

TAKE CHARGE OF

your
life

know
about
Guardianship

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All people have a right to self-determination. Knowledge supports and encourages that right. Ohio Legal Rights Service hopes that the information contained in this booklet will help to strengthen the practical, day-to-day exercise of the right to self-determination for all people with disabilities.

CHOICES, a grantee of Ohio Developmental Disabilities Council, is comprised of consumer advocates and promotes education and advocacy for individuals who live in intermediate care facilities and nursing homes.

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This booklet is on the Internet at the website listed above. It is also available in special formats upon request.

Please note: This publication is intended to provide information only, and is not intended as legal advice. You should consult a lawyer if you need legal advice.

Carolyn S. Knight
Executive Director

June 2004

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Most of us want
to make our own decisions
about how to live -

making our own decisions
can give us freedom and respect.

In this book
are things to know
so you can make your own decisions
as often as possible -

and take charge of your life.



The law says

**you have a right
to make decisions.**

**This means that you
can make up your own mind
about what you want
and what you want to do.**

**Like everyone else,
you can make decisions
about how to live your life.**

Sometimes,
other people may think
that you can't make decisions
because you have a disability.



*"I don't think you know
what is good for you now
that you have gone blind.
And I can't let you go
everywhere you used to go
- you could get hurt. From
now on, I'll decide where
you will go and how you
will get there."*

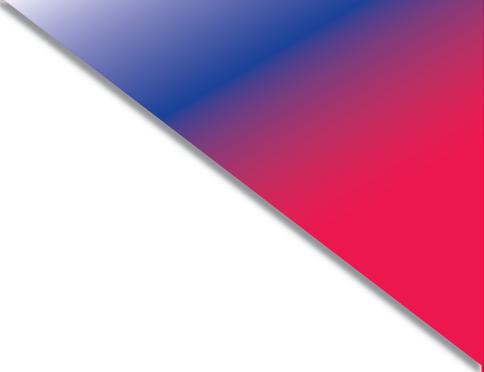
Or sometimes,
other people may think
that you are not making good decisions -
they may think your decisions
hurt you or hurt someone else.



*"I don't think you
should be friends with
those people - they
are bad for you."*

**If you can't make decisions
because of your disability,**

**the law can take away
or "limit" your right
to make decisions...**



**...and let someone else
make your decisions for you.**

This is guardianship.

guardianship

it is
important
to know
about this

Take Charge of Your Life - Know About Guardianship. Ohio Legal Rights Service Publication, 2004

When you can't make
decisions for yourself
because of your disability,

the law can take away or "limit"
your right to make decisions
about how to live your life -

and give someone else permission
to make the decisions,
instead of you.

This is called Guardianship

Guardianship

You lose your
right to decide.

Another person
makes the decisions.

So What is **Guardianship**?

A limit on your right to make decisions
made by the “Probate Court”
when someone else gets permission
to make decisions for your life.



*“I’m afraid that you can’t make decisions,
so I am giving this woman permission
to make decisions for you.”*

This is How **Guardianship** Can Start

A person who thinks you need a guardianship writes to the Probate Court to ask the Probate Court to make a guardianship for you, and tells the Probate Court the reasons why the person thinks you need a guardianship.



The Probate Court then decides if it is a good idea to talk about a guardianship for you.

If the Probate Court
decides that it is a good idea
to talk about a guardianship for you,
the Probate Court will tell you and other people
to come to Court to talk about guardianship.



When you and the other people come to Court
the Probate Court will listen
to everyone's side of the story
and then decide
if you need a guardianship.

guardianship for you?

If the Probate Court believes
that you can't make decisions
because of your disability,

**the Probate Court
Might Make a
Guardianship for You.**

this
is an
important
thing to know

**A Probate Court
might make a guardianship for you
because the Probate Court believes:**

**you can't make decisions,
that will get you
what most people think you need,**

and

**someone else can make decisions
that will get you
what most people think you need.**

Even though guardianship
may get you
what most people
think you need,

guardianship also
takes away
or limits your rights.

this
is an
important
thing to know

*“I know you think you
are helping me,
but I’m a person
and I want my rights!”*

**The law
protects you,
and your rights**

- at all times -

**even if you have a
guardianship.**

this is a
very important
thing to know...the
law protects you and
your rights

The law protects you, and your rights...

- 1**if the Probate Court asks you to come to court to talk about guardianship;
- 2**if you are in the Probate Court and everyone is talking about whether you should have a guardianship;
- 3**if a Probate Court is trying to decide if you need a guardianship;
- 4**if the Probate Court makes a guardianship for you (takes away or limits your right to make decisions).



