

# The Role of Guardians in Protecting Rights & Promoting Well-Being

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## When No One Has Legal Authority to Decide

**Patient is medically stable, but:**

- ✦ No Power of Attorney
- ✦ No capable family decision maker
- ✦ Patient lacks decision-making capacity
- ✦ Discharge or treatment decisions cannot move forward

**Result:**

- ✦ Care teams are stuck
- ✦ Treatment decisions stall
- ✦ Safe discharge planning becomes difficult

*Guardianship provides the legal authority needed to move forward*



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## Understanding Power of Attorney vs Guardianship

### Power of Attorney

- ✦ Power of Attorney (POA) is a voluntary legal designation
- ✦ Requires decision made while a person still has capacity
- ✦ Can be revoked by the individual

### Guardianship

- ✦ Guardianship is a court-appointed role
- ✦ Used when an individual can no longer make safe decisions
- ✦ Guardianship provides legal authority for decision-making and oversight by the court

*Healthcare providers often supply the medical documentation needed for the court's determination*



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## Why Healthcare Documentation Matters

*Healthcare providers often identify when guardianship may be needed*

- ✦ Clinical assessments frequently initiate the guardianship process
- ✦ Providers help identify when a patient may no longer safely manage personal or medical decisions
- ✦ Documentation becomes the foundation for court determinations
- ✦ Common contributing conditions include:
  - ✦ Dementia
  - ✦ Traumatic brain injury
  - ✦ Stroke
  - ✦ Severe mental illness

*Healthcare providers often supply the medical documentation needed for the court's determination*



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## Typical Responsibilities of a Guardian or Conservator

- ✦ Medical decision-making when capacity is impaired
- ✦ Financial oversight and protection from exploitation
- ✦ Coordination with healthcare providers and services
- ✦ Ensuring appropriate housing and care
- ✦ Court reporting and accountability



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## What Comprehensive Guardianship Support May Include

- ✦ Healthcare management and treatment coordination
- ✦ Ensuring appropriate housing and living arrangements
- ✦ Coordination with discharge planners and case managers
- ✦ Financial oversight and benefit management
- ✦ Advocacy for the individual's dignity, safety, and rights
- ✦ Ongoing monitoring of safety, welfare, and living conditions



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## Situations Where Guardianship May Be Considered

- ✦ Cognitive decline or dementia affecting decision-making capacity
- ✦ Traumatic brain injury or neurological conditions
- ✦ Severe mental illness impacting judgment or safety
- ✦ Lack of family or support network to assist with decisions
- ✦ Repeated medical or social crises due to inability to manage care



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## Advocacy vs Guardianship

- ✦ Advocacy provides voluntary support to help individuals maintain independence
- ✦ Advocates assist with coordination, resources, and navigating complex systems
- ✦ Guardianship is used when individuals cannot safely make decisions themselves
- ✦ Guardianship involves legal authority and court oversight



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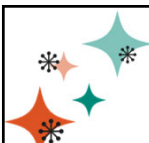
## Guardianship and Care Transitions

- ✦ Guardians and advocates often assist with discharge planning
- ✦ Coordination of medications, follow-up care, and in-home services
- ✦ Addressing home safety and long-term care needs
- ✦ Improving communication between providers, families, and support systems

*Helping resolve discharge barriers when no decision-maker exists*






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## Benefits for Healthcare Systems

- ✦ Safer discharge planning
- ✦ Reduced hospital readmissions
- ✦ Improved continuity of care
- ✦ Clear decision-making authority for treatment plans
- ✦ Reduced burden on clinical teams

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## When Healthcare Providers Should Consider a Referral

- ✦ Patients lacking decision-making capacity with no appropriate surrogate
- ✦ Evidence of financial exploitation or neglect
- ✦ Repeated unsafe discharges due to lack of oversight
- ✦ Individuals with complex needs and no support network



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## Real Life Example

Elderly adult with dementia is admitted to the hospital

- ✦ No family decision maker
- ✦ No Power of Attorney
- ✦ Unsafe to return home
- ✦ Unable to consent to treatment or placement

Appointment of guardian allows:

- ✦ Legal medical decision-making
- ✦ Safe discharge planning
- ✦ Coordination of long-term care



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## Key Takeaways

- ◆ Guardianship protects vulnerable individuals who cannot safely make decisions
- ◆ Healthcare providers are often the first to identify the need
- ◆ Early intervention improves patient safety and care coordination
- ◆ Collaboration between providers, families, and guardians improves outcomes



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## Questions and Discussions

Thank you for your time!



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