



Guardianship is Not the Only Option:

Supporting Decisions in Adulthood



Center for Public
Representation



WELCOME

- Presenters
 - **Michael Degloria, Jr.**, navigating ADHD
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 - **Keila Torres**, Conexiones Latinx-MA
 - **Meri Viano and Johana Rodriguez**, PPAL



Today's Topics

- What Happens at Age 18?
- What is Adult Guardianship?
- Why Think About Other Options First?
- What is Supported Decision-Making?
- What are Other Options in:
 - Education?
 - Health Care?
 - Finances?

What happens at 18?

- In Massachusetts, people become legal adults when they turn 18
- Under the law, they get to make their own decisions, regardless of whether or not they have a disability
- Schools call this “Transfer of Rights”



Journey in Mental Health

- Overnight change
- Create conversation early.... Get your child/loved one in the passenger seat sooner vs later
- Open dialogue and use motivational interviewing to have teaching, open communication with being involved as an adult.
- Respect that “Systems” often push family out of the care as soon as the young person turns 18.



PPAL Mantra: PRACTICE, PREPARE, PRESENT as a TEAM!

Meri Perspective: Supporter & Guardian

- Advocate for all individuals' rights– equity.
- Balance relationship with the child and enhancing communication.
- Navigate systems: healthcare, mental health, homecare support , and finance/housing support.
- Protect safety, plan for the future, encourage independence with Supported Decision–Making
- Carry curiosity, learning and teaching daily

“Every individual has the right to choose who walks beside them. Family involvement — not something systems get to control. When we elevate self-advocacy and family a we strengthen the whole journey. Because advocacy, empowerment, and self-direction solo acts — they’re a family business.”



Johana Perspective: Supporter



- **Advocate for Rights:** As a parent to parent, speak up for your child's rights using bilingual tools and cultural helpers who understand your family's background.
- **Build Strong Bonds:** Talk openly using your culture's stories, traditions, and language to grow trust and prepare them for big choices.
- **Guide Through Services:** Help navigate health care, mental health, home care, money, and housing supports that respect our cultural values and communities.
- **Plan Safely Ahead:** Keep our youth safe while encouraging Supported Decision Making, blending our family's cultural ways of support into adulthood planning.

"I am an everyday parent of children with special needs who advocate fiercely with cultural pride and balance. I fight through school systems to protect our children's safety, secure their future, and teach independence with Supported Decision-Making, carrying our family's unbreakable spirit forward, no matter what."

Main Legal Tools for Decision-Making in Massachusetts

- Supported Decision-Making
- Shared Educational Decision-Making Authority
- Health Care Proxy
- Durable Power of Attorney
- Delegation of Educational Decision-Making Authority
- Representative Payee
- Court-appointed Guardian or Conservator
 - Temporary Guardianship
 - Limited Guardianship
 - Conservatorship
 - Guardianship
 - Rogers Guardianship



What is Guardianship for Adults?

- **Different** than guardianship of a **child**
- A **formal legal process** where a **court** decides an adult is “**incapacitated**” and that someone else (a “guardian”) needs to be **appointed** to make all or some decisions for them.
- **Guardianship = Court**
- **Different kinds** in Massachusetts
 - Temporary
 - Limited Guardianship
 - Conservatorship
 - Guardianship
 - Rogers



What does “Incapacitated” Mean in Massachusetts?

The law defines an “incapacitated person” as an individual who:

- For reasons other than advanced age or minority
- Has a clinically diagnosed condition
- That results in the inability to receive and evaluate information or make or communicate decisions
- To such an extent that the individual lacks the ability to meet essential requirements for physical health, safety, or self care
- Even with appropriate technological assistance
 - Mass. Gen. Laws c. 190B § 5-101(9).

HOWEVER – Capacity is:

NOT “All or nothing” or based solely on diagnosis

What is Guardianship NOT?

- Guardianship is NOT the **only option** to consider
- Guardianship is NOT just a **piece of paper**
- Guardianship is NOT **all powerful**
- Guardianship is NOT a **guarantee of safety**
- Guardianship is NOT **without downsides**



Keila's Perspective: Supporter & Guardian



- Advocate for my child's rights, voice, and dignity
- Balance emotional support with legal responsibility
- Navigate systems: education, healthcare, and services
- Protect safety, plan for the future, encourage independence with Supported Decision-Making
- Carry both love and accountability every day

“A mother who is both a supporter and guardian walks a dual path – nurturing with love while making critical decisions to protect, empower, and secure her child's future.”

Why Explore Other Options First?

- **It's the law** – Least restrictive alternative doctrine
- Guardianship can be **time-consuming, complex, costly**
- Guardianship can be **difficult to end or change**
- **Decision-making is a learned skill**
- **Self-determination** is linked to better life outcomes



What Are Other Options?

- Supported Decision-Making
- Shared Educational Decision-Making Authority
- Health Care Proxy
- Durable Power of Attorney
- Delegation of Educational Decision-Making Authority
- Representative Payee
- And MORE!



What is Supported Decision-Making?



- People make their **own decisions**, with the **help** of **others** they pick and trust.
- Supporters provide **guidance** and **assistance**.
- The **person keeps** their **legal rights**.
- The person **builds decision-making skills** over time and learns from mistakes.
- It can be **formal or informal**.
- It is **flexible** and can change over time.
- It can be **used in any state**, including Massachusetts.

What is Supported Decision-Making NOT?

