

An Introduction to Less Restrictive Alternatives (LRAs) in North Carolina



Which is YOUR situation?

- ☐ A professional has encouraged you to seek guardianship of a family member or friend.
- ☐ You have found out that you must consider less restrictive alternatives (LRAs) before petitioning for guardianship in North Carolina.
- ☐ You are age 16 or 17 and someone has told you that you may need adult guardianship when you turn 18.
- ☐ You have been told that someone is seeking guardianship over you.
- ☐ You have a family member or friend who has a mental health condition or a traumatic brain injury and is having difficulty making decisions.
- ☐ You are currently under guardianship and wish to seek restoration of your rights.
- ☐ You have a family member or friend who has dementia.
- ☐ You have a family member or friend who is aging and you are concerned about their future.

Adult guardianship exists to protect our most vulnerable citizens
-- but **not all** need guardianship.

Less Restrictive Alternatives (LRAs) in North Carolina

Less Restrictive Alternatives (LRAs) are specific tools, resources, and strategies that can help support your autonomy and self-determination.

Supported Decision-Making is a least restrictive alternative.

Supported decision-making (SDM) is getting help from people you trust so you can make your own decisions about your life. Your supporters can be friends, family, or professionals. They help you understand situations and choices so you can decide for yourself.

"People with disabilities who used [supported decision-making] SDM showed increased independence, decision-making abilities, made better decisions, and had better quality of life."

Martinis & Beadnell, 2021

Examples of Areas Where You Might Want Support:

There are many areas where you might want support. With a supported decision-making plan, you choose people you trust to help you understand your choices, make decisions, and communicate them. You might have more than one support person, depending on the area.

Healthcare and Other Health Treatments:

- Understanding and making good choices about your medical, dental, and health-related treatment.
- Assisting you in selecting your doctor, dentist, therapist, and caregivers.
- Talking with your doctor, dentist, and other healthcare staff, as needed.

Finances:

- Making decisions about everyday purchases like groceries and clothes and big decisions like renting an apartment and getting a credit card.
- Understanding your finances, communicating how you want to spend your money, and interacting with bank staff.

Community Living:

- Making decisions about roommates, housing, shopping, social activities, transportation, and dealing with peer pressure.
- Understanding and talking with roommates, friends, bankers, shopkeepers, transportation providers, and others.

Safety:

- Understanding your rights, recognizing when you are being taken advantage of, and identifying the risks of some decisions.
- Recognizing signs of danger.
- Having close relationships and knowing how to be safe.
- Avoiding harm, dealing with bullying, staying safe, using social media wisely, and more.

What is guardianship?

Guardianship is a legal relationship in which one individual is given the authority by the court to make decisions on behalf of another individual who is unable to make and/or communicate decisions on their own.



Other Less Restrictive ALTERNATIVES to Guardianship

North Carolina law now requires that you consider less restricted alternatives (LRAs) first, and explain to the court why those alternatives were not sufficient before filing for guardianship. Below are examples of LRAs that you may wish to try.

Assistive and Adaptive Technology are two types of technology that help people with disabilities. *Assistive technology* is any tool or device that helps people with disabilities do things they find difficult. *Adaptive technology* changes regular tools or devices to help people with disabilities use them more easily. Both types of technology help people with disabilities live more independently.

Health Education teaches you how to get and stay healthy. Health Education can be about a specific health issue, like diabetes, or general topics like reproductive health, exercise, eating healthy, or handling stress. Health education teaches you how to make healthier choices and avoid getting sick or injured. The goal of health education is to help you be healthy so you can live your best life.

A Healthcare Power of Attorney (HCPOA) is a legal document that lets someone you choose make healthcare choices for you if you can't make them yourself. It explains what kind of healthcare you want and helps your HCPOA make decisions about your health just like you would. You can get a Healthcare Power of Attorney as long as you can tell your wishes about your healthcare, so it's a good idea to do it sooner rather than later. You can always change or update it if your wishes change.

A Living Will lets you say what kind of medical care you want at the end of your life. It is also called an Advance Directive. A Living Will is helpful if you can't talk about what you want. It doesn't work after you die.

A Psychiatric Advance Directive (PAD) is a legal tool that lets mental health professionals know what kind of treatment you want during a mental health crisis. In North Carolina, it's called an Advance Instruction for Mental Health Treatment. You can use it along with your Healthcare Power of Attorney. A PAD allows you to decide in advance if you want to agree to or decline certain psychiatric treatments. You can also choose someone you trust to make decisions for you based on your PAD if you're unable to decide for yourself.

A Power of Attorney is a legal document that lets someone you choose make decisions for you. A *General Power of Attorney* can do many things for you, like handle your money, buy life insurance, or hire help. A *Durable Power of Attorney* keeps working even if you get hurt or sick and can't make decisions.

Simple Financial Tools can help you use your money wisely. For example, a joint bank account allows another person to help pay bills and manage money.

A Living Trust is a legal document created by a person during their lifetime. The person who creates the Trust is called the Grantor. The Grantor appoints someone else, called the Trustee, to manage their assets. The Trustee handles the assets for the person who will eventually receive them, known as the Beneficiary.

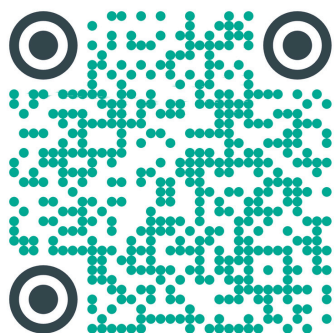
A Special Needs Trust is a type of trust for you, a person living with a disability. This trust gives you income. It lets you have this income while keeping your needs-based public benefits, like Supplemental Security Income (SSI) and Medicaid benefits.

An ABLE Account is a special kind of savings account that helps people with disabilities. The money you put in can grow without paying taxes. You can use the money to pay for things that help people with disabilities.

Representative Payee for Social Security is a program that helps you manage your benefits if you cannot manage your income payments.

The Veterans Affairs (VA) Fiduciary Program helps protect veterans and other beneficiaries who cannot manage their benefits on their own. You are a beneficiary if you receive benefits.

For the Rethinking Guardianship website with **LRAs Planning Hub**, use the following code:



For the updated **Supporting Choice LRAs Resource Guide** use the following code:



www.rethinkingguardianshipnc.org



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