

Guardianship and Conservatorship Program Rules Regulations

403 Self-Determination of ~~Incapacitated Person~~ Individual Subject to Guardianship and/or Conservatorship

403.1 The civil rights and liberties of the ~~incapacitated person~~individual subject to guardianship and/or conservatorship shall be protected. The independence, ~~and~~ self-reliance ~~and self-determination~~ of the ~~incapacitated person~~individual subject to guardianship and/or conservatorship shall be ~~promoted and~~ maximized to the greatest extent consistent with their protection and safety. The guardian ~~and conservator~~ shall protect the personal and economic interests of the ~~incapacitated person~~individual subject to guardianship and/or conservatorship and foster growth, independence, ~~and self-reliance, and self-determination to the extent reasonably feasible.~~

403.2 To the extent reasonably feasible, the guardian and conservator shall encourage the adult to participate in decisions, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs.

~~403.2-3~~ Whenever appropriate a guardian ~~and conservator~~ shall consult with the ~~incapacitated person~~individual subject to guardianship and/or conservatorship, and shall treat with respect, the feelings, values, and opinions of the ~~incapacitated person individual.~~ ~~The guardian shall acknowledge the residual capacity and preferences of the incapacitated person.~~ The guardian and conservator shall to the extent reasonably feasible, involve the adult in decisions affecting the adult, including, but not limited to, decisions about the adult's care, dwelling, activities, or social interactions.

~~403.34~~ When making decisions on behalf of the ~~incapacitated person~~individual subject to guardianship and/or conservatorship, the guardian ~~and conservator~~ shall evaluate the alternatives that are available and choose the one that best meets the needs of the ~~incapacitated person~~individual while placing the least restrictions on the ~~incapacitated person's~~individual's freedom, rights, and ability to control his or her environment.

~~403.45~~ When appropriate, the guardian ~~and conservator~~ will defer to an ~~incapacitated person's~~individual subject to guardianship and/or conservatorship's ~~residual~~ capacity to make decisions.

~~403.56~~ Unless otherwise directed by the court, the guardian ~~and conservator~~ shall provide copies of all material filed with the court and notice of all hearings in the guardianship ~~and/or conservatorship~~ to the ~~incapacitated person~~individual subject to guardianship and/or conservatorship.

~~403.67~~ The guardian ~~and conservator~~ shall, whenever appropriate or required by law, provide other requested information to the ~~incapacitated person~~individual subject to guardianship and/or conservatorship unless the guardian ~~and conservator~~ is reasonably certain that substantial harm will result from providing such information. This information

shall include, but not be limited to, regular reports on: (a) the status of investments and operating accounts, (b) the costs and disbursements necessary to manage the ~~incapacitated person's individual's estate~~property and finances, and (c) medical and other personal information related to the care of the ~~incapacitated person~~individual.

403.78 The guardian and conservator shall determine the extent to which the ~~incapacitated person- individual subject to guardianship and/or conservatorship~~ identifies with particular ethnic, religious, and cultural values and shall consider those values in the guardian and conservator's decision-making to the extent appropriate. The guardian and conservator shall not substitute his or her moral or religious values, opinions, or philosophical beliefs for those of the person under a guardianship and/or conservatorship

403.8-9 Sexual and Gender Expression:

403.89.1 The guardian and conservator shall acknowledge the ~~incapacitated person's individual subject to guardianship and/or conservatorship's~~ right to interpersonal relationships, ~~and~~ sexual expression, and gender expression. The guardian and conservator shall take reasonable steps to ensure that a private environment conducive to this expression is provided. The guardian and conservator shall take reasonable steps to protect the ~~incapacitated person individual subject to guardianship and/or conservatorship~~ from victimization.

403.89.2 The guardian and conservator shall ensure that the ~~incapacitated person- individual subject to guardianship and/or conservatorship~~ is informed of birth control methods and other sexual health information when appropriate.

403.89.3 The guardian and conservator shall take reasonable steps to protect the rights of the ~~incapacitated person- individual subject to guardianship and/or conservatorship~~ with regard to sexual expression and gender expression and preference. A review of ethnic, religious, and cultural values may be necessary to uphold the ~~incapacitated person's individual's~~ values and customs.