

# Guardianship and Alternatives in Oklahoma

Jorjana Marx  
Attorney



**OKLAHOMA  
SENIOR  
LAW**

**Who am I:** Jorjana Marx

**What am I:** Estate Planning and  
Elder Law Attorney

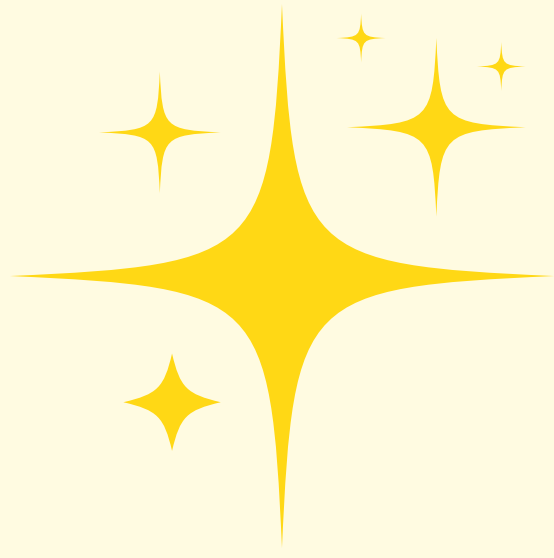
*a little bit about me:*

**Tulsa Native**

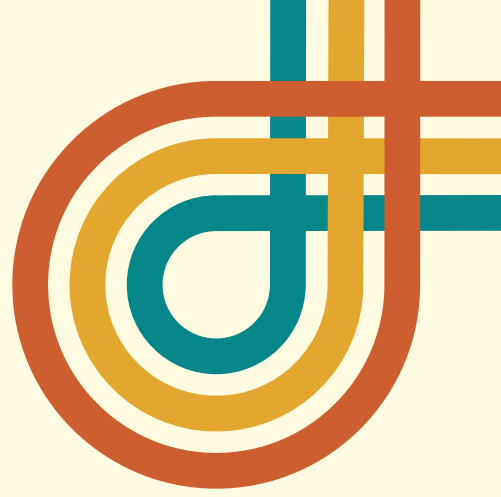
**Baylor Graduate**

**20+ Years of Experience**





# GUARDIANSHIP: what is it?



Court-ordered relationship where a judge has determined a person is incapacitated and needs to have someone appointed as a decision maker.

