



Understanding Less Restrictive Alternatives

Introduction

The spectrum of less restrictive alternatives is broad, allowing for diverse approaches to address personal and financial needs without resorting to guardianship or conservatorship. Supported decision-making approaches, tools like Releases of Information, and community support can achieve desired outcomes without court intervention, preserving relationships and individual autonomy.

Less Restrictive Alternatives to Guardianship Examples:

Technological Assistance

Implementing devices like medication dispensers, alarms, and safety devices to enhance independence

Authorized Representative for Economic Assistance

Facilitating the application and maintenance of benefits on behalf of the person

Supported Decision Making

Collaborative decision-making involving the person, family, and providers, ensuring understanding and autonomy

Care or Case Management

Assessing needs, connecting to services, and ensuring access to essentials like food, shelter, and transportation

Release of Information

Granting consent for supporters to communicate with healthcare providers on behalf of the individual

Civil Commitment

In cases of mental health crises, civil commitment may be necessary initially, followed by an Advance Psychiatric Directive for future crisis care

Ethics Committees/Facility Policies

Relying on internal ethics committees or institutional policies for surrogate decision-making in the absence of a legal representative

Financial Management

Establishing mechanisms for ongoing payment of housing, utilities, and services

Health Care Directive

Appointing a healthcare agent or documenting medical preferences for future decisions

Less Restrictive Alternatives to Conservatorship Examples:

Supported Decision Making

Assisting with financial decisions, organizing paperwork, and supervising bill payments

Bank Tools

Leveraging tools like direct deposit, automatic bill payments, and co-signers for financial management

Authorized Representative for Economic Assistance

An individual appointed to secure and maintain benefits for healthcare and county services

Representative Payee

A trusted person appointed by the Social Security Administration to receive and manage income for necessary expenses

Power of Attorney

Appointing a trusted individual to manage finances, investments, and bill payments with legal guidance

Reminder

Exploring less restrictive alternatives is a legal mandate, emphasizing the importance of trying alternatives before pursuing guardianship or conservatorship.

Quick Facts/Takeaways:

There are almost no limits to the types of approaches, alone or in combination, available to meet a person's personal and financial needs without needing a guardian or conservator. Anything providers, community members, and family and friends do to help a person make decisions to get their personal needs met and care and necessities paid for is a success. This could mean being part of decision making conversations with the person and providers; attending appointments together; using tools such as Releases of Information; and working to gather helpful information or resources for the person. Using less restrictive alternatives can achieve much of what people hope to accomplish though guardianship without court intervention, keeping expenses down and preserving relationships. Most importantly, it enables the person to retain their right to self-determination.

For Further Assistance

For additional information or consultation, please contact the following VOA resources:

Center for Excellence in Supported Decision Making

☎ **Guardianship Information Line:** 952-945-4174
(toll-free 844-333-1748)

✉ **Email:** cesdm@voamn.org

🌐 **Website:** www.voamnwi.org/cesdm

Culturally Responsive Caregiver Support & Dementia Services

☎ **Phone:** 952-945-4034

🌐 **Website:** www.voamnwi.org/caregiver-support

Estate and Elder Law Services

☎ **Phone:** 612-676-6300

🌐 **Website:** www.voamnwi.org/estate-elder-law-services

