



## Family & Self-Advocate Conversation Summary

February 9, 2023

12:30 p.m. CT/11:30 a.m. MT

### Topic: Guardianship & Alternatives

#### Resources Shared:

- Alternatives to Guardianship video found at: <https://drsdlaw.org/video/>
- Charting the LifeCourse Supported Decision Making worksheets found at:
  - <https://www.lifecoursetools.com/lifecourse-library/exploring-the-life-domains/supported-decision-making/>

#### Questions & Answers - Exploring and Establishing Guardianship:

Q: Are guardianship and conservatorship to separate things? If so, is it comment to have both?

A: *Guardian make decisions about everyday life, e.g., healthcare, services and supports, living arrangements, etc. Conservators make decisions that are financial in nature, e.g., spending money, savings, real property ownership, personal property management, etc.*

Q: If you choose one option can you ever change it and how?

A: *There are specific steps to obtaining a guardianship or conservatorship (and to remove it), such as providing documentation of the person's need for help making those types of decisions. Changes can be made once it's established, but it's important to think about what the person's needs are now as well as what they might need later. The Supported Decision Making tools linked above may help you think about what kind of help the person needs to make different kinds of decisions.*

Q: How do you find an attorney that helps you with this?

A: *If you aren't familiar with the attorneys in your local community, a starting point is to visit <https://findalawyerinsd.com/> and make reach out to explain the type of legal assistance you need. You may visit with a few attorneys before finding one that is a good fit for you.*

Q: What is the process if you want to pursue guardianship?

A: *The first step is to find an attorney and set up an appointment. One family member described their appointment as a friendly conversation during which they told the attorney about their child, why they were pursuing guardianship. The attorney will request documents like evaluations that show evidence of a disability or need for help making decisions and will draw up the paperwork and schedule the court hearing. An important part was talking to our son about it – a lot – to make sure he was okay with it and understood why we were seeking guardianship and that he'd still have lots of freedom to make decisions about his life. During the hearing, the judge asked him if he was okay with having a guardian and he said that he was.*



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Closing Comments:

- “Thank you for the stories. Those are so encouraging. I never wanted it to seem like I was taking something from him, but supporting him.”
- “I appreciated hearing other family's experiences and knowing there are more options now.”
- “Thank you for hosting this session.”