



Plain Language Legal Glossary for Youth

This glossary is a list of words that are sometimes used by attorneys, teachers, supporters, and family members. It is meant to help you understand words that may come up at school or at home when talking about guardianship, advocacy decision-making and alternatives to guardianship.

Advance Directive

a written statement that shares your choices, goals and wishes for health care if you are not able to express them yourself. Advance means this is written before something happens to your health. In some states, it allows you to pick who you want to make health care decisions for you if you are unable to do that. This person is called a health care agent or a health care proxy (see below for definitions).

Agent

a person you choose to make decisions for you. You say what kind of decisions this person can make for you. A health care agent would make health care decisions for you. An agent is a “power of attorney” that deals with your finances would make financial decisions for you. An agent you choose to be a “power of attorney” may sometimes also be called an “attorney-in-fact.” See “Power of Attorney.”

Alternatives to Guardianship

tools that you can use to avoid guardianship. Some of these tools help you get the support you need to make decisions about your life. There are many different types of tools, like supported decision-making, powers of attorney, and representative payees. Using an alternative to guardianship means you do not have a guardian making decisions for you.

Assets

something you own like your own home or having money in the bank. An asset is something that you own that has value, which means it is worth a certain amount of money.

Capacity

the ability to make decisions about things that affect your life. This ability may vary depending on the situation or the type of decision being made. You may have the capacity to make some decisions at certain times and not at other times. A court can decide that you have or do not have the capacity to make certain decisions for yourself. See “incapacity.”

Conflict of Interest

when someone has other reasons for helping you make a certain decision. These reasons might be that they will get something for themselves by helping you make decisions. You should think about whether you want a supporter to help you with a decision where they have a conflict of interest. You should come up with a plan for how to deal with that conflict—like getting support from others too or limiting the support they provide you.

Contract

a legal document that is an agreement between two or more people. Whoever signs this document agrees to follow the rules or promises on it.

Decision-Maker

a person who makes choices about their life. If you make choices about your life, you are a decision-maker!

Dual Signature Bank Accounts

a bank account that requires two signatures for each check. You can sign up for one at the bank.

Durable Power of Attorney

a document where you pick a person (an “agent”) that can make decisions for you. You can choose whether that person can make decisions for you right away or only after you are unable to make decisions. What makes a power of attorney “durable” is that the person will have the ability to make decisions for you even after you are unable to make them for yourself without support. Once you are unable to make decisions for yourself, you may not be able to change your agent or cancel your durable power of attorney. See also “power of attorney.”

Expert

someone who knows a lot about a topic.

Guardian

the person appointed by the court to make decisions for you. States may use different terms for a guardian, including “conservator.”

Guardianship

when CYVYC uses the legal word “guardianship,” we are talking about guardianship over adults. Guardianship happens when a court decides that an adult (usually at least 18 years old) cannot make their own decisions. The court then gives someone else (a guardian) the power to make decisions for the person. States may use different terms to refer to guardianship, such as “conservatorship.” Guardianship may cover lots of decisions (“plenary” or “full” guardianship) or just a few kinds of decisions (“limited” guardianship).

Health Care Agent/Proxy

someone you choose to make health care decisions for you if something happens to you and you cannot make decisions for yourself. In some states you can pick your health care agent/proxy in a “power of attorney for health care.” In others, you pick this person by signing an “Advance Directive.”

Hearing

before a guardian is given the power to make decisions for you, there is a formal meeting with a judge in court. The judge then decides whether or not you need a guardian.

Incapacity

when you have been legally found to be unable to make your own decisions. Definitions of “incapacity” and the rules for determining it vary widely across states. Some states use “incompetent,” “incapacitated,” “incapable,” or “disability” instead of incapacity.

Informed Choice

when you get all the information you need to make a decision, like where you live or work. This information can include hearing the experiences from other people who had to make these same choices.

Legal Capacity

the ability to have your decisions recognized legally. This can include whether you can sign a contract, set up a bank account, sue in court, or make a decision about health care. Different states might have different definitions or rules about what “legal capacity” means.