If the Probate Court asks
you to come to court,

*The Law Says the Court
Has to Follow Special Rules...*



rule | **The Court Must Let You Have
A Lawyer on Your Side**

if you want one
to help you tell your side of the story
and to stick up for your rights
and if you can't afford to pay, your lawyer must be free.



"I am your lawyer. I am here to help you and protect your rights."

rule | **The Court Must Tell
a Person in Your Family**

that the Court is thinking about a guardianship for you
(the person is usually your closest family member.)

rule | **A Person Called an “Investigator”
Must Talk to You Before Going to Court**

The investigator must talk to you face to face.

The investigator will probably ask you questions about your life, and what you do, and how you do things.

rule | **The “Investigator” Must
Write a Report About You**

The investigator also has to write a report to the Probate Judge that says what you can do and also says what you cannot do and then give this report to the Probate Court.

rule

The “Investigator” Must Give You Information and Give You Papers

The investigator must tell you about your rights
(like about your right to have a lawyer.)

The investigator must tell you the name of the person
who asked the Probate Court
to make a guardianship for you.

The investigator must give you papers
about going to Probate Court.



2

If you are in Probate Court and everyone is talking about whether you should have a guardianship,

The Law Says the Court Has to Follow Rules On What Happens in Court...



rule

The Court Must Let You Be in the Court Room

to hear what people are saying about you
and to let you talk for yourself
and to let you stick up for your rights.



rule

The Court Must Let You Have A Lawyer on Your Side

You will have a lawyer if you want one.
The lawyer has to do things that protect you and your rights
the best way possible
and if you can't afford to pay, the lawyer must be free.

rule

The Court Must Let You Have Other People With You in Court

Other people, that you pick, can be on your side in Court.

They can say what they think about you

and they can say what things you can do

and what things you can't do.



“You don’t have to face this alone, you have the right to have other people with you.”

An “independent expert” can come to Court.

This is a special person who knows about guardianships

that you get to pick

who will talk to you before you go to Court

and who can then tell the Probate Court

if you are able to make decisions.

(And if you can't afford to pay, the expert must be free.)

rule

The Court Must Let You Have Your Privacy

You can stop some people

from talking about you in Court, people like...

- ✗ your doctor;
- ✗ your social worker;
- ✗ your spouse;
- ✗ clergy; and
- ✗ other people who know your private things.

"I don't want you to say anything about what I told you when we were in your office - that's private between you and me."



rule

The Court Must Read the Investigator's Report

and think carefully about what the Report says

and also think carefully about what other people

said about you (people who talked in court.)



If the Probate Court
is trying to decide
if you need
a guardianship,

*The Law Says the Court
Has to Follow Rules On
How to Decide...*



rule

Before Deciding, the Judge Must Have a "Hearing" Where the Judge Must Listen to Both Sides of the Story

The Judge must listen to people who talk at the hearing.

The Judge may ask the people at the hearing to answer questions.

The Judge may ask you questions.



rule

Before Deciding, the Judge Must Think About Your Rights

If you have mental retardation, or mental illness,

then you have rights under laws written for people like you.

rule | A Judge Can Make a Guardianship,
But Only If ...



**A Doctor Has Said That
You Can't Make Decisions**

A doctor who has asked you questions
must tell the Probate Court
that you can't make decisions on your own.

(Remember, if your doctor comes to Court,
you can tell your doctor to keep your privacy
and not say anything about you to anyone,
including the Judge.)



And The Judge Believes That There Is "Clear and Convincing Evidence" That You Can't Make Decisions

This means that the Probate Court Judge has to believe
that because of what people said about you in Court,
it is more than probably true
that you cannot make decisions.

(The Judge doesn't have to believe
that you absolutely can't make decisions,
only that you *more than probably* can't make decisions.)

rule

Before Deciding About a Guardianship, The Judge Has To Think About One More Thing - Alternatives

The Judge must think
if there are other ways, or alternatives,
for you to get what you need
besides guardianship.



"Isn't there any other way that he can get the help he needs besides guardianship??? Before I take away his rights with guardianship, I need to know if there is any other way to help him get what he needs."

**Because There May Be Other Ways
▲ or "Alternatives" ▲
- besides guardianship -**

For You To Get What You Need.

For example, maybe you only need help with keeping track of your bills and writing the checks to pay the bills on time. There may be other ways for you to get help or support to do this, instead of guardianship - there may be an alternative. ▲

Or maybe you just need help making decisions about your health, like when to see your doctor, or what medicine to take. There may be other ways for you to get help or support to do this, instead of guardianship - there may be an alternative. ▲

Or maybe you just need help staying safe and not letting other people hurt you. There may be other ways for you to get help or support to do this, instead of guardianship - there may be an alternative. ▲

this
is an
important
thing to know

You should know
that...

