



A new Montana law may affect you, your family, your students, or the people you serve.

The law took effect October 1, 2021. It is called “An Act Requiring Consideration of Less Restrictive Alternatives in Adult Guardianship Proceedings”.

A guardianship is when someone else (the guardian) makes most or all of a person’s decisions.

The new Montana law recognizes that:

- People 18 years and older have the right to make their own decisions.
- Some people may need help to make certain kinds of decisions.

The law says that:

- The court can only approve a guardianship if other ways of supporting the adult to make decisions will not work.
- Even if the court approves a guardianship, the adult must still be encouraged to build their decision-making skills.

Examples of tools to support people to make their own decisions include:

- Educational or medical advocacy forms
- Financial tools (such as Joint bank accounts, direct deposit, and automatic bill paying)
- Technology (medication and appointment reminders, notetaking apps, etc.)
- Supported decision-making (individual chooses who to involve, such as friends, a family member or professional, to help them understand information and make decisions)
- Powers of attorney (legal documents that can be limited to one area or cover several, depending on the needs of the individual)

Tip:

Keep notes about what supports you have tried, whether they worked, and why or why not.

Important reminders:

- When we help other people make their decisions, we have to think about and respect what the person needs AND wants.
- We must not take advantage of the person or purposely harm them.
- Start teaching decision-making skills early. Offer lots of opportunities to practice those skills.
- Schools can help teach families about alternatives to full guardianship as part of the transfer of rights process.
- Guardianship is seen as a last resort, to be used only when absolutely necessary.

Tools to help you explore ways to support decision-making:

- PRACTICAL Tool for Lawyers: Steps in Supporting Decision-Making
https://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice/practical_tool/
- The Arc's Center for Future Planning
<https://futureplanning.thearc.org/>
- The South Carolina Supported Decision-Making Project Stop, Look, and Listen resources
<http://scsupporteddecisionmaking.org/resources/>
- National Resource Center for Supported Decision-Making
supporteddecisionmaking.org
- Charting the LifeCourse Nexus: Supported Decision-Making
<http://www.lifecoursetools.com/lifecourse-library/exploring-the-life-domains/supported-decision-making/>
- Montana Transition & Employment Projects: Alternatives to Guardianship
<http://transition.ruralinstitute.umt.edu/alternatives-to-guardianship/>
- Center for Public Representation: Supported Decision-Making
<https://supporteddecisions.org/>
- MHDD: Supported Decision-Making Online Course
<https://rise.articulate.com/share/bfRs8JazfHVRsazk9g2VqRKJc7RRbLCx#/>
- Supported Decision-Making Teams: Setting the Wheels in Motion
<https://health.ucdavis.edu/mindinstitute/centers/cedd/pdf/sdm-wheels.pdf>
- Disability Rights Ohio: What Are Some Alternatives to Guardianship?
https://www.disabilityrightsohio.org/assets/documents/guardianship_what-_are_some_alternatives_to_guardianship.pdf
- Skills and Strategies for Health Care Decision-Making with Children
https://scholarworks.umt.edu/ruralinst_early_childhood/8/

