

Guardianship and Conservatorship Program Rules Regulations

402 Guardian and conservator's Relationship to Family and Friends of Incapacitated Person- Individual Subject to Guardianship and/or Conservatorship and to Other Professionals

402.1 When the guardian and conservator has limited authority the guardian and conservator shall work cooperatively with the incapacitated person/individual subject to guardianship and/or conservatorship or with others who have authority in other areas for the benefit of the incapacitated person/individual subject to guardianship and/or conservatorship.

402.1.1 With respect to health care decisions, the guardian and conservator shall:

(a) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options; and

(b) Defer to a decision by an agent under a power of attorney for health care executed by the adult and cooperate to the extent feasible with the agent making the decision.

402.1.2 If a power of attorney for finances is in effect, a guardian and conservator shall cooperate with the agent to the extent feasible.

402.2 The guardian and conservator, where appropriate, shall consider the views and opinions of professionals, relatives, and friends who are knowledgeable about the incapacitated person/individual subject to guardianship and/or conservatorship. In determining the best interests of the adult, the guardian and conservator shall consider information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult.

402.3 The guardian and conservator shall seek independent professional evaluations, assessments, and opinions when necessary to identify the incapacitated person's individual subject to guardianship and/or conservatorship's, functional and cognitive abilities, needs, and best interests.

402.4 The guardian and conservator shall recognize that his or her decisions are open to the scrutiny, criticism, and challenge of others. Subject to orders of the court, the guardian and conservator alone is ultimately responsible for decisions made by the

guardian and conservator on behalf of the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship.

402.5 A guardian and conservator shall not disclose personal or other sensitive information about the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship to third parties except: (a) when necessary and relevant to the needs of the ~~incapacitated person~~ individual or (b) as required by these standards or other applicable laws or when directed by the court or the CPGC Board.

402.6 The guardian and conservator must know and acknowledge personal limits of knowledge and expertise and shall engage appropriate professionals to provide services to the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship to the extent reasonable and necessary.

402.7 The guardian and conservator shall develop and maintain a working knowledge of the services, providers, and facilities available in the community. The guardian and conservator shall act to coordinate and monitor services needed by the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship to ensure that the ~~incapacitated person~~ individual is receiving the appropriate care and treatment.