Legal Document

an official paper that has power under the law.

Notarized

when your legal document is certified by an official government witness (this witness is called a notary). The notary or notary public watches you sign a document to make sure that the document and signatures are authentic (real). The notary provides a seal (stamp) to show that they witnessed the signatures.

Petition

a piece of paper you give to the courts to ask them to do something.

Power of Attorney

a legal document where you give someone (“agent”) the power to take care of your money, business, health care, or other legal issues. You need to understand the power that you are giving to your agent in order to be able to sign power attorney. Powers of Attorney can be used to give someone that power right away or only at certain times, like when you cannot make the decision yourself. If the power of attorney will last even after you can no longer make decisions for yourself without support it is called a “durable power of attorney.” (See ‘durable power of attorney’). The decisions a Power of Attorney can make for you are listed in the document. In some states a power of attorney for health care decisions is called an “advance directive.” As long as you understand what it means to cancel a power of attorney, you can do so.

Representative Payee

this is sometimes called a “Rep Payee.” The Social Security Administration assigns this person or organization to you if they think you cannot manage or tell others how to manage your SSI/SSDI money. When this happens, your SSI/SSDI money will go directly to the representative payee. Then, the representative payee is supposed to pay your bills for you and save any left-over money for you.

Social Security Income/Social Security Disability Income (SSI/SSDI)

a monthly check from the government. In order to receive this check, the Social Security Administration has to decide that you have a disability that will last longer than a year, you have low income, your disability makes it hard for you to work, or you are over 65.

Supported Decision-Making

a way of making decisions for yourself, with some help. You get to make decisions about your life. You are the decision-maker. The people who help you make decisions are called your supporters. You choose who your supporters are. Your supporters help you understand what your choices are and can give you advice, so you can make your own decisions. Your supporter can tell you that they do not agree with your decision, but your supporter cannot make the decision for you. They can only share their opinion — the decision is always up to you. You do not have to go to court or pay a lawyer to start using supported decision-making.

Supported Decision-Making Agreement

an arrangement between you and your supporters about how they will help you make your own decisions in your life. It is usually a piece of paper where you and your supporters put down in writing what the rules are for working together on supported decision-making. After you have written down all the rules, you then sign the Supported Decision-Making Agreement paper. Your supporters also sign the paper. You can share your Supported Decision-Making Agreement with people like doctors, bankers, or other people in the community, so they know how you get help in making decisions. Some states have laws with special forms and rules you need to use and follow if you want to use a written Supported Decision-Making Agreement. In some places, an agreement just needs to be signed by the person with a disability and the supporter. In other places, they also need to be stamped by a Notary. In some places, they may even need to be approved by a court.

Supporter

someone you pick to help you with making decisions. Some states have rules that say certain people cannot be a supporter under a Supported Decision-Making Agreement. A supporter should be someone:

- who you trust
- who knows you well
- who understands what you want and what you like
- who knows how to communicate with you in a way you can understand
- who will be available for a long time in the future to help you

Trust

a legal arrangement where someone else manages your money or property. The manager, or trustee, has to follow special rules. For example, there might be a rule that you get a certain amount of money each month. Or there can be a rule that the money can be spent for certain things. The trustee can only manage the money or property that's been put into the trust.

Trustee

someone who manages money or property that's in a trust. A trustee could be a person you know. Or it could be a bank or a lawyer. A trust can have more than one trustee.

What is the Center on Youth Voice, Youth Choice?

At the Center on Youth Voice, Youth Choice, we work with youth with IDD, families, and supporters. We share information about alternatives to guardianship. Youth with IDD lead projects about alternatives to guardianship. We believe that you have the right to make your own decisions about your life!

[Visit the Center on Youth Voice, Youth Choice website](#) to learn more about *alternatives to guardianship* and what these words mean.

[Visit the Center for Public Representation's website](#) to learn more about *supported decision-making*.

Do you have more questions about this fact sheet and guardianship?

Please email the Center on Youth Voice, Youth Choice team at youthvoice@umb.edu



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