




Limited Guardianship Panel Discussion

2020 NMGA Symposium

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Factors to Consider

- ▶ The proposed guardian should take the opportunity to discuss any proposed Order of appointment prior to acceptance of the case.
 - ▶ The proposed guardian should identify areas of authority that may need to be carefully scrutinized prior to final order.
 - ▶ The proposed guardian should carefully assess their ability to honor the limitations within the Order.
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Examples of Rights that can be Removed through a Guardianship

- Determine Residence
- Consent to Medical Treatment
- End-of-Life Decisions
- Driving/Maintaining Driver's License
- Marry
- Vote
- Purchase or Possession of a Firearm
- Managing/buying/selling property
- Some of these rights might be preserved under a Limited Guardianship



Certain Rights are Preserved under Limited Guardianships

- ▶ Individuals under Limited Guardianships may still have the ability to operate a motor vehicle, maintain employment, and live reasonably independently
- ▶ To the extent possible, this autonomy should be fostered and maintained by the Limited Guardian
- ▶ All decisions should take into account the least restrictive alternatives. The individual should always be included to the extent possible in the decision making process.



Assessment



- ▶ Thorough assessment of the person's abilities, desires, needs, and limitations
- ▶ Person-Centered Care Plan to be developed with the individuals' participation to the extent possible
- ▶ Feasibility and safety considerations of proposed choices should always be taken into consideration (e.g. "Imagine the Consequences")
- ▶ Regular communication and routine assessment/re-assessment of the person's needs and abilities



Case Examples/Possible Limitations



“D”

- ▶ Guardianship order permits him to remain in his own home. He cannot be moved from his home without a court order. The Limited Guardian has the authority to move him temporarily in emergency situations
- ▶ He has the ability to manage his own medication administration but the Limited Guardian has the authority to periodically monitor and review.
- ▶ He manages his own medical cannabis
- ▶ He has the ability to maintain his driving privileges but the Limited Guardian has the authority to pursue driving evaluations as necessary
- ▶ The Limited Guardian may attend medical appointments
- ▶ The Limited Guardian shall consult with the Person Under Guardianship and his close friend/surrogate family member in all decisions



Case Examples/Possible Limitations



“B”

- ▶ Limited Guardian was given full decision making authority of medical and healthcare decisions
- ▶ Limited Guardian may assist in arranging for Social Service Needs and Activities of Daily Living but may not act in a manner contrary to his wishes
- ▶ Limited Guardian was not given authority over housing and placement decisions



Case Examples/Possible Limitations



“M”

- ▶ This case was gradually limited over time from full plenary and now only covers Mental Health Treatment Decisions



Case Examples/Possible Limitations



“S”

- This case began as a full plenary guardianship and was later modified to include a family member as a co-guardian.
- The family member maintains decision making over healthcare and placement decisions.
- The professional guardian maintains decisions making surrounding interactions and involvement of a family member who requires supervised interactions with the person under guardianship



Further Limitation and/or Termination of Guardianship

- ▶ Constant re-evaluation is essential, particularly in cases where rehabilitation, recovery, or progress are possible.
- ▶ The Guardian has an obligation to alert the court if reduction or removal of guardianship involvement is possible
- ▶ “The goal of effective guardianship is to be able to restore the rights of the individual who, for whatever reason, has had some of them removed by the court after due process.” (*National Guardianship Association Website*)