

Informing Families *Building Trust*

A Partnership for Better Communication
on Developmental Disability Issues in Washington State

Supported Decision Making: Alternatives to Guardianship

Many people think that guardianship is the best way to help adults with intellectual/developmental disabilities make important decisions; however, guardianship restricts many of the individual's rights and is often not necessary. In fact, Washington state's guardianship law requires considering alternatives first. Before petitioning for guardianship, make a list of your concerns, such as money management, self-care, safety, or exploitation by another individual, and consider whether one or more of the following is a better alternative to guardianship:

Representative Payee



A representative payee is an individual or organization appointed by a government agency (such as SSA) to receive government benefits on behalf of an individual who cannot manage his/her money.

When friends or family are not able to serve as payees, Social Security looks for qualified organizations to be representative payees.

The payee's responsibility is to use the benefits to pay for the current and foreseeable needs of the beneficiary and properly save any benefits not currently needed.

If you believe that your son or daughter is incapable of managing or directing the management of his or her Social Security or SSI benefits, call 1-800-772-1213 (TTY 1-800-325-0778) to request an appointment to discuss your concerns.

INFORMED CONSENT



If a person cannot make health care decisions by reason of mental incapacity, Washington law provides a way for someone else to make health care decisions on his or her behalf. The following persons can provide informed consent on behalf of the individual in the following order:

- ❖ The guardian or parent of a minor (under 18);
- ❖ An individual with durable power of attorney, including the authority to decide health care issues;
- ❖ Spouse;
- ❖ Adult children (over age 18);
- ❖ Parents;
- ❖ Adult siblings.

RESOURCES



informingfamilies.org
washingtonlawhelp.org
disabilityrightswa.org

POWER OF ATTORNEY



A power of attorney authorizes an individual to designate others to advocate on his/her behalf, including making medical and/or financial decisions.

Unlike a guardianship (authority from the court) or a payeeship (authority from the funding source), a power of attorney is given authority by the individual. An individual can sign a valid power of attorney document if s/he has the capacity to understand what the document says.

SPECIAL NEEDS TRUSTS



Supplemental (aka *Special Needs*) trusts, such as the [Developmental Disabilities Endowment Trust Fund](#), provide oversight and management of money held in the trust.

A special needs trust ensures that the individual's resources are spent for the benefit of the individual.

VULNERABLE ADULT PROTECTION ORDER



A Vulnerable Adult Protection Order (VAPO) can protect an adult with a mental or physical disability who is victimized by abandonment, abuse or financial exploitation.

A VAPO may be a good alternative to guardianship, for example, if an interloper "moves in" with a person with a disability and starts taking their food and money. A VAPO may provide quick access to orders protecting him/her from further abuse or exploitation, even if the individual is unwilling to seek help.

Mandatory forms to use for these cases are on the court website:

<http://www.courts.wa.gov/forms>