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GUARDIANSHIP ALTERNATIVES

by Karri Axtell, J.D.

Did you know there are alternatives to a guardianship that may be appropriate for a child with a disability who is turning 18? Depending on the level of supports and services a person needs to remain as independent as possible, some of the following alternatives to guardianship may be appropriate:

- A supported decision making agreement that involves friends and family assistance. (See Texas Estates Code, Section 1357). *Karri Axtell has copies of the Texas statutory supported decision making agreement.*
- Appointment of a representative payee (See the Social Security Act, Section 807(a)).
- A durable power of attorney (See Texas Estates Code, Section 751.002).
- A joint bank account.
- A special needs trust that allows an individual with disabilities to have funds available for certain expenses while protecting eligibility for public benefits and access to care and services.
- A management trust (See Texas Estates Code, Ch. 867, Subpart N).
- Alternate forms of decision-making based on person centered planning. (This is a process directed by the person who has support needs, to identify the strengths, capacities, preferences, needs and desired outcomes). See Texas Estates Code, Section 1002.0015(9).
- Formal and informal “supports and services” that enable the person to meet their needs for food, clothing, or shelter, care for physical or mental health, manage financial affairs or to make personal decisions regarding residence, voting, operating a motor vehicle and marriage. (See Texas Estates Code, Section 1002.031.)
- A declaration for mental health treatment (See Civil Practices and Remedies Code, Ch. 137).
- Asset building accounts for individuals with disabilities under the Achieving a Better Life Experience Act of 2014 (ABLE Act).
- An advanced medical directive (See Texas Health and Safety Code, Ch. 166).

What if alternatives to guardianship are not appropriate given my child’s level of need?

Contact **Kirk Monroe with Brazos Bend Guardianship Services** for more information about the guardianship process. www.brazosbendguardianship.org or 281-232-7701.