

# Guardianship and Aging in Intellectual Disability Part I

Prepared by the Center for Developmental Disabilities Evaluation  
and Research (CDDER) on behalf of the Massachusetts  
Department of Developmental Services (DDS)



# The Need for Guardianship

- \* Person may or may not have a guardian
- \* Needs may change throughout a person's life
- \* Person may develop a need for guardianship
- \* Guardians are appointed by the court



# Who?

- \* Who may become a guardian?
  - \* Family
  - \* Close family friend
  - \* Any person interested in the welfare of a person found legally incompetent or incapacitated
  - \* A professional who is willing to provide guardianship supports to individuals without other options

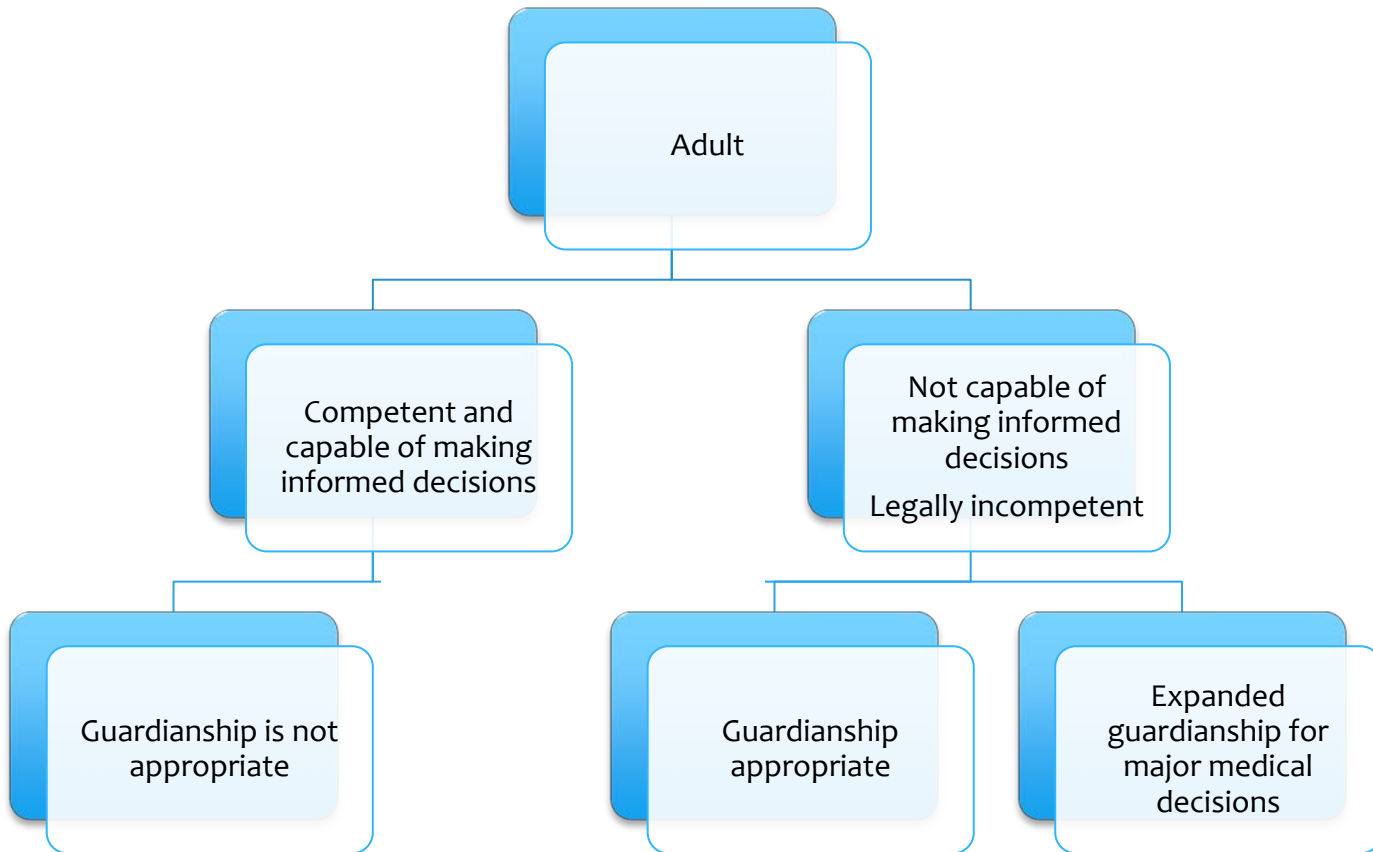


# Role of Guardian for the Person Who is Aging

- \* A guardian may be need to consent to medical treatment (routine/emergency care/hospital admissions/financial affairs)
- \* A guardian may be needed to make end of life decisions:
  - \* This may require an expansion of current guardianship status



# When is Guardianship Appropriate?



# Who Can Be a Guardian?

- \* A caring and concerned adult capable of making decisions in the person's best interests
- \* No history of assault, abuse or neglect of the person in any way



# Limited Guardian

- \* A guardian appointed to manage only certain decisions
  - \* For example: Some, but not all, medical decisions
- \* Can be appointed for a limited amount of time
  - \* For example: During an investigation, illness or psychiatric hospitalization



# Full Guardian

- \* Manages all aspects of the person's life:
  - \* Routine and emergency medical care
  - \* Any other decisions for which consent is needed
  - \* Limited financial matters
  - \* Exceptions:
    - \* Extraordinary treatment
    - \* Rights granted by virtue of basic human rights





# Expanded Guardianship

- \* For extraordinary medical treatment decisions
  - \* End of life decisions, such as Do Not Resuscitate (DNR) orders
  - \* Placement in a nursing facility for longer than 60 days



# Others Who Can Consent

- \* Involved and loving family (for DNR/DNI)
- \* Health care agent, as named in a health care proxy



# Types of Guardians

- \* Limited guardian
- \* Full guardian
- \* Not guardians, but may have authority to consent to certain medical decisions:
  - \* Involved and loving family in the case of DNR or DNI
  - \* Health care agent



# More about Guardianship

- \* Please see: **Guardianship and Aging in Intellectual Disability, Case Studies, Part II** for case examples



# Additional Webinars

- \* Guardianship and Aging in Intellectual Disability, Part I & Guardianship and Aging in Intellectual Disability, Case Studies Part II
- \* Life Sustaining Treatment Policy
- \* Massachusetts Medical Orders for Life-Sustaining Treatment (MOLST)
- \* End of Life Definitions



# Additional Resources

Massachusetts Department of Developmental Services (DDS)  
[www.mass.gov/eohhs/gov/departments/dds/aging-with-id.html](http://www.mass.gov/eohhs/gov/departments/dds/aging-with-id.html)

Center for Developmental Disabilities Evaluation & Research  
[http://shriver.umassmed.edu/cdder/aging\\_idd\\_education](http://shriver.umassmed.edu/cdder/aging_idd_education)



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