Getting Support with Adult Decisions: Alternatives to Guardianship

Once you turn 18, the law says you can make your own choices. If you would like or need help making decisions beyond 18, this fact sheet outlines some of the options besides guardianship.

Can I get help without having a guardian?

Yes! You can give an authorized representative authority to express your interest in certain situations or make specific decisions on your behalf. In order for someone else to make a decision for you, you need to give them legal permission. A power of attorney is a legal document where you give someone you trust the right to make certain decisions for you (utcourts.gov/howto/family/power_of_attorney_general/index.html). For example, you can give them the right to make medical or financial decisions, or both. Something to keep in mind when considering a power of attorney is that while a judge can enforce it, a court can’t make sure it’s followed all the time.

Alternatives for Medical Decisions

Through the Health Information Portability and Accountability Act (HIPAA), you can give your doctor permission to share information with whom-ever you’d like, including your family or friends. If you want a family member or friend to make some or all of your medical decisions, you can create a medical power of attorney. You can also sign an Advance Directive (ucoa.utah.edu/directives/), which tells your doctor and others what to do or who you want to make decisions for you if you can’t. You can change or end it whenever you want. There’s also something similar called a Declaration for Mental Health Treatment (nrc-pad.org/images/stories/PDFs/utahpadform.pdf), which can be used if you’re in crisis and can’t express your wishes. If you can’t make your own medical decisions and you don’t have an advance directive or medical power of attorney, certain family members can make those decisions for you, including a spouse, adult child, parent, or adult sibling.

Since you are the patient, the doctor must tell you the risks and benefits of a treatment, other available treatments and what happens if there is no treatment. If you’re unable to make a decision, a person with legal authority or a close relative can make healthcare decisions.
Alternatives for Financial Decisions

To better manage your money, you can use direct deposit and automatic bill pay. If you want someone to help you, you can open a joint account, create a financial power of attorney, or establish a special needs trust. You can learn more about special needs trusts at: specialneedsalliance.org/the-voice/two-different-types-of-special-needs-trusts/

Alternatives for Education Decisions

You can invite anyone you want to be part of your Individualized Education Program (IEP) team. You can also create a power of attorney for education, if you’d like someone to make some decisions for you.

Other Alternatives

For help choosing where and/or with whom to live, talk about your desires and options/choices with someone you trust, such as your circle of support, an independent living center (usilc.org/il-centers), or your case manager/support coordinator. Don’t forget to ask how you can get help with rent or applying for Public Housing Assistance (hud.gov/states/utah/renting/hawebsites).

You can learn about social skills, safety awareness, and healthy relationships with others through self-advocate groups, independent living centers, or community support groups, etc. This can include information on romantic relationships. Learning more about or taking steps to use one or more of these tools can be a goal in your person-centered support plan (PCSP). You have the right to invite people to the meeting who will support you in advocating for the services you need to be independent. You can also write new choices into your PCSP.

A model gaining popularity across the country is Supported Decision-making (SDM). SDM is when trusted friends, family, and/or professionals agree to help you understand situations and choices in your life. SDM is how most people make daily decisions. You can practice role playing and talking about what your needs and desires with someone you trust. You can also find facilitators to assist you in making decisions. However, there’s no way to enforce an SDM agreement in Utah yet. To learn more, visit supporteddecisionmaking.org and supporteddecisions.org.

Further Resources

The American Bar Association has a practical, online toolkit for SDM at this link: (americanbar.org/groups/law_aging/resources/guardianship_law_practice/practical_tool/). Even though the toolkit is designed for lawyers, it can help you, your family, and friends begin to talk about the kinds of decisions you can make for yourself, the times you might want some help, and areas you may feel comfortable leaving to others.

While it’s possible for you, your family, or others to do many of the things in this factsheet on your own, it’s a good idea to check with an attorney to make sure they’re done correctly. You can find one by looking for “Guardianship and Conservatorship” under “Estate Planning” at licensedlawyer.org. The Utah State Bar’s Modest Means program may also be able to help if you don’t have much money.

For more information about the guardianship process and alternatives, you can visit utcourts.gov/howto/family/gc/.

Our services are offered statewide and free of charge. Materials are also available in alternative formats such as audio, large print, Braille and Spanish.