Incapacitated person = Ward  
Responsible person = Guardian

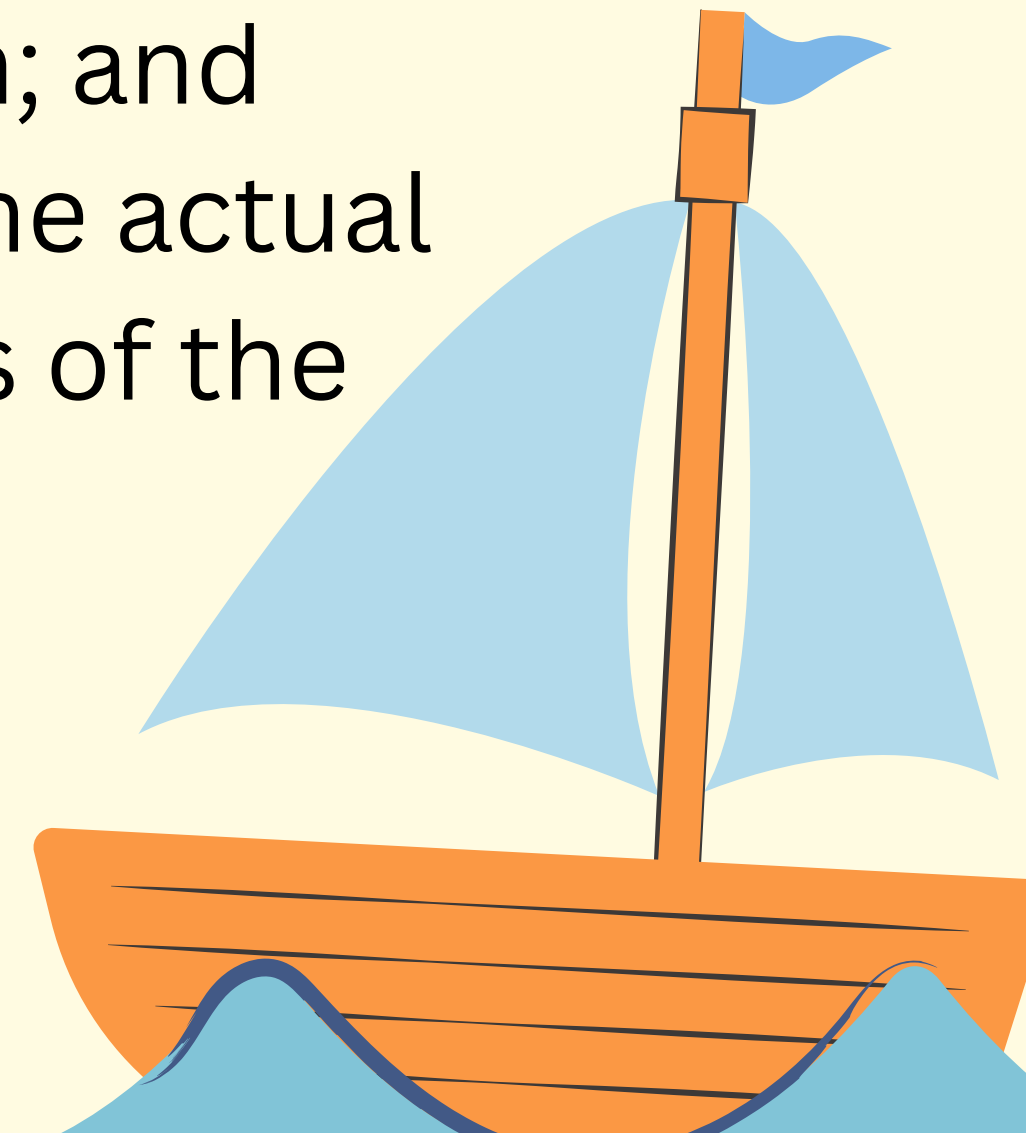


# Oklahoma Guardianship law is Title 30.

Some limitations on use of Guardianship:

1. Used only as is necessary to promote and protect the well-being of the person and their property;
2. Designed to encourage the development of maximum self-reliance and independence of the person; and
3. Ordered only to the extent required by the actual mental, physical and adaptive limitations of the person.

(30 O.S. 3-111(c)).



# Guardianship **OVERUSE**

Increase in vulnerable adults as boomers age.

Courts are bogged down in larger counties.

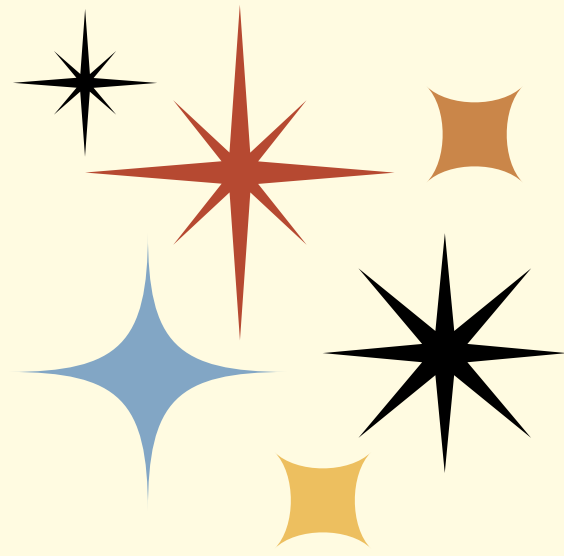
Misinformation about Guardianships  
and the **ALTERNATIVES**.

# Guardianship REFORM

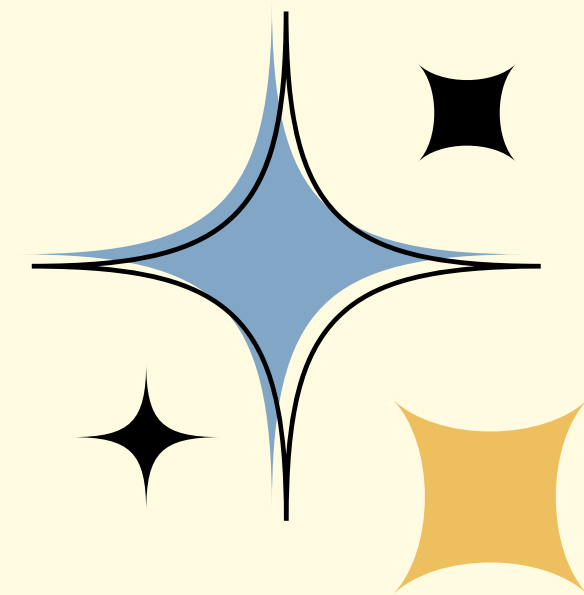
For Attorneys: Rules of Professional Conduct Model  
Rules 1.14

For Advocates: Alternatives to guardianship like Powers  
of Attorney and Supported Decision Making Agreements



