Lutheran Social Service of Minnesota



Supported Decision-Making and Guardianship Options

Supported Decision-Making and Guardianship Monthly Webinars

Lutheran Social Service of Minnesota hosts recurring webinars every month to help you understand guardianship and alternative paths to guardianship for individuals who may need assistance in decision-making.

Guardianship to Supported Decision-Making to Restoration

Everyone needs support sometimes — especially when it comes to making big life decisions. This training helps individuals, families and supporters understand the different ways individuals can get help making choices.

We'll talk about supported decision-making, when guardianship might be needed, and how someone can regain their rights through restoration. Whether you're new to these topics or just want a clearer picture, this session will break things down in a simple, easy-to-understand way.

WHEN: 2nd Tuesday of each month | 1-2 p.m.

WHERE: Online via Microsoft Teams, a link will be sent to you once you register.

Guardianship: What It Is and What It Isn't

This training breaks down what guardianship really means in a simple, easy-to-understand way. We'll talk about what a guardian can and cannot do under Minnesota law and address common myths and misunderstandings.

Whether you're a family member, supporter or just curious, this session will help you feel more confident about what guardianship involves — and when it might (or might not) be the right option.

WHEN: 3rd Tuesday of each month | 1-2 p.m.

WHERE: Online via Microsoft Teams, a link will be sent to you once you register.

TO REGISTER for either webinar, contact Katie Hestness, LSS Supported Decision-Making Education Navigator

651.310.9424 | Email: Katie.Hestness@lssmn.org

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This project was supported with funding from the Minnesota Department of Human Services, Aging and Disability Division.

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SUMMARY OF RIGHTS WHILE UNDER GUARDIANSHIP

888.806.6844 | GuardianshipOptions.org

RESPECT

You have the right to be treated with dignity and respect and to be protected from descrimination.

PRIVACY

You have the right to personal privacy where not restricted by the court.

PETITION

There are various petitions that you have the right to file at any time. These include topics around place of abode or restoration of rights. You also have the right to legal counsel.

COMMUNICATION

You have the right to communicate with others as long as there is not a restriction in place.

OTHER AREAS OF LIFE

You have the right to control any areas of your life that the court has not assigned to your guardian.

PARTICIPATION

You have the right to participate in decision making and to voice your preferences. You have the right to participate politically by voting unless restricted by the court.

SERVICES

You have the right to have services provided to you that meet your needs to the best of your guardian's ability. This includes health, comfort, care, education and socialization.

HEALTH CARE DIRECTIVE

You have the right to complete a Health Care Directive if the court hasn't granted the guardian power over abode, care needs, or medical decisions.

FAMILY

You have the right to marry and procreate unless court approval is required.

*These rights are based on MN Statute 524.5-120 as of 12/12/2024.

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Guardianship: Less-Restrictive Options

Minnesota law says a judge cannot appoint a guardian unless other ways to support the person have been considered and tried. These are called less-restrictive options. They help the person keep as much independence as possible while still getting the help they need.

This worksheet helps you show what you've tried and if more support is needed.

If you have questions on how to utilize these options, you can call Katie Hestness, Supported Decision-Making Education Navigator, for consultation at 651-310-9424 or Katie.Hestness@lssmn.org.

1. Have you utilized assistance through technology? Examples include calendars, alarms, communication devices, etc.
   Yes ☐ No☐
   Did this meet the needs?
   Yes ☐ No☐

   Describe: _____
   _____
   _____

2. Are there any community or residential services? Examples include waiver supports, group home support, case managers, day programs, etc.
   Yes ☐ No☐
   Did this meet the needs?
   Yes ☐ No☐

   Describe: _____
   _____
   _____

3. Have you utilized informal supported decision-making supports? Examples include family, friends, etc.
   Yes ☐ No☐
   Did this meet the needs?
   Yes ☐ No☐

   Describe: _____
   _____
   _____

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4. Has a health care directive been completed and a health care agent named?
   Yes ☐ No☐
   Did this meet the needs?
   Yes ☐ No☐

   Describe: _____
   _____
   _____

5. If receiving social security funds, is there a rep payee?
   Yes ☐ No☐ N/A☐
   Did this meet the needs?
   Yes ☐ No☐

   Describe: _____
   _____
   _____

6. If receiving VA benefits, is there a VA fiduciary?
   Yes ☐ No☐ N/A☐
   Did this meet the needs?
   Yes ☐ No☐

   Describe: _____
   _____
   _____

7. Is there a special needs or supplemental needs trust established, if appropriate?
   Yes ☐ No☐ N/A☐
   If yes, did this meet the needs?
   Yes ☐ No☐

   Describe: _____
   _____
   _____

8. Is banking or bill-paying assistance being utilized?
   Yes ☐ No☐
   Did this meet the needs?
   Yes ☐ No☐

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Describe: _____

_____

_____

9. Has a Power of Attorney been established?
   Yes ☐ No☐ N/A☐
   Did this meet the needs?
   Yes ☐ No☐

   Describe: _____

   _____

   _____

10. Has an authorized representative been named for county benefits?
    Yes ☐ No☐ N/A☐
    Did this meet the needs?
    Yes ☐ No☐

    Describe: _____

    _____

    _____

11. Are there any other less-restrictive means that have been attempted?
    Yes ☐ No☐
    Did this meet the needs?
    Yes ☐ No☐

    Describe: _____

    _____

    _____

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10 POWERS OF GUARDIANSHIP*

THESE ARE POWERS ASSIGNED TO YOUR GUARDIAN UNLESS THEY HAVE BEEN RESTORED TO YOU.

888.806.6844 | GuardianshipOptions.org

1. ABODE

Your guardian helps you choose where you live to ensure that you are in a safe and supportive home.

2. CARE, NEEDS, AND COMFORT

Your guardian will do what they can to make sure you have the things you need — like food, clothes, medical care and social connections.

3. PROPERTY

Your guardian will help make sure your belongings (things like clothes, furniture, etc.) are cared for to the best of their ability.

4. MEDICAL CONSENT

Your guardian works with you to give consent for medical treatment and gives permission to doctors and other medical professionals so you can receive the care and support you need.

5. CONTRACTS

Your guardian has the authority to sign contracts that may affect you, like rental leases, credit card applications and more.

6. SUPERVISION

Your guardian can protect you by limiting your rights or access to people who may harm you.This happens when there are health or safety concerns.

7. BENEFITS

Your guardian can help you apply for and maintain public assistance and funding.

8. VOTE

Sometimes the right to vote can be restricted by the court, but unless specified by a court order, you retain the right to vote.

9. ABLE ACCOUNT

Your guardian can set up a special ABLE account for your money so you can qualify for benefits.

10. LEGAL PROTECTION

Your guardian can start legal proceedings on your behalf. They can represent you regarding concerns such as having any criminal records sealed, in cases of harassment and in any civil court proceedings.

*These 10 powers are based on MN Statute 524.5-313 as of 12/12/2024.

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