



Does someone you care about need help managing money or other business?

## A Financial Power of Attorney may be a better alternative than guardianship!



### Why explore alternatives to guardianship?

Guardianship strips adults of the treasured right to make decisions for themselves. It should only be used as a last resort. Under Michigan law, a judge can appoint a guardian only if there is very strong evidence that:

1. the individual is incapacitated (cannot make or communicate informed decisions), and
2. appointment is necessary to care for and supervise the incapacitated individual.



If the person's needs can be met by a Power of Attorney, then guardianship may not be necessary.

There may also be other ways to assist a person without guardianship, such as Conservatorship, Representative Payee arrangement with Social Security or Veterans Affairs Administration, protective orders, or services in the community.

## When might a Financial Power of Attorney be an Option?

Even a person who has problems with memory or can get confused about complicated things may be able to sign a valid Power of Attorney. It could work if the person you are concerned about:

1. knows who the important people in their life are (for example, spouse, kids, trusted friend);
2. knows where their money comes from and what they own (for example, they know their only income is from Social Security and they own a home, car, and bank account);
3. can consistently name a trusted person they are willing to let help manage their affairs; and
4. is willing to sign a legal document to formally give the trusted person that authority.

## "I just need a little help."

### Talk to a lawyer

The person you are concerned about can talk to a lawyer to understand if a Financial Power of Attorney may work for them, and if so, help to complete it.

### Legal Services of Northern Michigan

Legal Aid may be able to assist for free if the person needing the Power of Attorney is over the age of 60, or if they are low income.

 **231-941-0771**

### Private Attorneys

Local private attorneys, especially those who specialize in Elder Law, may be able to help.

 [www.gtlaba.org](http://www.gtlaba.org)

**The Michigan Guardianship Diversion Project (MGDP)** is funded by a grant from the Michigan Health Endowment Fund to the Michigan Elder Justice Initiative, a non-profit civil legal aid organization. In partnership with the probate court and many local organizations, the project seeks to connect people to options that could be a less restrictive alternative to guardianship or conservatorship and to ensure guardianship is used only when it is necessary and appropriate.

**For more information or further assistance, contact us at 517-827-8010, ext 7 or [MGDP@meji.org](mailto:MGDP@meji.org).**