

# Who Speaks for Me?

## Understanding Powers of Attorney, Guardianship, & Alternatives

*A Practical Overview of Authority, Rights  
Retained or Lost, and Common Crisis Mistakes*

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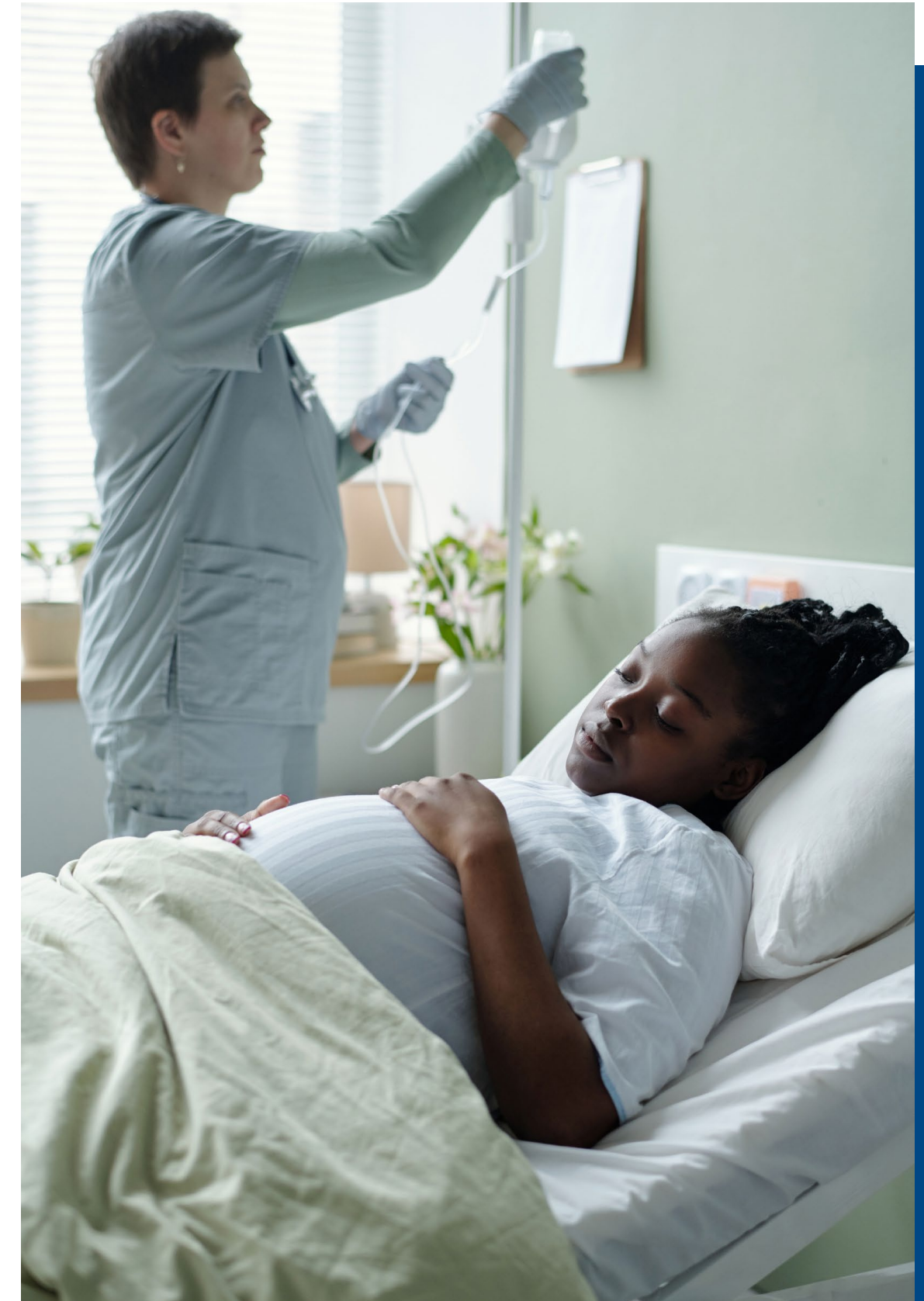
# Who Will Speak for Me?

*A question many survivors quietly face.*

What happens when communication or decision - making becomes difficult?

How can you ensure your voice is still heard?

Imagine waking up in a hospital after a brain injury. You know what you want. You may even know what you need. But the words don't come out right —or not at all. Decisions are being made around you: medical care, finances, where you'll live. And the question becomes: Who will speak for me when I can't?



# When a Voice Is Lost, Advocacy Matters!

Brain injury  
can affect  
speech,  
memory,  
judgment, or  
stamina.

Loss of Voice



Loss of Rights

Advocacy  
protects  
dignity, safety,  
and choice.

# Brain Injury & Decision- Making Capacity

01

Capacity is NOT  
all -or -nothing!

It can fluctuate  
day to day.

02

03

Support may be  
needed only in certain  
areas.

Planning allows  
flexibility.