Alternatives to Guardianship

don't take away
as many of your rights
as guardianship.

There are many "Alternatives to Guardianship." You can read more about these alternatives later in this booklet:

page 59 ... Conservatorship

page 64 ... Representative Payeeship Program
(or Authorized Representative Programs)

page 72 ... Adult Protective Services for Adults with Mental Retardation

page 77 ... Adult Protective Services for the Elderly

page 81 ... Protection Orders

A Probate Court Judge
should think about
Alternatives First,
before deciding
if you should have a guardianship.

this
is very
important
to remember

For Example, An Important Alternative to Guardianship is Called Limited Guardianship

A Probate Court Judge
may decide to make
a limited guardianship
because you can't make one decision
or a few other decisions
but you CAN make most of your other decisions.

A limited guardianship
only takes away your right
to make one or a few decisions.

You keep your right
to make all other decisions.

this
is an
important
thing to know



**Before Making a Guardianship,
A Probate Court Judge
should think about**

limited guardianship.

(You can read more about the decisions a
limited guardian can make on page 43.)

4

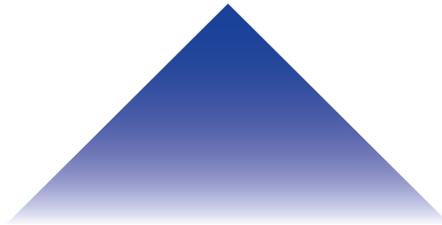
The law says you still
have rights,

*Even if the Probate Court Makes
a Guardianship for You...*



Your Rights Are Important

and you can learn about them
on pages 46 - 48.



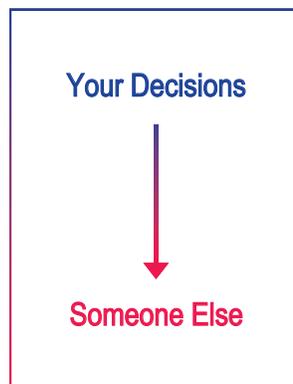
***But first,
there are some things
you should know about guardianship...***

**If the Probate Court Makes
a Guardianship for You,**

*your right
to make decisions
will be taken away or limited,*

and

**Someone Else
Will Get Permission
To Make Your Decisions for You.**



this
is an
important
thing to know

In a Guardianship, Who Gets Permission to Make the Decisions?

A Person Called the “Guardian.”

Who Picks the Guardian?

The Probate Court.

Who Can Be a Guardian?

A Person You Know *(like a member of your family, or a friend.)*

A Person You Do Not Know.

An Agency Called APSI (Ohio hires APSI to be a guardian
for a person with mental retardation.)

What Kinds of Decisions Does a Guardian Get Permission to Make?

Decisions about your personal life.



- Where you will live.
- What health care you get.
- Where you go on vacation.
- Where you work.
- Where you go to school.

