



AGE OF MAJORITY FACT SHEET

Guardianship Comparison

Comparison of the two types of guardianship proceedings for individuals with developmental disabilities

	GUARDIANSHIP CHAPTER 744	GUARDIAN ADVOCATE CHAPTER 393
A legal process requiring an attorney	YES	YES
Available only for people with developmental disabilities	NO	YES
Determination of incapacity required	YES	NO
Guardian training required	YES	YES <i>(but could be waived)</i>
Guardian reporting required	YES	YES
Professional Evaluation to determine extent of incapacity part of process	YES – <i>3 member team</i>	NO – <i>Existing evaluations, usually from APD are used at no cost.</i>
Provision for representation of the person being considered for guardianship	YES	YES
Degree of restrictiveness	Ranges from most restrictive – Full Guardianship to Limited	Limits only the rights that the person cannot perform.