Guardianship and autonomy

A court should not remove more legal personhood or decision-making power than circumstances require.

THE POSITION

A broad guardianship order can transfer control over a person's home, money, health care, relationships, and legal choices. That loss of civil standing should not be the automatic response to disability, age, conflict, or family concern. The law should begin with what a person can do, what they want, and their right to make choices with support. Full guardianship should be rare, narrow, regularly reviewed, and reversible when circumstances change.

Vermont favors less restrictive options. Virginia requires limited orders and review. Colorado recognizes supported decision-making. These laws show that the state can provide protection without taking away more freedom than necessary.

SOURCES

Vermont, Title 14, Chapter 111
Covers guardianship and alternatives that let people make decisions with support.

Virginia Code § 64.2-2009
Tells courts to consider less restrictive options and limit a guardian's powers to what is needed.

Colorado SB21-075
Addresses supported decision-making and alternatives to guardianship.

GENERAL INFORMATION

This guide gives general information, not legal advice or representation. Laws and deadlines vary by place and circumstance. Check current official sources before acting.