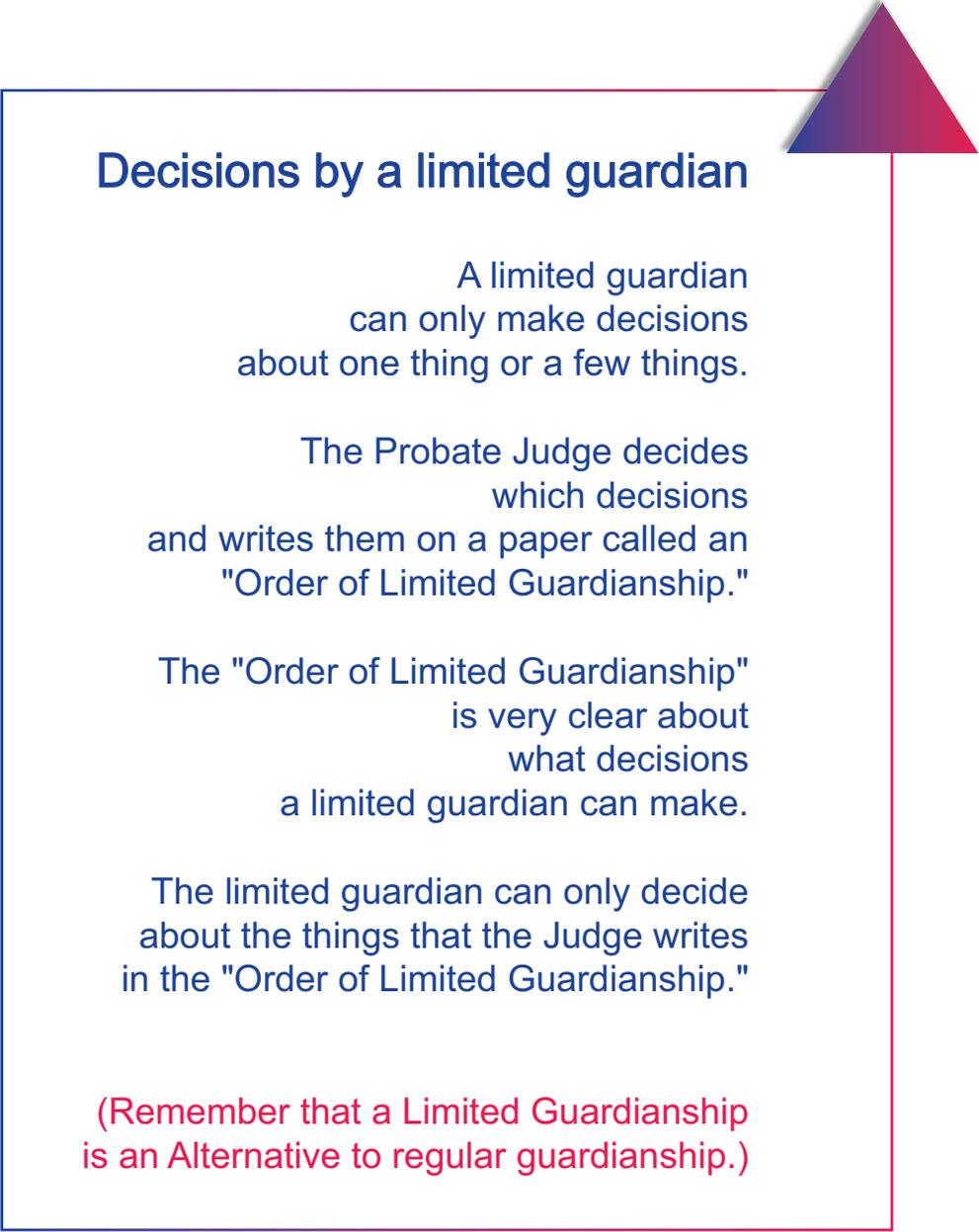
(This is called Guardianship of the Person.)

Decisions about your money, property or things.

- How to spend your money.
- How to get money other people owe you.
- How to keep your money safe.
- How much of your money to save for you.
- Other things about money, property or things.



(This is called Guardianship of the Estate.)



Decisions by a limited guardian

A limited guardian
can only make decisions
about one thing or a few things.

The Probate Judge decides
which decisions
and writes them on a paper called an
"Order of Limited Guardianship."

The "Order of Limited Guardianship"
is very clear about
what decisions
a limited guardian can make.

The limited guardian can only decide
about the things that the Judge writes
in the "Order of Limited Guardianship."

**(Remember that a Limited Guardianship
is an Alternative to regular guardianship.)**

How Does a Guardian Make Decisions?

By thinking about what is in your “best interests”

This means making a decision
that most people would think is the right thing for you.

It may not be what you like.



**Making decisions
in your “best interests”**

is a rule the guardian has to follow.

The Probate Court makes this rule.

If You Do Not Like a Guardian's Decisions

You May Be Able
to Do Something About It...

this
is an
important
thing to know

4

Remember,
the law says
you still have rights,

*Even if the Probate Court Makes
a Guardianship for You...*



this
is
very
important
to remember

What to Do If You Don't Like the Guardian's Decisions

If you don't like your guardian's decisions
you can tell the Probate Court
or someone can tell the Probate Court for you.

Guardianship Doesn't Have to Be Forever

You can talk in the Probate Court
120 days after the Court makes a guardianship for you
(this is called a "redetermination hearing")
about why you don't need a guardian.
The guardian must show that you still need a guardian.

You Can Have Help on Your Side

If you want, you can have a lawyer on your side
to help you tell your side of the story
and to stick up for your rights
and if you can't afford to pay, your lawyer must be free.

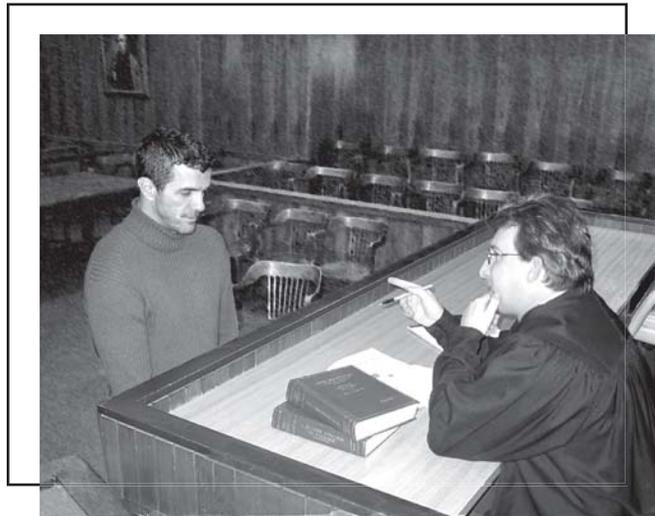
What Else Does the Guardian Do?