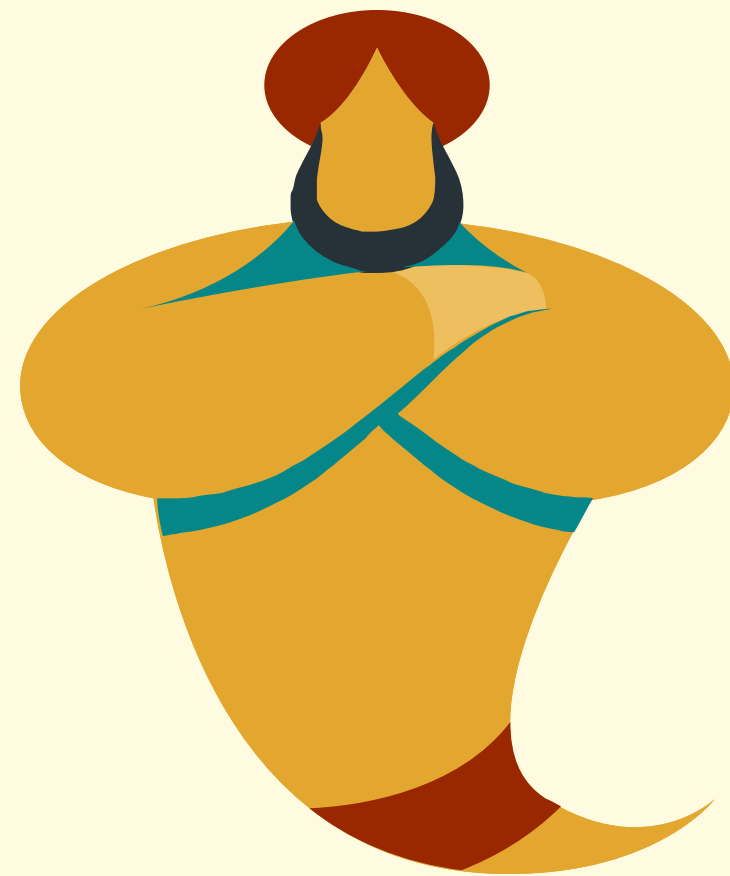


# Guardianship Alternatives





# The magic of POWER OF ATTORNEY



# All About Powers of Attorney

What is Power of Attorney?

Does it have to be DURABLE?

Does it work when I die?

Do I lose all MY power?

What about healthcare decisions?

Can they MAKE ME do something?



Can I get one off the internet?

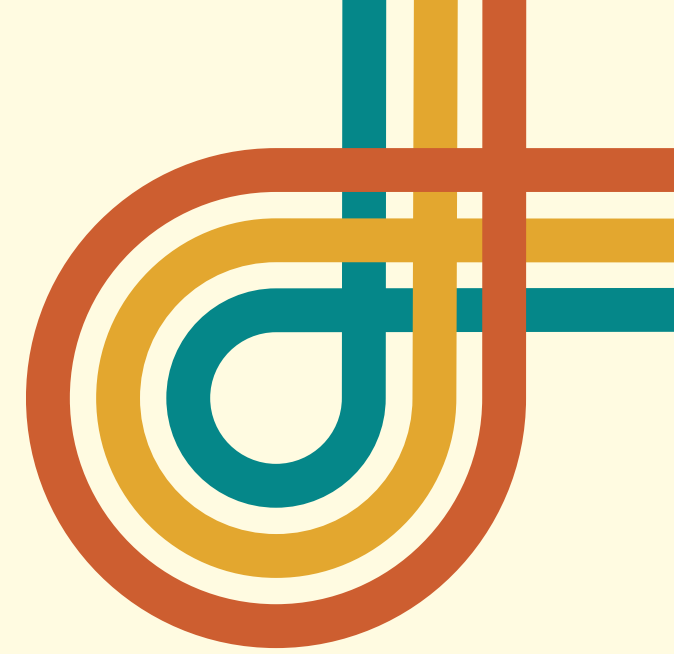
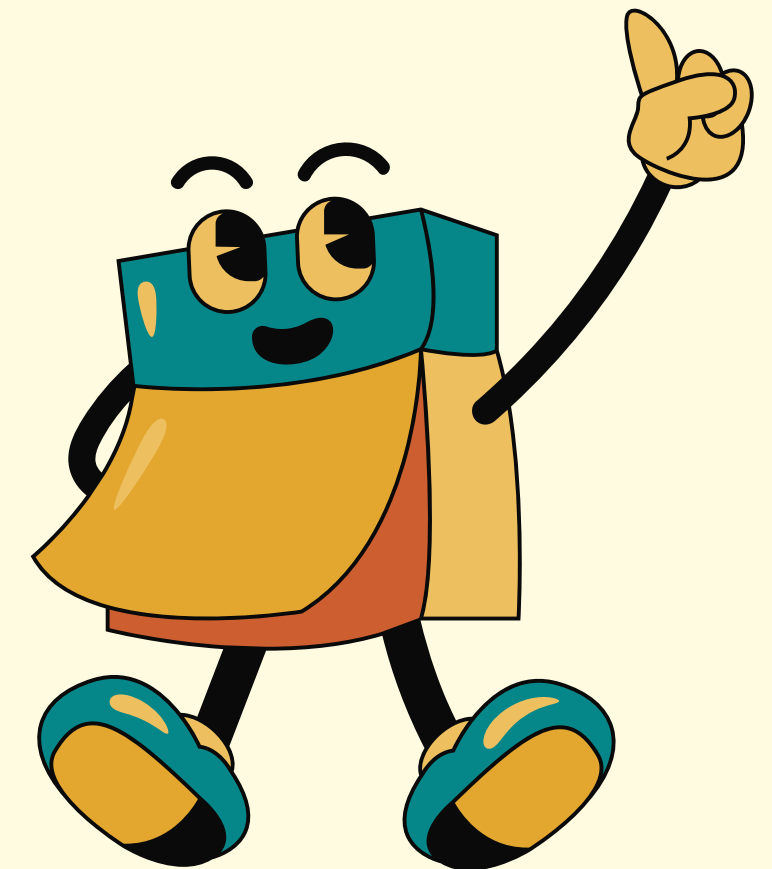
Does it expire?

