

# Guardianship and Alternatives: My Choice Kentucky

## Slide 1. 4<sup>th</sup> Thursday ADA Talks

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Hosted by:

University of Kentucky (UK) Human Development Institute, Syracuse University Burton Blatt Institute, Southeast ADA Center.

## Slide 2: Presenters

- **Laura N. Butler, MRC, MA**  
Human Development Institute, University of Kentucky
- **Jason Harris, MS**
- Artwork by: **Brittany Granville**

## Slide 3: Info about Legislation

- Legislation varies from state to state.
- Some states include alternatives in their legislation.
- Not a lot of education about process.
- Level of legal representation for the person varies.
- Laws about changing/ending guardianship also vary.

Web: [supporteddecisionmaking.org/in-your-state/](https://supporteddecisionmaking.org/in-your-state/)

## Slide 4: Guardianship and the ADA

- “The ADA guarantees that people with disabilities have the same opportunities as everyone else...” (ada.gov).
- Guardianship removes rights.
- People with developmental disabilities often end up in guardianship as soon as they turn 18.

## Slide 5: Guardianship Myths

- All people with disabilities and older adults need guardians in order to stay safe.
- People with disabilities and/or older adults must have a guardian in order for anyone else to access their school, medical, legal, and other records.
- Guardianship will protect people from financial, physical, and other abuse.

## Slide 6: Biggest Guardianship Myth: Guardianship = Absolute Power?

- Assure that the personal, civil, and human rights are protected.
- Statutory and Regulatory Framework
  - Start with premise that individuals should participate to the maximum extent of their abilities and act on their behalf when making choices/decisions.
  - Health, Safety, and Welfare
- Individualized

## Slide 7: More Guardianship Myths

Image: Screenshot of the document - [ARC Guardianship Myths \[PDF file\]](#)

Web: [thearc.org](http://thearc.org)

## Slide 8: Questions To Ask

- Look at the abilities of each individual.
- Can they take care of their own personal needs for physical health, food, clothing, or shelter?
- Can they manage personal financial resources?
- Are they going to be taken advantage of?
- Are there alternatives available?

## Slide 9: PRACTICAL Tool

- **P**resume
- **R**eason
- **A**sk
- **C**ommunity
- **T**eam
- **I**dentify abilities
- **C**hallenges
- **A**ppoint
- **L**imit

Image: Screen shot of text and checklists in the

[PRACTICAL Tool for Lawyers: Steps in Supporting Decision-Making](#)

Web:

[americanbar.org/groups/law\\_aging/resources/guardianship\\_law\\_practice/practical\\_tool](http://americanbar.org/groups/law_aging/resources/guardianship_law_practice/practical_tool)

## Slide 10: Transfer of Rights (IDEA)

### **Tips for parents, families, and caregivers regarding transfer of rights:**

- View transfer of rights as an opportunity.
- Use transition planning to build youths' decision-making skills.
- Practice decision-making with your youth early and often.
- Learn more about guardianship and alternatives.
- Consider guardianship only as a last resort.

## Slide 11: Guardianship Data

- How many?
- Who?
- Where?

### Slide 12: National Core Indicators Data

- Have a job
- Have meaningful relationships
- Make decisions about where they live
- Be included in their communities

#### Images

- Guardian: red arrow pointing down
- No Guardian: green arrow pointing up

### Slide 13: Options

- Full guardianship
- Limited guardianship
- Power of attorney
- Representative Payee
- Trusts & other financial options
- Supported Decision-Making

### Slide 14: Supported Decision-Making

The practice of working with people you trust such as friends, family members, providers and others, to get the information you need to help you make decisions.

Image: Logo for My Choice Kentucky.

### Slide 15: Everyone Uses SDM

- What should I have for dinner?
- Do these shoes match my outfit?
- What classes should I take?
- I don't understand the diagnosis my doctor gave me. Can you help me?

Image: A drawing of woman with curly brown hair with three thought bubbles above her head. The first bubble has a sandwich, the second bubble has a slice of pizza, the third bubble has sushi.

### Slide 16: Spectrum: Recipe for Success

Image: Spectrum two frame comic. Text in box 1- Gauging success based on level of independence. Text in box 2- Normalizing reality of life-long interdependence. Text under frame- Recipe for success.