The Guardian Has To Follow The Rules Made by the Probate Court

- ✓ Make decisions in your best interests.
- ✓ Obey the court's orders.
- ✓ Write a report
*(about how the guardianship is going
and if it is still needed).*
- ✓ Do "accounting"
*(write down how much income you received
and how your money was spent).*
- ✓ Ask the Court's permission
before selling your property.
- ✓ Ask the Court's permission
before selling your things.

If the Guardian Does Not Follow the Rules

The Probate Court Can Take Away the Guardian's Permission to Make Decisions



"You cannot be the guardian anymore."

The Court can also make the guardian give money as a promise that the guardian will do what the Court thinks is right (this money is called a "bond".)

If the guardian breaks any laws while being a guardian (like stealing your money or property), the guardian could also face criminal charges.

What Should I Know About the Probate Court?

The Probate Court

- ✓ Gives the guardian permission to make decisions.
 - ✓ Is the guardian's supervisor.
- ✓ Keeps an eye on the guardian's decisions.
 - ✓ Can change the guardian's decisions.
 - ✓ Is in charge of the guardianship.
 - ✓ Starts the guardianship.
 - ✓ Can stop the guardianship.



The guardian must listen to what the Probate Court says because the Probate Court has the main say about decisions for your life.

Think of the Probate Court as the

S

uperior guardian.

Remember...

If the Probate Court Makes
a Guardianship for You,

*your right
to make decisions
will be taken away or limited,*

and

**Someone Else
Will Get Permission
To Make Your Decisions for You.**

Your Decisions  Someone Else

Because a guardianship takes away or limits your right to make decisions...

Guardianship Can Also Take Away Freedom and Respect.



**There Are Other Ways
- besides guardianship -**

**For You To Get
What You Need.**



Alternatives to Guardianship

Can Support You
To Get What You Need

...without taking away too many of your rights.



**These Are Some
Alternatives to **Guardianship****

Conservatorship

- this can be for people who want someone else to take care of things, because they are physically unable to do so (see page 59.)

Representative Payeeship or Authorized Representative

- this can be for people who need help with taking care of benefits they receive (like SSI, medicaid, or retirement benefits) (see page 64.)

Adult Protective Services for People with Mental Retardation

- this can be for adults with Mental Retardation or Developmental Disabilities who are being hurt, forgotten, ignored or taken advantage of (see page 72.)

Adult Protective Services for the Elderly

- this can be for elderly people who need help with things to stay safe, healthy or independent, and so they don't have to move to a nursing home (see page 77.)

Protection Order

- this can be for people who cannot protect themselves from a family member or person they live with who is abusing them (see page 81.)

Remember That These
Alternatives to **Guardianship**...



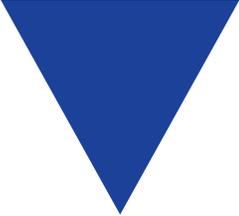
Conservatorship

Payeeship or Authorized Representative

Adult Protective Services
for Adults with Mental Retardation

Adult Protection Services for the Elderly

Protection Orders



Can Support You to Make Your Own Decisions

*...and take away fewer of your rights
than guardianship.*

What is a Conservatorship?

Someone else helping you handle some parts of your life
because you physically cannot do it yourself
where it is ok with you to get the help
and you get to choose the help you want
and the Probate Court gives its permission
and the Probate Court keeps an eye on things
with the same rules as guardianship.

this
is an
important
alternative to
know about

A Conservatorship May Be Able to Help You

If you can make your own decisions (you are mentally competent)
but you also have a physical disability
that keeps you from taking care of some parts of your life
(usually having to do with money.)

this
is an
important
thing to know

In a Conservatorship, A Person Called the “Conservator” Will Take Care of Some Parts of Your Life Like...

- ✓ Take care of your money, property and things.

- ✓ Make sure that your money is used to pay
for what you need every day
and to pay your bills.

- ✓ Keep track of how your money is used.

- ✓ Save some of your money and keep it safe.

Having a Conservatorship Is Up To You

- ✓ You ask the Probate Court for help if you want it.
- ✓ You choose the person who will help you.
- ✓ You decide what you want help with.
- ✓ You decide if you want the help to stop or keep going.

it is
important
to know that it
is up to you...you
have a choice



“I think I will need some help for a few months until I am better. I trust you to take care of my money for me until I can do it myself again.”

What Is a Representative Payeeship or other Authorized Representative Program?

