

Alternatives to Guardianship

Durable Power of Attorney

A legal document that allows an individual (the Principal) with sufficient capacity to appoint another person (the Attorney-In-Fact) to handle some or all financial affairs and real estate transactions. Durable means it continues to be effective after the Principal becomes incapacitated or incompetent.

Health Care Power of Attorney

A legal document that allows a competent individual (the Principal) to appoint another person (A Health Care Agent) to make medical decisions in the event of incapacitation or incompetency.

Living Will/Advance Directive

A Declaration that a person desires to die a natural death. A Living Will gives medical professionals permission to withhold or withdraw life support systems under certain conditions.

Special/Supplemental Needs Trust

A trust established to provide benefits for a beneficiary without causing the beneficiary to lose public benefits such as Supplemental Security Income (SSI) and Medicaid.

Bank Accounts

ABLE Accounts: Designed to hold funds for the benefit of a person with a disability. The disability must have been diagnosed before age 26. Funds up to \$100,000 deposited into this type of account will not count toward a disabled person's eligibility for government benefits.

Bank Accounts

Joint Bank Accounts, Direct Deposit, and Automatic Bill Pay: Most banking institutions can assist in establishing Joint Bank Accounts, Direct Deposit, and Automatic Bill Pay to help ease concerns about money management.

Social Security Representative Payee

The Social Security Administration selects a person or organization (Representative Payee) to receive and manage benefits on behalf of a beneficiary who is determined incapable of managing Social Security benefits.

Main responsibilities of the Rep. Payee are to:

1. Use the benefits to pay for current and foreseeable needs of the beneficiary;
2. Save any benefits not needed to meet current needs;
3. Keep records of expenses; and
4. Provide SSA with an annual accounting.

Supported Decision-Making

Reflects the belief that all individuals are able to make decisions; and while some decisions are complex, they can be made with proper support. The person with a disability chooses who will help him/her make decisions. The supporter may give advice, but does not make the final decision. Supported Decision-Making promotes self-determination, control, autonomy, and fosters independence.

