

Alternatives to Guardianship for Adults with Disabilities

What is Guardianship?



Guardianship is when an adult cannot make safe choices about their health and living arrangements. This can happen if they have problems like developmental disabilities, brain injuries, or other disabilities. When a court picks someone to be the guardian, that person gets to make decisions about the person they're looking after, like their healthcare and where they live. There are many alternatives to full guardianship that are less restrictive and allows to retain more control over their decisions.

Remember



Plenary Guardianship: Full guardianship; severely limits the rights of an individual and is only considered a last resort.

Alternatives to Full Guardianship: May meet some individuals' particular needs.

Helpful Contacts



NM DDC / 505.841.4519
www.nmddpc.com/guardianship_program

Advocacy, Inc. / 505.266.3166
www.nmadvocacy.org/home

The Arc of New Mexico / 505.883.4630
www.arcnm.org/how-we-help/guardianship

DRNM / 505.256.3100 / drnm.org/get-help

What are the alternatives?

Limited Guardianship: The guardian's role is specifically outlined by the court and is less extensive. This allows the individual to retain some legal rights and make decisions.

Treatment Guardianship: Temporary, for 30 days to 1 year, for a person with a psychiatric diagnosis who is not able to make decisions as they enter into treatment care.

Emergency Guardian: May be appointed for up to 60 days when a person is not able to communicate what they need for a short time, such as for emergency medical care.

Conservator: May be appointed to manage a person's estate if they are not able to do so, but are able to manage their own healthcare and housing decisions.

Representative Payee: May be appointed by social security if someone needs help managing their Social Security benefits, but can manage other needs on their own.

Joint Account Holder: If a person is able to manage everything except their bank account, someone else may be added to the account in order to help manage that bank account.

Power of Attorney: Allows a person to designate someone they trust to act on their behalf.

Surrogate Healthcare Decision-Maker: Allowed to access medical files to make healthcare decisions only if an individual is incapacitated.