A way to help you
take care of
your benefit money (like Social Security or Retirement)
for those times you can't do it
by yourself
because of a physical or mental disability.



Take Charge of Your Life - Know About Guardianship. Ohio Legal Rights Service Publication, 2004

Having a Representative Payeeship or an Authorized Representative as Your Payee May Make it Easier for You...

to take care of your benefit money
so it pays for your basic needs -
like food, a place to live and clothing.

this
is an
important
alternative to
know about

A Representative Payeeship or an Authorized Representative May Help You If You Get Any of These...

Social Security benefits

SSDI benefits

SSI benefits

VA benefits

Railroad Retirement benefits

welfare benefits

other state benefits

federal benefits

other entitlement payments

**...and you have trouble
taking care of the benefit money**

Because of Your Disability.

How Does a Representative Payeeship or an Authorized Representative Program Start?

You or anyone else can say that you need help
to take care of your benefit money
and ask the government agency that gives the benefit money
to make a representative payeeship
or an authorized representative program for you.

"I think my sister needs help taking care of her SSI money - the money seems to disappear before it's time to pay rent."



Who Decides?

The government agency that gives the benefit money
decides if you need a Payeeship
according to its own special rules.

These Are Some of the Government Agencies that make representative payeeships: Social Security Administration (SSA), Department of Veterans Affairs (VA), Office of Personnel Management (OPM), Railroad Retirement Board (RRB).

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In a Representative Payeeship, or an Authorized Representative Program, A Person Called the “Payee” Will Take Care of Your Benefit Money

The “Payee” Must...

- ✓ Know what you need for your every day life.
- ✓ Use your benefit money in a smart way to pay for these things.
- ✓ Use your benefit money for the most important things first.
- ✓ Keep track of how your money is used.
- ✓ Save up the money that is not used.
- ✓ The Payee must pay for these important things first:
*your food, clothing, medical care, a place to live,
and other things that make you comfortable.*

*“Your Social Security check
came in the mail today. I
will put the money in the
bank account and then
write a check for your gas
and electric bill.”*



The “Payee” Also Must

- ✓ Keep track of and explain how the money is used (make a report.)
- ✓ When the payee stops being payee, return saved up benefit money.
- ✓ Tell the agency that gives you benefits about changes in your life.

Changes in Your Life Can Be Things Like

- if you start working or stop working;
- if you start getting another government benefit;
- if you get married or divorced;
- if don't need help from a payee anymore.

(These changes might change how much benefit money you get.)

If You Live in a Nursing Home (or other Institution)

- ✓ Your benefit money can be used to pay for your care there.
- ✓ But a Payee should use at least \$30 each month
- ✓ to spend on your personal needs
- ✓ or to save for you.

Benefit money
pays for the “usual
charges of care.”

Special Rule for Nursing Home Payee

If your Payee is the Nursing Home or other institution and the Payee puts your money together with other people's money, the Payee **MUST** use at least \$30 each month on your personal needs or save it for you.

What is the Payee Not Allowed to Do?

- ✘ Cannot make medical decisions for you.
- ✘ Cannot use your benefit money in wrong ways.
- ✘ Cannot mix your money with the Payee's own money.
- ✘ Cannot have Payee's name on a bank account that holds your money.*
- ✘ Cannot make contracts for you.

* But the Payee's name CAN be on a bank account that holds only your benefit money. For example, the Payee's name can be on a checking account that holds your benefit money. The Payee can then use the checks from this checking account to pay your bills for rent and food and other things you need.

Payee or a Power of Attorney?

A Payee must follow strict, special rules
to take care of your money.
These rules help keep your benefit money safe.

If you give someone a “Power of Attorney”
(permission) to take care of your benefit money,
that person does not have to follow these rules.

So, because the Payee has to follow the special rules,
it may be safer to have a Payee help you
than it is to give someone a “Power of Attorney” to help you.

this
difference
is important
to know about

What Are Protective Services for Adults with Mental Retardation (MR) or Developmental Disabilities (DD)?

Extra help, called services that can keep you from being hurt or that can keep you from being forgotten or ignored or can keep you from being taken advantage of.

Usually, to get the help (services), you have to say it is ok with you and you get to choose the kind of help you want.

When someone hurts your body or your mind, or is mean to you or insults you, that is called abuse.

When someone forgets to give you what you need to be healthy and safe, or just ignores what you need, that is called neglect.

When someone takes advantage of you (for example: to get money), that is called exploitation.

these things are important to know

You get to decide.



"Some people saw your brother hit you, and now you are saying that it makes you feel very depressed when he hits you.

I want you to know that there are services that you can get so that your brother doesn't hurt you, and so that you can deal with your depression.

Do you want those services?"