- It is NOT **someone else** making decisions for – and instead – of the person.
- It is NOT the person making decisions **alone**, without any help.
- It is NOT the person making decisions **only** if the supporters agree.
- It is NOT “one size fits all.”
- It is NOT **only** for people with **certain kinds of disabilities**

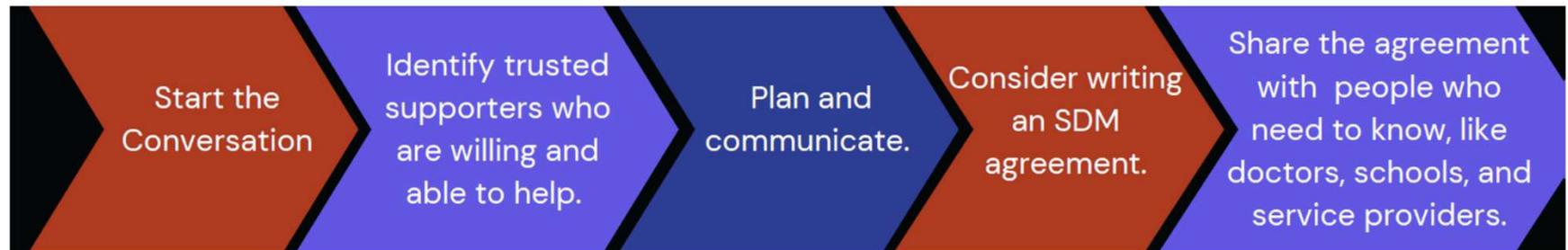


Common Questions about Supported Decision-Making

- Is it new?
- Who can use it?
- How is different from substitute or surrogate decision-making?
- Is it legal?
- Is it safe?



5 SUPPORTED DECISION-MAKING STEPS



Practice Tips for Supported Decision-Making

- Supporters work with the person to find out:
 - What are the person's goals?
 - What help does the person want and need?
 - Who does the person want to help?
 - How does the person want the help to be given?
 - What will it take to make their own decisions with support?
- Supports can also include:
 - Behavioral and mental health support
 - Communication aids
 - Personal supports
 - Educational resources
 - Written agreements or plans
 - And more!

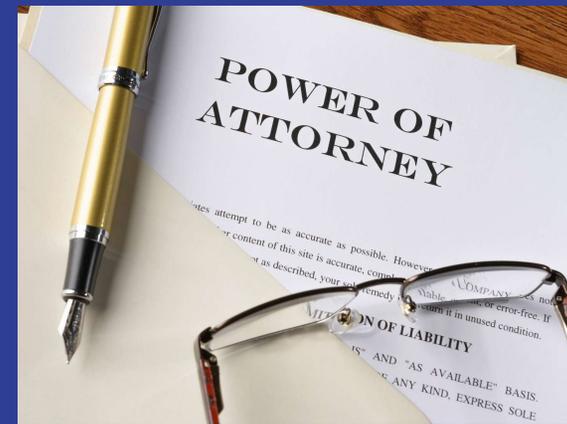




Mike's Perspective on Supported Decision-Making

Common Legal Tools to Use Along with Supported Decision-Making

- Release of Information Forms
- Health Care Proxy
- Durable Powers of Attorney





What are Other Options in Education?

- Supported Decision-Making
- Shared Educational Decision-Making
- Delegated Educational Decision-Making

Massachusetts IEP Form

DECISION-MAKING OPTIONS FOR STUDENT*

Complete for student who has turned 18. Please indicate the decision-making option that the student or court-appointed legal guardian has selected:

- The student will make their own educational decisions.
- The student will share decision-making with their parent, caregiver, or other adult.
Individual with whom the student will share decision-making: _____
- The student has delegated decision-making to their parent, caregiver, or other adult.
Individual to whom the student has delegated decision-making: _____
- A court has appointed a legal guardian for the student who will make educational decisions.

Name of court-appointed legal guardian:

Date of determination:

What Other Options in Health Care?

- Supported Decision-Making
- Health Care Proxy
 - Can include wishes and instructions for mental health care
- MOLST/POLST



Using Supported Decision-Making in Health Care and Mental Health Services

Perspectives of Parents & Supporters



Using Supported Decision-Making in Health Care and Mental Health Services

KEY TAKEAWAYS

- Recognizes the individual as the primary decision-maker
- Uses trusted supporters to understand options
- Promotes autonomy, dignity, and person-centered care
- Helps explain diagnoses, treatments, and risks in accessible ways
- Encourages collaboration between person, family, and providers
- Supports informed consent and shared responsibility





What Are Other Options in Finances?

- Supported Decision-Making
- Banking and Credit Options
 - Direct deposit
 - Automatic bill payment
 - Credit monitoring/freezes
 - Joint bank accounts
- Durable Powers of Attorney
- ABLE Accounts
- Joint Bank Accounts
- Representative Payees
- Trusts

Resources (1 of 3)

- <https://supporteddecisions.org>
- <https://www.wearemass.org/supported-decision-making>
- <https://www.conexioneslatinx-ma.org>
- <https://www.dlc-ma.org>



Resources (2 of 3)

Handouts:

- 1. PowerPoint Slide Deck**
 - Emailed after the session
- 2. Key Words to Know in Massachusetts**
 - <https://tinyurl.com/mesnredb>
- 3. Learn about Guardianship**
 - <https://tinyurl.com/r2wvux5t>
- 4. Learn about Supported Decision-Making**
 - <https://tinyurl.com/mpcessea>
- 5. Q&A about SDM for Parents, Family Members, and Supporters in Massachusetts**
 - <https://tinyurl.com/2zmuyhsr>



Resources (3 of 3)

Handouts (continued):

6. Getting Started with SDM in Massachusetts

- <https://tinyurl.com/yut7p4ep>

7. Resources and Forms for Massachusetts Residents

- <https://tinyurl.com/5n7f7f37>

8. Sample SDM Agreement Form and Instructions for Massachusetts Residents

- <https://tinyurl.com/4h8n6rcb>



Questions Now or Later

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- **Center for Public Representation**
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