



GUARDIANSHIP MASTERY SERIES

Guardianship Ethics in Practice

TRAINING HAN DOU T
with Case Stories + Job Aids



guardianshipcenter.org

The Meaning + Purpose of Guardianship Ethics Training

"Ethics" can be defined as moral principles that govern behavior. Fundamental ethics such as being honest, not taking more than your share, and keeping promises are among the behaviors taught to many of us when we were young. These early teachings may lead adults to believe we understand the subject of ethics, and that we do not need a work-related code of honor. A person is either ethical or unethical, right? If only that were true.

The work of a guardian includes unique challenges. We step into people's private business to assist with a difficult or even devastating situation. We become surrogate decision makers of adults after they have been clinically diagnosed with a functional inability (incapacity) to evaluate information, communicate understanding, or make decisions for themselves. This is a huge professional responsibility. And, it is highly personal, at the same time.

For family members who become court-appointed guardians or conservators (or both), setting aside our own personal values and acting on the values of a loved one, can be confusing. Ethical guidelines bring clarity. These standards address the most frequent decisions and activities guardians and conservators will be required to make.

For professional guardians or attorneys, ethical standards reinforce best practices for tailoring decisions to each individual client. This code of conduct keeps the business of guardianship above reproach.

Oversight of guardians and conservators exists in many state and national arenas. This ethics training has been designed to prepare family and professional guardians to take the right actions and avoid the wrong ones.

Today's Topics

3 Categories of Ethical Standards (Code of Conduct Job Aid) ♦ Process of Ethical Decision-Making (Q+A Job Aid) ♦ Documentation (What if Scenarios)

The Guardian's Code of Ethics Serves 4 Purposes



Guidance for decision-making involving complex options and consequences



Confidence you are providing high quality services for clients and loved ones



Defense of your decisions using documentation with recognized standards and language



Guardianship Certification

3 Categories of Ethical Principles + Actions

You may download this job aid from our Learning Hub.

Client Advocacy

1. Preserve individual's dignity
2. Create safe, secure environment
3. Understand needs, values + goals
4. Support growth +d achievement of goals
5. Select least restrictive alternatives
6. Maximize independence
7. Seek termination or limitation of guardianship, if capacity regained

Medical

8. Beneficence
9. Non-Malevolence
10. Best Interest
11. Substituted judgment
12. Informed consent
13. Justice

Business + Financial

14. Detailed accounting
15. No commingling of funds
16. No financial benefit to conservator
17. No estate planning nor asset sales without court approval

All 3 Categories

18. Comply with laws + court orders
19. Involve individual in decisions
20. Strict confidentiality
21. Documented support for every decision