Protective Services for Adults with MR or DD May Help You If ...

you are an adult

who has mental retardation

or a developmental disability

and you are being hurt (abused)

or you are being forgotten or ignored (neglected)

or you are being taken advantage of (exploited)

and you need help (services.)



Protective Services for Adults with MR or DD May Be Things Like...

- medical care ✓
- mental health services ✓
- home health care ✓
- homemaker services ✓
- help with food and clothing ✓
- help with a temporary place to live ✓
- help handling money and bills ✓
- residential services ✓
- legal services ✓
- help watching over and managing your services ✓
- help watching over and managing your supports ✓

The local county board of developmental disabilities handles getting adult protective services for adults with MR or DD. The county board makes a plan of the services that may help you, writes it on paper, and then asks you if you want the services. If you want the services, you can say yes by signing the plan. ***You can say yes for yourself even if you have a guardian.***

A Court May Order Protective Services for Adults with MR or DD...

A Court can order services for an adult

for up to 12 months

if that adult

is being hurt, forgotten or ignored or take advantage of

and needs protective services,

but can't make decisions

(the Court believes the adult "lacks capacity" to make decisions.)



What Are Adult Protective Services for the Elderly?

Extra help
for people who are 60 years old or older
who are being harmed
or may be harmed later
because they can't protect themselves
and don't have anyone else to protect them.

*"I forgot the oven was on.
Sometimes that happens
- I just forget!"*

*At my age sometimes that
happens to people - they
forget things!*

*But you know, all I need
is a little help at home
- someone to help me
remember things."*



Adult Protective Services May Make it Easier for You To...

Stay healthy and safe.

Be as independent as possible.

Make as many of your own decisions as possible.

Stay in your own home.

Stay out of an institution (like a nursing home) as long as possible.

Note: a court can order these services
for you for 14 days,
but even so,
you do not lose the right
to make other decisions in your life.



this
is an
important
alternative to
know about

Adult Protective Services for the Elderly May Help You If You Are 60 or Older and If

- you have trouble taking care of yourself ✓
- you don't have enough food or water ✓
- you don't have medicines or medical help that you need ✓
- someone is hurting you ✓
- someone is mean to you or insults you ✓
- you have trouble doing chores or taking care of your home ✓
- your home doesn't have heat or water ✓
- you have trouble taking care of the bills ✓
- you can't remember or get confused about things ✓
- other people take advantage of you or take your money ✓
- you do things that end up getting you hurt ✓

Adult Protective Services for the Elderly May Be Things Like...

- ✓ counseling
- ✓ casework services
- ✓ medical care
- ✓ mental health services
- ✓ home health care
- ✓ homemaker services
- ✓ help with food, clothing, or shelter
- ✓ help handling money and bills
- ✓ housing-related services
- ✓ guardianship services
- ✓ placement services
- ✓ legal services
- ✓ adult day care services

If your county has enough money to pay for them, you may be able to get services like these.

**There Are Things
to Help You Stay Safe
If a Person is Hurting You**

**Without Taking Away
Your Right To Make Decisions.**

2 Things Are:

Temporary Protection Order

Domestic Violence Protection Order

this
is an
important
alternative to
know about

What is a "Protection Order"?

A PROTECTION ORDER

is a paper that a Judge makes

that says that someone who has hurt you before,

or someone who said they are going to hurt you in the future,

has to stop hurting you

or has to stay away from you

or not talk to you or call you

or else the police will arrest them.



"This is your Protection Order. If that person who hurt you tries to come near you, call the police right away."

A Protection Order May Help Keep You Safe...

from a person who lives with you
or from a member of your family.

There are 2 Kinds of Protection Orders

Civil Protection Order (CPO)

