GuARDIANSHIP ALTERNATIVES INFORMATION NETWORK

A joint project of The Arc of Northwest Wayne County and The Arc of Western Wayne County, funded through a grant from The Widman Foundation.

GAIN, Guardianship Alternatives Information Network, exists to help people with disabilities and their families make good, informed decisions about guardianship and its alternatives.

There are many alternatives to guardianship, including the use of family and friends who are involved in the person’s life, other surrogate arrangements, and alternative legal documents.

If you would like more information or need assistance with alternatives to guardianship, please contact GAIN at 866-365-3231. You may also contact The Arc of Northwest Wayne County at 313-532-7915 or arcnw@aol.com, or The Arc of Western Wayne County at 734-729-9100 or info@thearcww.org.

If someone can get the person the services they need and want with the support of family and friends who are involved in the person’s life, there is no need for guardianship. The primary one is the guardianship. There are many alternatives to guardianship and its alternatives.

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GuarBuy's Guardianship is the legal process in which someone's rights to make decisions about their own life are removed. During this process, a court determines that someone is "legally incapacitated" and that it is "necessary" to appoint another person or entity to make decisions for them. This process can apply to older people, people with mental illness or people with developmental disabilities. Once a guardianship is imposed, certain fundamental rights may also be lost.

GAIN provides outreach and education about guardianship and alternatives to it, including outreach, information, referral, and education to people with disabilities and families on alternatives to guardianship. Often, people have concerns about doctors not listening to them if they do not have guardianship. If someone is on Medicaid, and cannot give their own consent, the law in Michigan states that their legal representative should be consulted. Most hospital policies in Michigan allow family members to consent for medical care under these conditions.

In addition, a Power of Attorney for Finances is a legal document that someone who has special needs trust can appoint someone of their choice to take care of their money. If someone has a special needs trust, the trustee is responsible for handling their money. In emergencies, hospitals have a duty to treat someone under guardianship, and many hospitals have policies that allow family members to consent for medical care under these conditions. If someone has a Power of Attorney for Health Care, they can appoint someone to make decisions about their medical care. In addition, under Michigan law, someone can designate a patient advocate to exercise powers concerning care, custody and medical treatment decisions. These usually cover end-of-life decisions.

People also have concerns about not being able to make financial decisions without guardianship. If a person needs help in paying their bills, banks provide automatic deposit and withdrawal services in which checks are deposited and bills are paid electronically. Also, someone can have a joint account with a trusted person who will be able to make deposits and write checks from the account for them. In addition, a Power of Attorney for Finances is a legal document that someone can use to appoint someone to take care of their money. If someone has a special needs trust, the trustee is responsible for handling their money. As a last resort, a conservator may be appointed by the court to allow someone to handle finances for another.

Parents who have a child with a disability often worry about who will look after their child when they are gone. The best way to make sure that someone else is looking out for their child's best interest is to plan now by setting up a special needs trust. That person is then responsible for using the money to provide for basic needs such as food, clothing, shelter and medical care for the beneficiary. If someone receives governmental benefits, and needs help handling their money, they can request someone else to act as Representative Payee. That person is then responsible for using the money to provide for basic needs such as food, clothing, shelter and medical care for the beneficiary.