

Navigating Guardianship Options in North Dakota

Feature	Full Guardianship	Limited Guardianship	Power of Attorney (POA)	Representative Payee	Supported Decision Making
Purpose	Full decision-making authority over personal matters	Decision-making in specific, court-defined areas	Delegate decision-making authority voluntarily	Manage Social Security/SSI benefits only	Support person in making their own decisions
Legal Authority	Yes – granted by court	Yes – granted by court	Yes - granted by individual through legal document	No – authority limited to SSA benefits	No – individual retains all legal rights
Scope of Authority	Broad: medical, housing, legal, education, etc.	Narrow: only in areas where the person lacks capacity	Can be broad or limited: financial, medical or both	Financial only (SSA/SSI funds)	Individual makes all decisions with help from supporters
Court Involvement	Required: petition, hearing, evaluations, legal costs	Required: petition, hearing, evaluations, legal costs	Not required - executed privately with witness/notary	Not required – handled by Social Security Administration	Not required – agreement is informal or documented
Evaluation Required	Yes – medical and legal evaluations	Yes – medical and legal evaluations	No - individual must have capacity at time of signing	No – SSA may request basic documentation	No – based on trust and communication
Oversight	Annual court reports	Annual court reports	No formal oversight unless abuse is reported	Annual SSA reporting (unless exempt)	No formal oversight
Duration	Ongoing until modified or terminated by court	Ongoing until modified or terminated by court	Until revoked or individual becomes incapacitated (unless durable)	Ongoing until SSA or payee requests change	Ongoing as long as the individual chooses
Training Required	Yes – guardian training required	Yes – guardian training required	No formal training required	No formal training required	No formal training required
Less Restrictive?	No – most restrictive option	Yes – tailored to individual needs	Yes - Individual retains control and can revoke anytime	Yes – financial-only support	Yes – most empowering and least restrictive
Best For	Individuals unable to make any personal decisions	Individuals who need help in only certain areas	Individuals who want to plan ahead and choose their own decision-maker	Individuals who can manage life but not finances	Individuals who can make decisions with support

Notes on Power of Attorney (POA)

Types of POA:

- **General POA:** Broad authority over financial/legal matters
- **Durable POA:** Remains in effect if the person becomes incapacitated

Notes on Supported Decision-Making (SDM)

- A process where individuals with disabilities use trusted supporters to help them understand, consider, & communicate decisions.
- Supporters may include family, friends, professionals, or mentors.
- Agreements can be informal or documented in a Supported Decision-Making Agreement.
- Promotes independence and is recognized as a valid alternative to guardianship in North Dakota.