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Myth vs Fact: Debunking Guardianship

Myth:

If a person has a disability, that means they need a guardian.

Fact:

The existence of a disability, by itself, is not a basis for guardianship.

Myth:

Guardianships are easy to undo.

Fact:

There can be many legal barriers that make it difficult to end a guardianship, even when everyone involved agrees it should end.

Myth:

Parents need to obtain guardianship of students when they turn 18 in order to stay involved in educational planning and other decision-making.

Fact:

Parents or other family members can continue to attend meetings and stay involved with educational and transition planning without obtaining guardianship as long as the student wants them involved.

Myth:

A guardian of an adult has as much power as the guardian or parent of a minor child.

Fact:

Adults subject to guardianship have more legal rights than children.

Myth:

Guardianship allows guardians to substitute their judgement in order to prevent individuals from making decisions they deem “unwise”.

Fact:

Guardians must make the decision the person would make, unless it presents a real danger to the person.