	UT UTOLEDO HEALTH	
Approving Officer : Chief Medical Information Officer		
Responsible Agent : Administrative Director, Outcome Management		
Scope: University of Toledo Medical Center		
Key words: Guardianship, Incapacitated, Court, Appointment, Decisions		
	Minor/technical revision of existing policy	
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(A) Policy Statement

Major revision of existing policy

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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.

Reaffirmation of existing policy

(B) Purpose of Policy

To provide guidance for obtaining guardianship when a physician has determined a patient needs<u>lacks capacity and requires</u> 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).

c. Adult children of the incapacitated person.
d. Parent(s) of the incapacitated person.
e. Sibling(s) of the incapacitated person.
f. If affiliated, the Developmental Disability and/or Mental Health and Recovery Services Board(s).
g. A participant in the guardianship program through Lucas County Probate Court.

4. The social worker will gather the original Statement of Expert Evaluation and supporting medical documentation to provide to the prospective guardian to apply for guardianship.

Approved by:	Policies Superseded by This Policy: • None
Ryan Sadeghian, MD Chief Medical Information Officer Date	Initial effective date: 4/1/2009 Review/Revision Date: 6/25/2015 8/7/2020 11/2023
Angela Ackerman, RN, BSN, MBA Administrative Director, Outcome Management	
Date	
Review/Revision Completed by: Administrative Director, Outcome Management	Next review date: