

Washtenaw County Community Mental Health

ASSESSMENT FOR GUARDIANSHIP – (policy)

PURPOSE

Guidelines to resolve consent issues for individuals with developmental disabilities, severe and persistent mental illness, dementia or other cognitive disabilities.

POLICY

- WCCMH believes that all individuals have a right to make choices and control their own lives. If a question about a person’s ability to consent about any area of his or her life becomes an issue, such issue shall be resolved in the least intrusive method possible.
- Least intrusive means minimal interference of an individual’s civil and human rights.
- Legal guardianship is considered the most intrusive method possible, and to be avoided whenever feasible.

STANDARDS

- WCCMH assumes that all individuals have preferences, regardless of their level of disability.
- An individual’s preferences should be determined through the person-centered planning process and honored, as long as the preferences do not harm the individual. This process is more reliable than having a court-appointed person to make decisions with or without input from anyone.
- Any method possible shall be used to determine preferences, including the observations of the individual’s behavior by those close to the individual.
- In determining whether assistance in consent issues is needed, the availability of third party assistance and supports must be considered.
- All methods of consent assistance shall be considered, and only the least intrusive shall be utilized.

DEFINITIONS

Individual: Person with a disability receiving assistance from WCCMH.

Supports Coordinator/Client Service Manager/Therapist: A CMH staff employed to assist with the coordination of supports for the individual.

Advisor: A person who consults with the individual to present information and advice about a decision that needs to be made.

Advocate: A person who acts for the individual in the way in which the individual and his/her support circle directs them.

Durable Power of Attorney (DPOA): A legal document through which an individual gives specified powers to make decisions to another person.

Amenities Trust: A legal document through which a trustee can spend funds to enhance the life of the individual and to monitor the satisfaction of the individual with their life without interference of public funds.

Representative Payee: An appointed person who can legally assist an individual with their financial matters.

Guardianship: A legal process in which an individual is determined to lack the capacity to make decisions about their life and decision-making power is given to a court-appointed guardian. This can be over all or very specific decisions, as the court orders.

PROCEDURES

(See procedures manual)

REFERENCES

- MCL 330.1600 et seq - Chapter Six – Mental Health Code
- Advanced Directives/End of Life 12.015

EXHIBITS

(none)