04

# What Happens Without Planning?



**Decisions may default to courts or institutions.**

**Family may not automatically have authority.**

**This may lead to delays in medical care, housing, or finances.**

# Legal Planning That Speaks for You

## *Financial POA*



Authorizes a trusted individual to manage financial matters on your behalf.

## *Healthcare POA*



Appoints someone to make medical decisions for you if you're unable to do so.

## *Advance Directives*

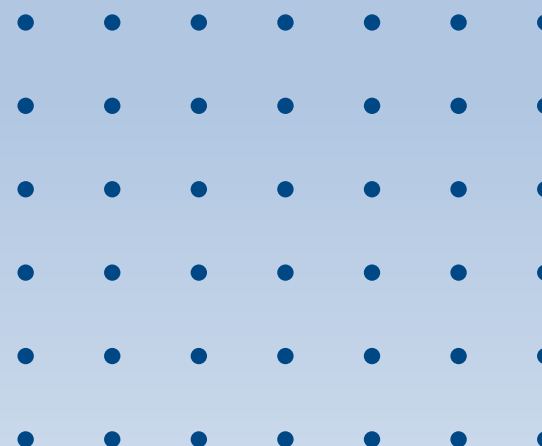


Outlines your wishes for medical care and end-of-life decisions in advance.

# Guardianship

## A Last Resort

- Court appoints a decision -maker
- Individual loses certain rights
- Public court oversight
- Can be costly and time -consuming



# Alternatives



Often Preferred in KS & MO Courts



Temporary or Specific Authority



Limited POAs



Supported Decision - Making



Family Members



Professional Advocates



# Who Are Your People?

Choosing Who Speaks for You



Trusted Friends



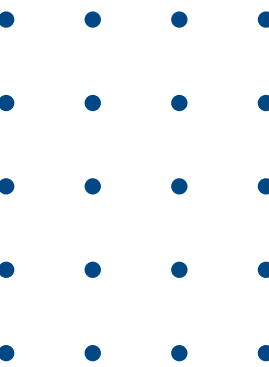
Your Choice Matters



# Care Needs Beyond Documents

- Daily living support
- System navigation
- Emotional and social well-being
- Ongoing advocacy

# Rights Retained & Lost



## Right to Make Medical Decisions

- A survivor retains the right to make their own healthcare decisions unless a court appoints a guardian or the person has previously signed a valid healthcare power of attorney that becomes active upon incapacity.

## Right to Manage Finances

- Without court intervention, the individual maintains control over bank accounts, property, and contracts. If a guardian/conservator is appointed, financial control may shift —but the court may limit that authority to specific areas.

## Right to Vote

- In many states, including Kansas, a person retains the right to vote unless a court specifically removes that right in a guardianship order. Guardianship does not automatically mean loss of voting rights.

## Right to Marry, Contract, and Decide Where to Live

- These rights generally remain intact unless specifically restricted by a court. Courts increasingly favor limited guardianships that remove only those rights absolutely necessary for protection.
- Right to Due Process and Legal Representation
- If guardianship or conservatorship is pursued, the individual has the right to notice, to attend the hearing, to object, and to be represented by counsel. Their voice is still legally significant.

# GOVERNMENT BENEFITS AS ADVOCACY TOOLS

## SSI

Supplemental Security  
Income

## Medicaid

Medicaid health coverage  
and long -term services

## HUD

Housing

Benefits provide income, medical care, housing, and support services.  
Eligibility often depends on income, assets, and disability status.  
Available to eligible individuals in Kansas and Missouri.

For many brain injury survivors, such benefits are lifelines. However, eligibility rules are strict and confusing, and a miss  
step can mean loss of coverage. Advocacy and planning help survivors access and keep these essential supports.

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# Special Needs Trusts & the Role of the Trustee

Protection of government benefits

Trustee as advocate for the individual

# Care Management Support

**Coordinates medical, social, and community services.**  
**Helps navigate SSI, Medicaid, and other benefits.**  
**Especially helpful during transitions or appeals.**  
**Reduces stress for survivors and families.**



# *Common Crisis Mistakes*

**Waiting Too Long to Address Legal Authority**

**Assuming Capacity Is “All or Nothing”**

**Failing to Protect Public Benefits**

**Spending Down Assets Incorrectly**

**Not Coordinating the Care Team**

**Overlooking Long -Term Care Needs**

**Letting Emotion Drive Permanent Decisions**

**Not Creating (or Updating) an Estate Plan**



# How to Start the Conversation

Start with  
Values

Involve  
Survivors  
Early

Build the Right  
Team

- Survivor
- Family or  
advocates
- Legal and care  
professionals
- Community  
organizations (like  
BIAKC)

Put the Person  
First

**Dignity**  
**Autonomy**  
**Respect**

# YOUR VOICE MATTERS

**Everyone deserves to be heard.**

**Planning protects your future.**

**Take one step today.**

## **Call to Action:**

You don't have to do everything today, but you can do something. Start a conversation. Ask a question. Write down what matters to you. Your voice matters —and with the right planning, someone will always be there to speak for you.



# STAY IN TOUCH



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