


<b>Name of Policy:</b> Guardianship  <b>Policy Number:</b> 3364-131-35  <b>Approving Officer:</b> Chief Medical Information Officer  <b>Responsible Agent:</b> Administrative Director, Outcome Management  <b>Scope:</b> University of Toledo Medical Center		  <b>Effective date:</b>  <b>Original effective date:</b> 4/1/2009	
Key words: Guardianship, Incapacitated, Court, Appointment, Decisions			
<input type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy
<input checked="" type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy

### (A) Policy Statement

Individuals who are determined by a physician to be incapacitated will have a petition filed with the probate court requesting the appointment of a guardian. ~~lack capacity to make informed decisions related to his or her healthcare needs by requesting that a guardian be appointed by the probate court.~~

### (B) Purpose of Policy

To provide guidance for obtaining guardianship when a physician has determined a patient needs ~~lacks capacity and requires assistance~~ making informed decisions about their ~~his or her~~ health and safety.

### (C) Procedure

1. ~~The~~A physician will determine if the patient lacks capacity and ~~the~~ ability to give informed consent for health care decisions.
2. The physician will prepare a report (Statement of Expert Evaluation) for the probate court, documenting the need for guardianship, nature and degree of alleged incapacity, and brief mental status examination.
3. A social worker from the Outcome Management Department will contact persons in order of priority to determine who will serve as guardian. Persons having the next priority for appointments as guardian are as follows:
  - a. Healthcare power of attorney.
  - b. Spouse of the incapacitated person (includes common law ~~before marriage, if established prior to~~ October 10, 1991).

