

MYTH

VS

FACT

debunking guardianship

DISABILITY
RIGHTS
MAINE 
www.drme.org

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.