

Learn About Adult Guardianship

1 Adult guardianship is a formal legal process in which a court decides that an adult is “incapacitated” and appoints someone else—a “guardian”—to act on their behalf.

In Massachusetts, “incapacitated” means the adult has a diagnosed condition that makes them unable to make or communicate decisions necessary for their physical health, safety, or self care - even with help.

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3 Because guardianship limits a person’s legal right to make their own decisions, courts must first decide whether less restrictive options - like Supported Decision-Making, Health Care Proxies, and Powers of Attorney - can meet the person’s needs instead.

The court decides what decision-making authority a guardian has. For example, it may decide that a guardian can make medical, educational, financial, and/or other decisions for the person.

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5 The court can limit the guardian's authority and decide that the person can still make some decisions for themselves. This is called limited guardianship.

When making decisions, the guardian should encourage the person to participate in the decision-making process. The guardian must also consider the person's expressed wishes and otherwise act in the person’s best interest.

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7 Guardianship involves on-going court oversight. The court can change the guardian if it is not satisfied with their actions. Only the court can change or end a guardianship.

Sometimes service providers say that guardianship is the only option to choose, but that is not true. Families should be told about all the options, including less-restrictive alternatives.

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If you are interested in learning more, contact us to register for the next event



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