

Guardianship and Less-Restrictive Alternatives

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Less Restrictive Alternatives

- Supported Decision-Making Agreement (MN)
- Authorized Representative (i.e. Authorized Representative for Medical Assistance)
- Power of Attorney
- Health Care Directive
- Time limited guardianship
 - Guardianships in Minnesota are limited to 72 months if the individual is 30 years or younger
- Power limited guardianship

Full Guardianship

- Determining place of abode (where the person lives)
- Care, comfort, and maintenance (needs for shelter, nutrition, and access to services, including academic and vocational services)
- Reasonable care for personal effects (clothing and furniture)
- Medical or other professional care
- Approval or withholding of contracts
- Supervisory authority
- Accessing government benefits

Does a guardian have control over finances?

- No. Guardians only have control over personal life choices, not over financial decision-making.
- Different types of financial decision-making support include:
 - Joint bank accounts – A joint bank account can be a way for a person to still get support managing money after age 18. A caregiver can manage the account with the person.
 - ABLA Accounts
 - ABLA accounts are accounts that encourage and allow people with disabilities to save more of their own money.
 - ABLA accounts can hold up to \$15,000 a year (\$100,000 over a lifetime) without affecting a person's Supplemental Security Income (SSI) or Medicaid benefits.
 - Guardians can establish the account but cannot manage the funds.
 - Representative Payee
 - When a person gets Social Security benefits, a representative payee can help manage the funds. The Rep Payee manages the account where the Social Security benefits are deposited, receives the benefits on behalf of the person, and annually reports to the Social Security Administration. Rep Payees are expected to assist the person with protection from financial abuse and victimization.

Financial Decision-Making Support Continued

- Supplemental, Pooled, or Special Needs Trusts
 - Trusts are future planning tools. It is a way for a person to have a larger amount of money in their name, which is managed by a trustee, without the funds affecting eligibility for government benefits like Medicaid or SSI.
- Conservatorships
 - Conservatorships are a legal process which removes a person's ability to manage his or her money and estate.