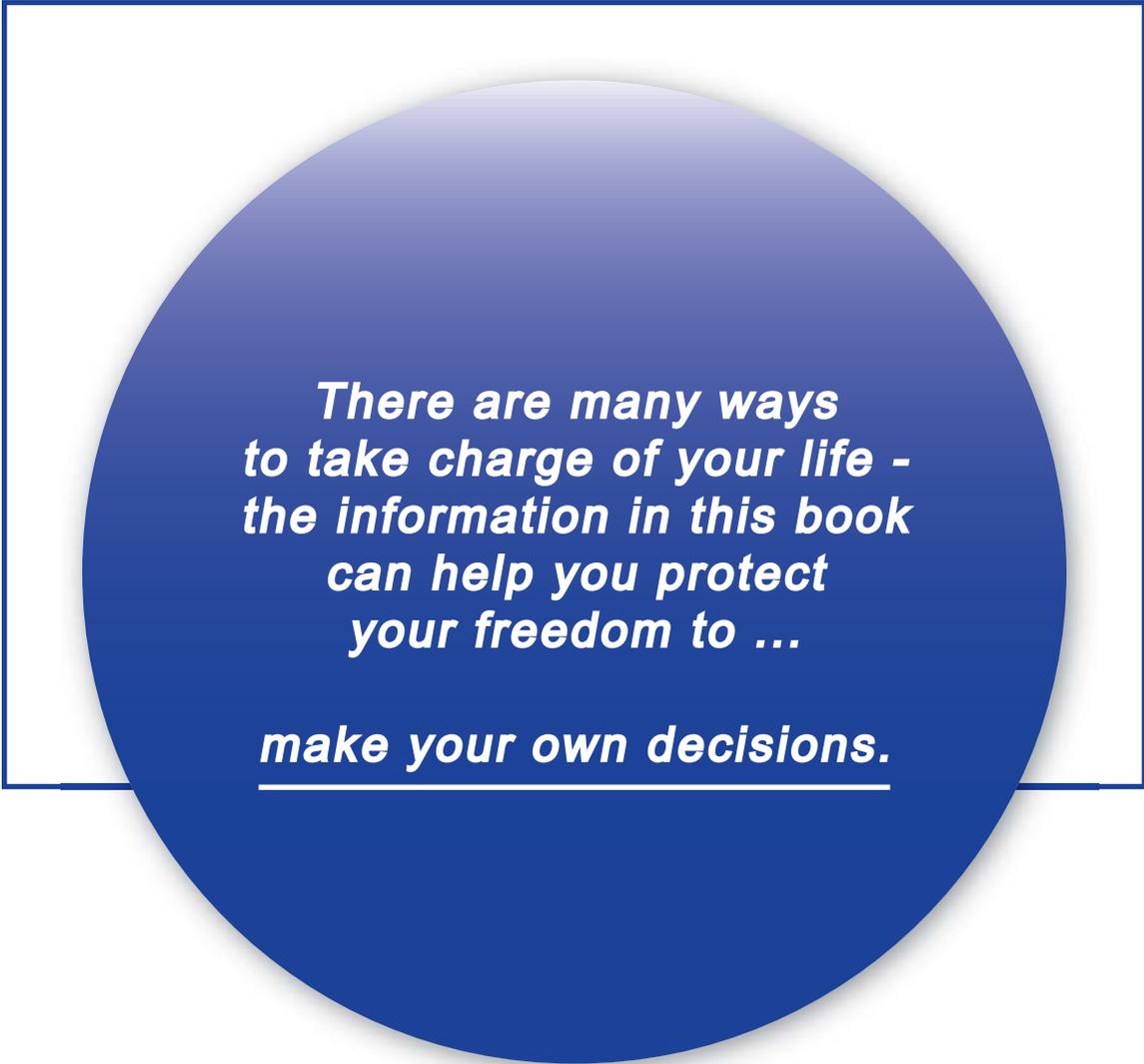
- ▶ is made by a civil court Judge.
- ▶ YOU, can ask for a CPO:
 - ask a Judge in civil court;
 - the Judge decides if you get one;
 - a member of your family, or someone who lives with you, can ask for you also.
- ▶ CPO lasts longer:
 - can last up to 5 years.
- ▶ may give more benefits, like
 - an order for money support;
 - custody of your child;
 - making someone leave your house.
- ▶ CPO does not cost anything.

Temporary Protection Order (TPO)

- ▶ is made by a criminal court Judge.
- ▶ YOU, can ask for a TPO:
 - ask a Judge in criminal court;
 - the Judge decides if you get one;
 - a criminal charge has to be filed before a Judge gives a TPO.
- ▶ TPO lasts until:
 - the criminal case ends,
 - or because the other person is convicted,
 - or because the case is dismissed,
 - or because a plea is made,
 - or because a CPO is made for the same situation.
- ▶ TPO does not cost anything.

Take Charge of Your Life...

1. *Ask for Freedom and Respect to make your own decisions.*
2. *Ask for a Lawyer to help you if you are going to Probate Court.*
3. *Ask for Someone to Explain Your Rights to you.*
4. *Ask for an Independent Evaluator to talk with you.*
5. *Ask for Privacy - ask your doctor or other people who know you not to tell the Probate Court what they know about you.*
6. *Ask for Information about Alternatives, or other ways besides guardianship to get support so you can keep making your own decisions.*
7. *Ask for Reasons why someone thinks you should have a guardian - ask them to prove that you couldn't do it on your own if you had supports.*
8. *Ask for A Hearing in Probate Court, if you already have a guardian, to tell the Judge why you shouldn't have a guardian anymore.*



***There are many ways
to take charge of your life -
the information in this book
can help you protect
your freedom to ...***

make your own decisions.



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