



GUARDIANSHIP GUIDANCE

As we prepare to support students with complicated needs and varying functional abilities, we must be aware of their transitional needs, especially approaching the age of adulthood - 18 years old. In the Commonwealth of Massachusetts, an individual becomes responsible for themselves and is no longer under the purview of their parents or guardians at the age of 18 years old. Therefore, students who will need assistance in making decisions about their life in adulthood may need a legal guardian - a legal process in which the court appoints a person to make decisions for another person who is not able to make decisions solely on their own.

Guardianship is a separate process involving the judicial courts outside of schools, and it is not related to Special Education services for students who are eligible for services until the age of 22, especially for those who have an intellectual disability, traumatic brain injury, and/or an Autism Spectrum Disorder (ASD) diagnosis/es.

Guardianship does not have to delegate all decision making to the appointed person. In fact, there are three forms of guardianship: **Plenary, Limited, and Roger's**.

- **Plenary or complete guardianship:** gives full decision making power to the appointed.
- **Limited guardianship:** only applies to specific areas that the person needs help - examples include maintaining the right to vote or if a person cannot communicate or make medical decisions.
- **Roger's guardianship:** specifically addresses the need for a guardian to make decisions about extraordinary medical treatment such as maintaining antipsychotic medication.

Guardianship can be a necessary but complicated process. There is not a one-size-fits-all kind of approach. The following are resources to help guide families and students through this process using community and state resources, as well as professional services that may require additional fees.

* Students who are pursuing guardianship may be eligible for services through the Massachusetts Department of Developmental Services (DDS). It is in the benefit of the student and family to access DDS as early as possible, becoming eligible for children's services first and then completing the eligibility for adult services during the student's educational transition period. *

[DDS Eligibility Forms](#)



The first step in pursuing guardianship is consulting with your **Primary Care Physician (PCP)**. The reason for this is you will ultimately need a **Clinical Team Report (CTR)** - a Massachusetts Probate & Family court document that is used to recommend a person for guardianship. A CTR must provide the court with comprehensive and detailed information in the areas that the individual is able to or is not able to make informed decisions. This document must be developed and signed by a **licensed physician, psychologist, and social worker**. Starting the conversation with your PCP is important as they will play an important role in the CTR process.

[Clinical Team Report Form](#)

Questions for parents and families to ask the child's PCP:

If your PCP agrees that guardianship should be pursued and is willing to participate in the CTR

AND

If you do not already have access to a licensed psychologist and/or social worker:

- Can you help me access or recommend a psychologist?
- Can you help me access or recommend a social worker?

Oftentimes finding a social worker and psychologist can be a barrier if you do not already have access to one. Identifying three providers to complete the CTR is **ESSENTIAL** to the guardianship process. A connection with a comprehensive healthcare network may be helpful in some cases such as a relationship with Boston Children's Hospital or Mass General Hospital's Lurie Center for Autism.

Once completing the CTR you have a limited time (120 days) to present it to the Massachusetts Probate & Family court in the city or town of your residence. If you do not already have an attorney to assist in this process, you may locate your local Lawyer of the Day by visiting this website and identifying the availability of one in your municipality:

[Lawyer of the Day](#)

Additional Considerations

- **Have you been determined eligible for DDS?**
 - If you have been determined to be eligible for DDS adult services, your local area office and service coordinator may be able to assist in guiding you through the process of guardianship. Furthermore, they can make a referral to your local Family Support Center for further comprehensive support.



Consider visiting a local Family Support Center

If a student has an intellectual disability or ASD diagnosis, they can access local Family Support Centers (FSC). Although FSC's are affiliated and sometimes funded by DDS, DDS eligibility is not a requirement to access some of their services. Accessible services to the public include providing information and making referrals, family training opportunities, service navigation and more. FSC's may sometimes be helpful in the guardianship process through service navigation. Learn more about FSC's and find your local center here:

- **Family Support Information**
 - <https://www.mass.gov/info-details/dds-family-support-centers>
- **Family Support Directory**
 - <https://www.mass.gov/doc/dds-family-support-directory-2024/download>

- **Is the Massachusetts Department of Children & Families (DCF) your current guardian?**
 - *If your transitional agency has been identified as DDS and DCF is your current guardian, DCF should collaborate with DDS to proceed with the guardianship process as their services are terminated at the age of 22. It is in the best interest of the student and both agencies to complete this prior to termination of services.*
- **Are you interested in accessing compensated professional services to complete the CTR?**
 - **Dr. Norma L. Medway, MD**
 - 130 Elm Street Worcester, MA 01605 - 508-753-0358
 - **TILL's Stratus Mental Health Services**
 - <https://www.tillinc.org/services/strattus/competency-evaluations>
 - **Trusted Clinical Support**
 - <https://www.trustedclinicalsupports.com/>
 - **Mass General Hospital's Lurie Center for Autism**
 - <https://www.massgeneral.org/children/autism/lurie-center/adult-psychological-services>
- **Is Guardianship the right pathway to pursue?**
 - Have you explored:
 - *Supported Decision Making*
 - *Repayee*
 - *Power-of-Attorney*



- *Health Care Proxy*
- *Conservatorship*

- **To learn more about alternatives to guardianship please visit the following resources:**
 - <https://www.dlc-ma.org/wp-content/uploads/2017/12/Alternatives-to-Guardianship-and-Guardianship.pdf>
 - <https://www.mass.gov/info-details/alternatives-to-guardianship-and-conservatorship>
 - <https://supporteddecisions.org>

This document has been developed with the goal of informing students, families, and guardians about the guardianship process in Massachusetts. A large portion of the resources utilized in this guide were obtained from the Commonwealth of Massachusetts website.

Guardianship & Conservatorship for Incapacitated Persons

The guardianship process may look different for non-Massachusetts residents, therefore, please contact your local school district's Transition Coordinator or Special Education Director for additional information.

For further guidance, please contact our Transition Coordinator, Jerome Dobson - jdobson@tlcdeaf.org; 508-834-3471 (Video Phone); 508-661-9469 (Voice/Text) - to schedule a team meeting and/or a brief overview of this process.