

OASIS · AT A GLANCE

42 states have supported decision-making laws. Michigan doesn't.

Twenty-four states and DC have a supported decision-making statute. Eighteen more require courts to consider it before appointing a guardian. Michigan has neither, which changes what you have to do here.

PILLARS: WHERE · WHAT | COMPANION TO BLOG POST B157 | 2-PAGE BRIEF

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MICHIGAN SDM STATUTES

Not a comprehensive law, not a requirement that courts consider it first.

How families end up in probate court

EIGHTEEN, DEFAULT, SKIP

STAGE 1

A need appears at 18

Your child becomes their own legal decision maker regardless of support needs. Schools, doctors, and banks change how they talk to you overnight.

STAGE 2

You get pointed at guardianship

With no supported decision-making statute, the path of least resistance runs to probate court, because that is the tool everyone in the room knows.

STAGE 3

The middle gets skipped

Powers of attorney, patient advocate designations, representative payee, and limited guardianship all sit between doing nothing and taking every right away.

The options, least restrictive first

ALL AVAILABLE IN MICHIGAN TODAY

The decision-support spectrum

Michigan law already requires that a guardian be appointed only where less restrictive means will not suffice. There is no SDM statute to invoke, but that principle is the same question.

TOOL	RIGHTS REMOVED	WHAT IT COVERS
Supported decision-making	None	No Michigan statute, still usable by agreement
Patient advocate designation	None	Healthcare decisions, Michigan's healthcare POA
Durable power of attorney	None	Finances, revocable, needs capacity to sign
Representative payee	Narrow	Social Security benefits only
Limited guardianship	Specified	Court removes only the rights it names
Plenary guardianship	Nearly all	Most restrictive. Easy to enter, expensive to leave

24

States plus DC with SDM statutes

Comprehensive supported decision-making agreement legislation.

18

More require courts to consider it

As a less restrictive option before appointing a guardian.

2026

Idaho, Kansas, Illinois enacted

After Hawaii, Utah, and New Mexico in 2025. The direction is not ambiguous.

THE FORM THAT TOOK EVERYTHING

“

Marcus's parents were handed a packet at a transition meeting and told this was what everyone does at 18. They filed. Full guardianship, granted in under fifteen minutes. Two years later Marcus wanted a bank account for the job he had gotten, and learned he could not open one.

EASY TO ENTER. EXPENSIVE TO LEAVE.

THE TAKEAWAY

The question is never guardianship or nothing. It is which specific decisions need support, and what is the smallest legal tool that provides it.

TURN THE PAGE

How to map decisions to tools, what to ask the probate court before filing, and the honest case for guardianship when it is needed.

Mapping decisions to the smallest tool

WRITE THE LIST FIRST

MAP

List the decisions, one by one

☐ Medical treatment and consent

☐ Psychiatric medication decisions

☐ Where to live and with whom

☐ Banking, benefits, and everyday money

☐ Employment, relationships, and voting

MATCH

Assign the smallest tool

☐ Healthcare items: patient advocate designation

☐ Benefits: representative payee

☐ Money: durable POA or a special needs trust

☐ Assets: special needs trust, no rights removed

☐ What is left is the real scope of any guardianship

ASK

Before you file anything

☐ Ask the probate court what alternatives it expects addressed

☐ Ask in writing and keep the answer

☐ Consider limited guardianship over plenary

☐ Get advice from a disability-specific attorney

☐ Michigan already requires the least restrictive means

REVISIT

It is not permanent by law

☐ Plenary guardianship can be modified

☐ Modification is harder than not filing, not impossible

☐ Gained skills are exactly what modification is for

☐ Review the arrangement as your adult child changes

☐ Some families do need guardianship. That is allowed

BRING ONE PAGE, NOT A BINDER

The decision map

01

The decision

One row per category, written plainly.

02

The support level

Decides with support, with a lot, or cannot indicate.

03

The tool

The smallest instrument that covers that row.

04

What is left

The actual scope any court order needs to reach.

YOUR MOVE

Before a transition meeting turns into a petition

1

Write the list

Every decision category, one per row.

2

Match the tools

Designation, POA, payee, trust.

3

Ask the court

What less restrictive options it expects.

4

Get real advice

A disability attorney, not general estate planning.

5

File narrowly

Limited where limited works.

Guardianship is massively overused and some people genuinely need it. Any framework that cannot hold both of those was not built for these families.

SOURCES

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Disability Rights Michigan. Guardianship and alternatives advocacy. 800-288-5923.

Special Needs Alliance. Attorney directory and planning guidance for families.

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