Does an out of state POA work in Oklahoma?

Is a POA like a Will?

Can I revoke it?

Which controls:  
POA or Guardianship?





# Supported Decision Making



Worldwide movement to empower people with cognitive limitations and diminished capacity with decision making outside of a Court or a Power of Attorney.

ACLU definition: a tool that allows people with disabilities to retain their decision-making capacity by choosing supporters to help them make choices. A person using SDM selects trusted advisors, such as friends, family members, or professionals, to serve as supporters. The supporters agree to help the person with a disability understand, consider, and communicate decisions, giving the person with the disability the tools to make her own informed decisions.



# Supported Decision Making



Supporters assist by using methods like:

- Using plain language
- using visual and/or audio communication tools
- providing extra time to discuss decisions
- creating a list of pros and cons
- incorporating role-playing activities
- attending important meetings and taking notes

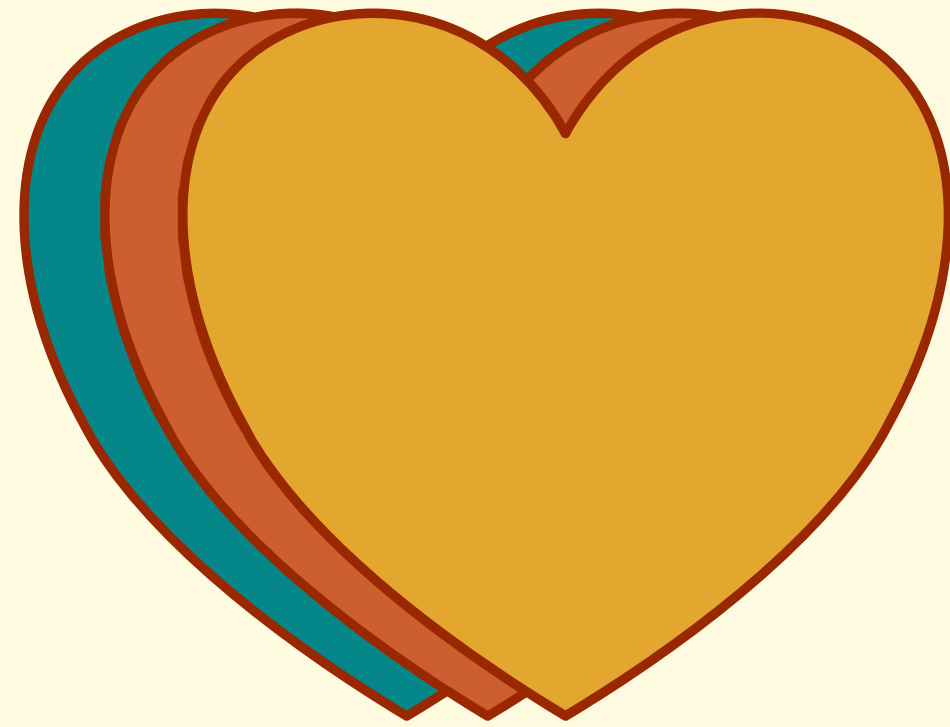
## Best practices:

Choose a supporter who is trusted

Get a SDM agreement in writing

Identify a supporter and a back up

Identify the scope of the support



**Thank you!**

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