Credit: A Girl Named Earl.

## Slide 17: What Type of Support is Accepted?

### “Normal”

- Technology
- Shared chores
- Mechanic
- Accountant

### “Divergent”

- Easy-read materials
- Shared housing
- Increased processing time

Image: An illustration of a nervous looking person preparing to step out of a green circle that says 'comfort zone'.

## Slide 18: Choice and Control

People deserve real choice, not the illusion of control.

This means being able to make fully informed decisions.

People need a way of asking question and sharing information.

This is all part of Person-Centered Planning.

Image: Drawing of two people talking. The person on the left of the text box is sitting on an exam table. The person to the right of the text box is a doctor.

## Slide 19: National Guardianship Association Statement

- Guardianship should be utilized only when lesser restrictive supports are not available. Alternatives to guardianship, including supported decision-making, should always be identified and considered whenever possible prior to the commencement of guardianship proceedings.
- Whenever guardianship is necessary to assist a person, the guardianship must be limited, allow the maximum retention of individual rights, and be customized to the individual needs of the person under guardianship.

Image: Logo for NGA: National Guardianship Association Statement.

## Slide 20: Addressing Safety

- Nothing including guardianship and supported decision-making is 100% "safe."
- Supported decision-making increases self-determination (Blanck & Martinis, 2015), which is correlated with **increased safety...**
- Women with intellectual disabilities exercising more self-determination are **less likely to be abused...**(Khemka, Hickson, and Reynolds, 2005).

## Slide 21: Resources and Tools

- [My Choice Kentucky](#)
  - Resource Guide
  - Support options document
- P&A [Guardianship](#) Book
- [PRACTICAL Tool](#)
- The Arc- Guardianship Myths
  - [Decision Supports](#)
  - [Guardianship Myths](#)
- [Center on Youth Voice/Youth Choice](#)
  - [Plain language documents](#)
- [National Resource Center on SDM](#)

Image: Silhouette of person with circles orbiting their head.

## Slide 22: Decisional Support Options

Images (2)

- Screenshot of the My Choice Kentucky decision-making options document.
- Screenshot of the Arc's decision-making supports document.

## Slide 23: Charting the LifeCourse

Images (3)

- Screenshot of the front page of the Starting the Life course Focus on Transition to Adulthood quick guide.
- Screenshot of the Charing the Life Course trajectory worksheet.
- Screenshot of the Charting the Life Course planning worksheet.

## Slide 24: Supported Decision-Making: Theory, Research, and Practice to Enhance Self-Determination and Quality of Life

First textbook on supported decision-making.

Image: Cover of the book titled Supported Decision-Making: Theory, Research, and Practice to Enhance Self-Determination and Quality of Life.

## Slide 25: Another Book on SDM

Supported Decision-Making: From Justice for Jenny to Justice for All!

- Jonathan Martinis & Peter Blanck with forward by Jenny Hatch
- Plain(er) language, easy to read information for using supported decision-making in different real-life settings.

Image: Cover of book titled Supported Decision-Making: From Justice for Jenny to Justice for All!

## Slide 26: Questions? (and Post Test Clue)

## Slide 27: Contact My Choice Kentucky

- Laura Butler  
Email: [laura.smith2@uky.edu](mailto:laura.smith2@uky.edu)  
Phone: (859) 218-5959
  - Camille Collins  
Phone: (502) 564-2967
- Web: [www.mychoiceky.org](http://www.mychoiceky.org)

Like us on Facebook! My Choice Kentucky

## Slide 28: Southeast ADA Center

**Phone:** 404-541-9001 or 1-800-949-4232

**E-mail:** [adasoutheast@syr.edu](mailto:adasoutheast@syr.edu)

**Web:** [adasoutheast.org](http://adasoutheast.org)

### Connect & Follow

- [Instagram @southeastada](#)
- [LinkedIn @southeast-ada-center](#)
- [Facebook @southeastadacenter](#)

## Slide 29: University of Kentucky (UK) Human Development Institute

**Web:** [www.hdi.uky.edu](http://www.hdi.uky.edu)

### Connect & Follow

- [Instagram @uk hdi](#)
- [YouTube @humandevlopmentinstitute8482](#)
- [Facebook @ukhdi](#)

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