

Types of Support

Type (More to Less Restrictive)	What does it cover?	Who Makes Decision?	Role of Person	How to Modify or Terminate	Law
Guardianship – Full	All civil legal matters. Guardian is substituted decision-maker for adult. *Person under guardianship retains the right to vote.	Guardian(s).	Person has been adjudicated incompetent. Guardian’s discretion unless order is limited, Guardian should give preference to person’s wishes.	Petitioning of and approval by probate court (clear and convincing evidence that guardianship is no longer needed). Death of the person under guardianship.	Ind. Code § 29-3-1 <i>et seq.</i>
Limited Guardianship – Person	All matters relating to physical person – healthcare, education, community living, etc.	Guardian(s). Person retains right to make decisions in all areas not covered by the limited guardianship.	Person has been adjudicated incompetent. Guardian’s discretion unless order is limited. Guardian should give preference to person’s wishes.	Petitioning of and approval by probate court (clear and convincing evidence that guardianship is no longer needed). Death of the person under guardianship.	Ind. Code § 29-3-5-3 <i>et seq.</i>
Limited Guardianship – Estate	All financial matters - including application for and maintenance of public benefits.	Guardian(s). Person retains right to make decisions in all areas not covered by the limited guardianship.	Person has been adjudicated incompetent. Guardian’s discretion unless order is limited. Guardian should give preference to person’s wishes.	Petitioning of and approval by probate court (clear and convincing evidence that guardianship is no longer needed). Death of the person under guardianship.	Ind. Code § 29-3-5-3 <i>et seq.</i>
Temporary Guardianship	Emergency exists, welfare of the person requires immediate action, no other person has authority to act.	Temporary Guardian.	Person has been adjudicated incompetent. Guardian’s discretion unless order is limited. Guardian should give preference to person’s wishes.	Terminates automatically at 90 days. Can get one 90-day extension upon notice to court and with good cause shown.	Ind. Code § 29-3-3-4-1.

Type (More to Less Restrictive)	What does it cover?	Who Makes Decision?	Role of Person	How to Modify or Terminate	Law
Protective Order	Anything the court considers appropriate to protect a person's business affairs, finances, and/or property.	Court can ratify a transaction without appointing a guardian.	Person has been adjudicated incompetent. Generally best interest standard.	Order ceases once transaction is complete.	Ind. Code § 29-3-4.
Power of Attorney (POA)	Depends on drafting – but generally utilized for financial, healthcare, and/or education matters. Power conferred can spring upon date, event, or incapacity of principal. Durable POA can survive incapacity.	Principal retains decision-making rights unless incapacitated. POA generally grants another individual to act on one's behalf. POA can include SDM principles.	Depends on drafting – but principal generally has ability to continue making decisions in covered area unless incapacitated or language of POA is triggered, then Attorney-in-Fact makes decisions.	Can be modified or revoked at any time so long as principal retains capacity.	Ind. Code § 30-5-1 <i>et seq.</i>
Health Care Representative	Healthcare decisions – limited to when person is incapacitated.	Person retains decision-making rights unless incapacitated. Then HCR makes decision.	Person has ability to continue making decisions unless incapacitated.	Can be modified or revoked at any time so long as person retains capacity.	Ind. Code § 16-36-1 <i>et seq.</i>
Educational Surrogate	Special education matters (age 3-21 of student) when student does not have a parent or guardian.	Educational Surrogate.	Participates in discussions, directs planning as appropriate.	Can be revoked at any time. May end when student turns 18.	511 IAC 7-32-32 <i>et seq.</i>
Psychiatric Advanced Directive	Mental health treatment (admission to inpatient facility, medication administration, mental health treatment).	Person named in PAD when PAD is triggered (i.e., person is incompetent due to symptoms of mental illness).	Person has ability to continue making decisions unless incapacitated.	Can be modified or revoked at any time so long as person retains capacity.	Ind. Code § 16-36-1.7 <i>et seq.</i>

Type (More to Less Restrictive)	What does it cover?	Who Makes Decision?	Role of Person	How to Modify or Terminate	Law
Living Will	Future healthcare decisions, end of life decision-making.	Patient/declarant.	Patient makes declaration(s) of types of treatments desired and not desired.	Patient may revoke at any time by: 1) a signed, dated writing; 2) physical destruction of the declaration by patient or by another in the patient's presence and at her direction; or 3) an oral expression of intent to revoke.	Ind. Code § 16-36-4 <i>et seq.</i>
Representative Payee *similar program for Veteran's benefits	Social Security benefits.	Representative payee.	Discretion of representative payee. Payments must be for benefit of beneficiary.	Request to and approval of Social Security Administration.	42 U.S.C. § 1381-1383f <i>et seq.</i>
FERPA Authorization	Access to educational records and information.	Signor.	Can provide consent for another person to have access to educational records.	Notification to holder of records that consent is revoked.	34 C.F.R. § 99.5 <i>et seq.</i>
HIPAA Authorization	Any situation in which protected health information may be disclosed.	Signor.	Can provide consent to release records; can also revoke consent.	Notification to holder of records that consent is revoked.	45 C.F.R. 164.500 <i>et seq.</i>
Supported Decision Making	Person directed - Finances, healthcare, education, community living, employment, etc.	Person makes decisions with consultation and/or assistance of supporters.	Person retains all decision-making authority.	Person has authority to modify or terminate SDMA. Final document is signed and notarized.	Ind. Code § 29-3-14
Team-Based Person-Centered Planning	Person directed - Finances, healthcare, education, community living, employment, etc.	Generally person receiving services, sometimes by consensus of a treatment team.	Person should direct care to the greatest extent possible.	May require treatment team meeting.	FSSA Guidance
Trust Accounts	Finances, way to protect assets or access to benefits.	Beneficiary or Trustee, depending on drafting.	Depends, may direct payments.	Depends on type and structure.	Multiple, depending on type

Type (More to Less Restrictive)	What does it cover?	Who Makes Decision?	Role of Person	How to Modify or Terminate	Law
Joint Bank Accounts	Finances.	Any one listed on the account has ownership interest.	Ownership interest in the account. Can direct all transactions.	Notice to financial institution, any owner may empty and/or close the account. Inheritance and lien issues.	N/A
Authorized Signatory	Finances. May require "business account status."	Owner of account; Authorized signatory is authorized to carry out financial transactions.	Ownership interest in the account. Directs authorized signatory.	Notice to financial institution.	N/A
Technological Assistance /Informal Supports	Activities of Daily Living.	Person directs services unless otherwise delegated. Includes use of technology and natural supports.	Person directs services unless otherwise delegated.	May need change to treatment plan, but otherwise is program/tool specific.	N/A