

Why Use Alternatives to Guardianship?

- **Maryland law requires** that there be “no less restrictive form of intervention available” before ordering a guardianship. Md. Code Ann., Est. & Trusts §13-705(b).
- **Alternatives rely primarily on families and close friends** who are generally considered preferable to public agencies and judges as substitute decision makers. While guardianships are filed in the circuit court and involve court employees, lawyers, and judges, alternatives are created and utilized more privately, and generally involve only a limited number of people.
- **Alternatives are considerably less expensive** than guardianship. In addition to avoiding the initial fees for obtaining a guardianship, alternatives also do not require the annual reporting, subsequent authorizations by the Court, or the financial accounting and posting of bond that is generally required of guardians.
- **Alternatives may increase a person’s ability to participate** in the decision-making process, increasing the person’s sense of control and **increasing cooperation with the decision**. Alternatives may also allow a person to **plan ahead** and to give direction to the future decision maker at a time that s/he is still able to do so.
- **Alternatives may actually give the substitute decision maker or the supporters for supported decision making broader independent authority** than guardianship orders which may continue to involve judicial oversight, especially regarding end of life decisions and financial transactions.
- **Alternatives can be used immediately**. Guardianship is a time consuming process. Often decisions, procedures, or access to funds are delayed for months while waiting for a guardianship proceeding to be completed.
- **Alternatives need not be adversarial**, while guardianship is designed as an adversarial proceeding.
- **Alternatives can be tailored** to address only specific decisions in a person’s life, eliminating guardianship’s broad limitations on decision-making in all areas of a person’s life, and/or provide the amount of support required for facilitating self-determination.

For more information on topics discussed in this fact sheet, contact
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