disability Rights Vermont