

Guardianship FAQ

What is guardianship?

Guardianship is a legal process where a court appoints a person or organization (the guardian) to make personal and/or financial decisions for an adult who is deemed incapable of making those decisions for themselves, often due to age or disability.

Are allegations of abuse by guardians common?

It's difficult to determine how widespread the problem is, but there have been hundreds of allegations of physical abuse, neglect, and financial exploitation by guardians across the United States. These allegations highlight the vulnerability of individuals under guardianship and the potential for abuse within the system.

What are some common issues with guardianship oversight?

Several common issues contribute to guardianship abuse, including:

- Inadequate screening of potential guardians, sometimes leading to the appointment of individuals with criminal backgrounds or financial instability.
- Lack of proper oversight by the courts after a guardian is appointed, allowing abuse to continue undetected.
- Poor communication between courts and federal agencies, hindering effective intervention in cases of abuse.

What are some examples of guardianship abuse?

Cases of abuse by guardians vary widely, but some examples include:

- Embezzlement of funds intended for the ward's care, using the money for personal gain.
- Physical neglect, leaving the ward in unsafe or unsanitary living conditions.
- Sexual or physical abuse, exploiting the ward's vulnerability for personal gratification.

What steps are being taken to address guardianship abuse?

Efforts to address guardianship abuse include:

- Legislative initiatives to reform probate procedures and strengthen the rights of individuals under guardianship.
- Advocacy groups pushing for greater transparency and accountability within the guardianship system.
- Increased funding for investigative bodies to address complaints and ensure timely action against abusive guardians.

What are the challenges faced by families of individuals under guardianship?

Families often face significant challenges when a loved one is placed under guardianship, including:

- Being excluded from decision-making processes regarding their loved one's care.
- Facing legal battles and financial burdens to challenge guardianship appointments or regain guardianship rights.

- Experiencing emotional distress and frustration due to lack of communication and transparency from guardians and the courts.

Are there alternative options to guardianship?

Yes, there are alternatives to full guardianship, including:

- **Supported decision-making:** Enabling individuals to make their own decisions with the assistance of trusted individuals.
- **Limited guardianship:** Granting a guardian specific powers while allowing the individual to retain some decision-making authority.
- **Power of attorney:** Designating a trusted person to make decisions on the individual's behalf in specific circumstances.

What are the benefits of involving family members in the guardianship process?

Involving family members in the guardianship process can:

- Provide valuable insights into the individual's needs and preferences.
- Offer emotional support and advocacy for the individual under guardianship.
- Increase accountability and reduce the risk of abuse or neglect.