

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

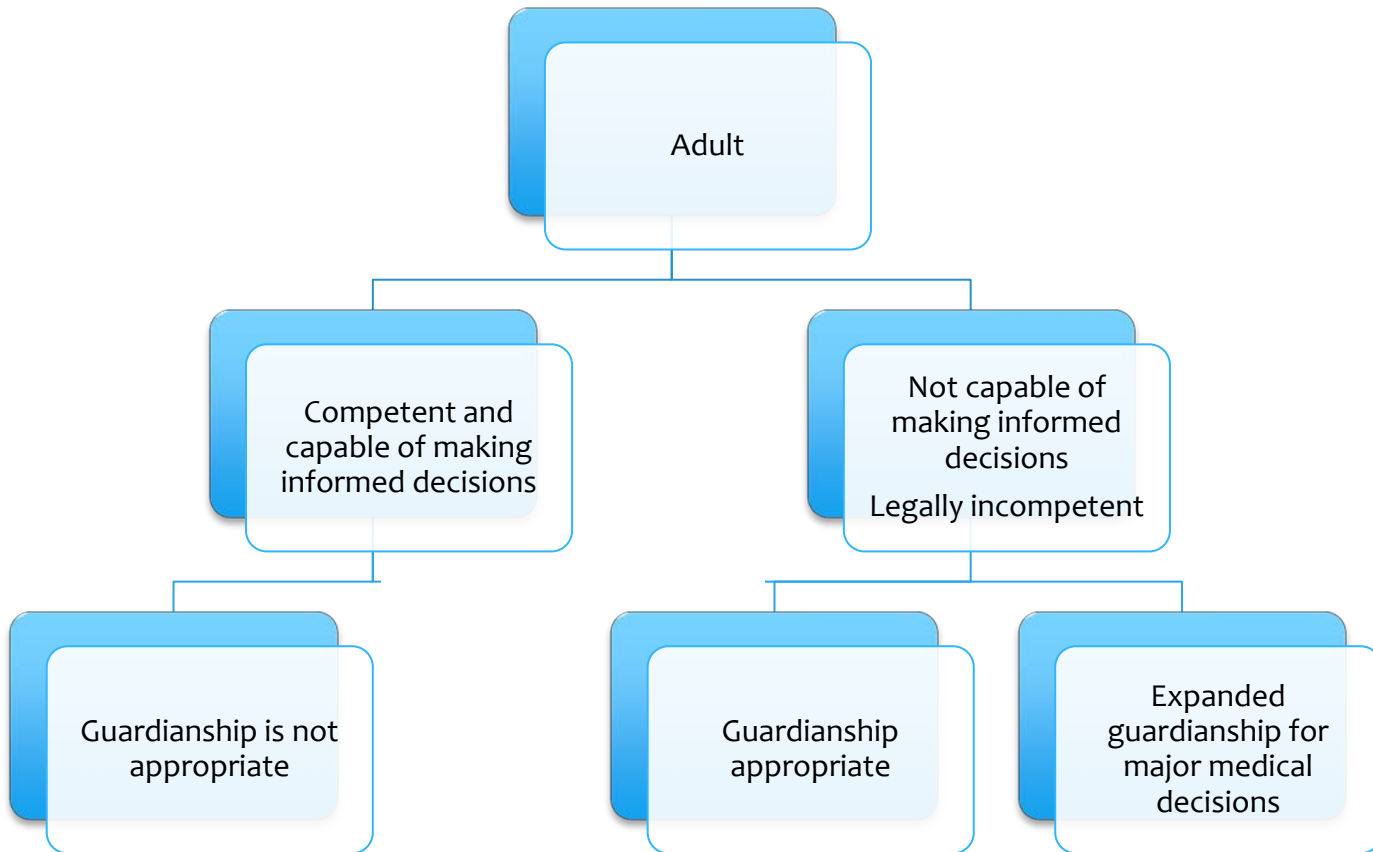


Role of Guardian for the Person Who is Aging

- * 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

Center for Developmental Disabilities Evaluation & Research
http://shriver.umassmed.edu/cdder/aging_idd_education



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