

## Guardianship and Conservatorship Program Regulations

### 405 General Decision Standards

All decisions and activities of the guardian and conservator shall be made according to the applicable decision standard.

405.1 The primary standard for decision-making is the Substituted Judgment Standard based upon the guardian and conservator's determination of the individual's preferences. To determine the decision the individual subject would make if able, the guardian and conservator shall consider the individual's previous or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the guardian and conservator. A guardian and conservator shall make reasonable efforts to ascertain the individual's historic preferences and shall give significant weight to such preferences. Such preferences may be inferred from past statements or action of the individual when the individual had the ability to receive and evaluate information or make and communicate decisions.

405.1.1 In making a decision for an individual subject to guardianship, the guardian shall make the decision the guardian reasonably believes the individual would make if the individual were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the individual.

[RCW 11.130.325 \(4\)](#)

405.1.2 In making a decision for an individual subject to conservatorship, the conservator shall make the decision the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual.

[RCW 11.130.505 \(3\)](#)

405.2 When a decision cannot be made under the Substituted Judgment Standard, the guardian and conservator is responsible for making decisions which are in the best interests of the individual.

405.2.1 In determining the best interests of the individual, the guardian and conservator shall consider:

- (a) Information received from professionals and persons who demonstrate sufficient interest in the welfare of the individual;
- (b) Other information the guardian and conservator believes the individual would have considered if the individual were able to act; and
- (c) Other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

[RCW 11.130.325 \(5\)](#) [RCW 11.130.505 \(4\)](#)

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