

# UCEDD Tip Sheets



UCEDD Tip Sheets are produced by the Association of University Centers on Disabilities (AUCD) through the UCEDD Resource Center (URC).

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## Admin Essentials Managing Staff and Volunteers with Guardians

### What is Addressed in this Tip Sheet?

This tip sheet discusses strategies for managing and supporting employees, volunteers, and consumer advisory committee members who are under guardianship. It summarizes a virtual roundtable conversation on the topic held on October 5, 2020 and archived [here](#).

The Admin Essentials series brings together UCEDD directors and business managers with content experts, often retired UCEDD directors, to address pressing administrative challenges. These virtual roundtables provide an opportunity to share resources, troubleshoot challenges, and brainstorm creative solutions to a broad range of administrative topics.

### Why is this Important?

There is a long and rich history of adults working in integrated community-based settings while under guardianship. However, we also know guardianship can serve as a major obstacle to employment and participation in the community—the National Core Indicators survey found that adults under guardianship were significantly less likely to work a community job (NCI, 2019, pg. 5).

While UCEDDs support alternatives to guardianship, they may find members of the community that are under guardianship whose voices, perspectives, and contributions could add value to the UCEDD's work. Thus, UCEDDs might need to understand best practices for navigating guardianship within the context of their operations in order to maximize the opportunities and autonomy of individuals under guardianship. This includes practices or strategies for navigating the sometimes difficult and sensitive nature of guardianship if conflict arises.

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## Working while under guardianship.

Guardianship does restrict many important rights for people with disabilities, but being under guardianship is typically not a barrier to working or volunteering. While guardianship laws vary widely by state, most state guardianship laws explicitly require or encourage the guardian to allow the individual under guardianship as much autonomy and independence as possible. Working at a job in the community or serving on an advisory board are both meaningful ways to live out a life of autonomy and independence, which is encouraged by guardianship laws.

There are different types of guardianship and restrictions put in place by courts vary depending on the type of guardianship and the individual's circumstances. Someone under guardianship may still be able to enter into a contract for employment or be able to sign documents associated with serving on a board of directors. For more information on the types of guardianship, see a [fact sheet](#) created by the Center for Public Representation (CPR) for the URC's virtual roundtable.

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## What are some promising strategies?




Most of the time, being under a guardianship won't have any impact on someone serving on your CAC or working at your UCEDD, but sometimes it may. While UCEDDs aren't entitled to access a guardianship order, in some circumstances (such as when a guardian is claiming an individual cannot work or volunteer because of guardianship), they could ask how the guardianship applies to the individual's ability to work or volunteer with the UCEDD.

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## Here are some helpful approaches to approaching a conversation about guardianship:

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| <p>You could say...</p>  | <p>"We want this to be an accessible opportunity for you. Are there any accommodations you need? Are there any people who support you or who understand how you communicate well?"</p> <p>"We would like to work with you more. Is there anyone else you would like to include in this conversation?"</p> <p>"A lot of people we work with from time to time have guardians. If you have one, it would be good for you to talk with them about this opportunity."</p>  |
| <p>Do</p>                | <p>Ensure you are applying the same standards to someone with a disability as someone without a disability.</p> <ul style="list-style-type: none"> <li>For example, if someone without a disability doesn't need to sign any forms to participate as a volunteer, a person with a disability, even one under guardianship, shouldn't either.</li> </ul> <p>Use a values-driven process. Treat the individual as a valued adult member of your staff or consumer advisory committee.</p> <p>Consider the severity or seriousness of a situation when deciding to involve a guardian.</p> <ul style="list-style-type: none"> <li>A guardian shouldn't be able to micromanage their "ward" at work. If, for example, there was conflict at work relating to performance, there is no reason the guardian would be involved.</li> <li>However, if something more serious happens (like sexual misconduct in the workplace) it may be appropriate to include a guardian.</li> </ul> <p>Educate your university's HR office about guardianship:</p> <ul style="list-style-type: none"> <li>Reassure them that people under guardianship consistently work and hold jobs</li> <li>Inform them that UCEDDs are mandated to have Consumer Advisory Committees. Including people with disabilities, even those with guardians, is required for UCEDDs to operate.</li> </ul> |
| <p>Don't</p>           | <p>Assume that since someone has a disability that they have a guardian.</p> <p>Bypass people with intellectual disabilities through their guardian.</p> <p>Create a problem about guardianship where there isn't one.</p> <ul style="list-style-type: none"> <li>A lot of times guardianship will have no impact on someone serving on your CAC or working at your UCEDD.</li> </ul>  |

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## Recommendations

- **Consider involving an attorney with expertise in your state or territories' guardianship laws and shares the values of your center.** They can be helpful in providing specific legal advice or in gaining more information when creating a policy about hiring and managing staff under guardianship at your center.
- **Sometimes you may need to ask for more information if a guardian is trying to take over in ways that are inappropriate.** If you can find out what even the most restrictive guardianship in your state or territory would never cover, that can be helpful information if a guardian tries to over assert authority they don't have. Lead with your values when handling any conflict with guardians.

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## What are the Relevant Resources?

- [Center for Public Representation](#)
- [Working While Under Guardianship Tip Sheet](#)
- [National Core Indicators Data Brief on Guardianship](#)

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## For More Information

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