Ethical Principles



CLIENT ADVOCACY ETHICS: Principles that uplift the person under guardianship and help the individual to achieve the best possible life.		
Action	Definition	Example
1. Preserve individual's dignity	<i>Show respect for adults and what they are capable of doing. Avoid criticizing.</i>	<i>You call Zach the name Zach asks to be called, and not Zach's given name, Elizabeth, which is written on the documentation.</i>
2. Create safe, secure environment	<i>Physical safety comes from meeting fundamental food and shelter needs. Security comes from being a trusted advocate the adult can rely on.</i>	<i>You arrange for your client to live with a trusted friend and get out of the group home where his property has been stolen.</i>
3. Understand needs, values + goals	<i>Observe skills and struggles, review previous decisions, ask questions of the adult, family and friends where possible to fully grasp the persons beliefs, preferences and objectives.</i>	<i>You notice your client has been talking a lot about a synagogue service he attended and ask questions to see if he would like to become a member who attends every week.</i>
4. Support growth and achievement of goals	<i>Identify ways the adult can gain knowledge, freedom, success and happiness. Find programs, services, books and resources and provide access.</i>	<i>A painting class is being offered at the senior center. Your client has been reluctant to go there but she was an artist when she was younger and has mentioned wishing she could paint again. You bring the flyer with the class details and offer to help her arrange for transportation.</i>
5. Select least restrictive alternatives	<i>When faced with choices for primary needs choose environment that allows the adult to live, learn, and work in a setting that places as few limits as possible.</i>	<i>The assisted living closest to your client's nephew does not allow residents to stroll the grounds unaccompanied. Your client loves to get outside and walk. Her nephew visits one day a month. So you choose the assisted living that is 15 miles away but has beautiful grounds and attendants outside in case residents need help.</i>
6. Maximize independence	<i>Look for ways the adult can be free to make choices and accept consequences without jeopardizing safety.</i>	<i>Your client's son who lives overseas wants her to stop driving, but she has passed her driver's test and eye exam. You do not agree to take the car away.</i>
7. Seek termination or limitation of guardianship, if capacity regained	<i>Look and listen for evidence the adult has grown; and is willing and able to succeed with less support from guardianship or no guardianship at all.</i>	<i>Your client has successfully completed treatment, has been sober for 2 years, has a job he loves and is engaged to be married. He has asked for termination of guardianship. You help him write a letter to the judge.</i>
• Comply with laws + court orders	<i>Carefully review state laws and guardianship documentation to understand what is expected of you. Keep copies of all legal documents associated with the individual under guardianship. Avoid overstepping.</i>	<i>Your decree allows you to make medical decisions, only. Your client wants to spend her entire savings on a kitchen renovation. You do not comment.</i>
• Involve individual in decisions	<i>Explain what is happening and decisions that need to be made. Listen to the adult's opinions. When possible, offer choices and let the adult decide.</i>	<i>Your client would like to move to a new apartment closer to the bus. She finds 4 options in her price range. You help her compare the features and locations, then she makes the final decision to move to the one she likes best even though it was not your first choice.</i>
• Strict confidentiality	<i>Private information remains private unless the adult gives permission for you to share with someone. Avoid sharing this private information with your family, friends or colleagues.</i>	<i>Zach has a new girlfriend and the girlfriend tells the funniest stories. Your kids would love to hear what the girlfriend does but you do not tell.</i>
• Documented support for every decision	<i>Keep notes with details of observations, conversations, and professional advice. Write down your process for key decisions as you make them so that anyone who reads it can understand.</i>	<i>You use a phone app to jot notes about observations, decisions, challenges, options and conclusions. These records are stored in the cloud. You can access them using a search bar and typing your client's name.</i>

SMALL GROUP ACTIVITY – Part 1

1. **Appoint 1 person to take notes and report group’s ideas to class.**
2. **Read your assigned case story.**
 - **Find actions the guardian took for any of the client advocacy ethics.**
 - **Was anything missed that could have been included?**
 - **As guardian/conservator, what might you do next?**

Case Story A. Adam Part 1.

Adam is a quiet, handsome 31-year-old man who enjoys music from classical to hip hop. He likes dancing, writing songs, playing video games, watching murder mysteries, and salty, crunchy food. He is passionate about live performances and expresses excitement about national tours of Broadway shows he sees advertised on TV.

At age 9, Adam suffered a severe brain injury after a diving accident in the pool at the estate of his wealthy grandmother who was raising him. When his grandmother died 4 years ago, her estate attorney petitioned for a legal guardian/conservator to look after Adam’s needs.

Adam inherited the bulk of his family’s wealth. He has no relatives. His money is managed by a Special Needs Trust. He receives a small weekly cash stipend, which he spends locally. He likes to shop online for new video games, electronics and music as soon as they come out and enjoys knowing he has a credit card he can use without having to ask permission. His guardian/conservator reviews the bills and doublechecks with Adam to be sure he received what he purchased. Adam is always happy to show off a new acquisition. He and his guardian/conservator are learning to write music together during their visits using a new app Adam is very enthusiastic about.

Currently, Adam lives in a group home that is 10 miles from a major city. He gets along well with the other residents but spends the bulk of his time in his room, alone, except for occasional walks to a local convenience store. Public transportation can take him to enjoy live music, theatre and events which he often mentions he wants to attend. The group home used to take residents on outings before the Covid pandemic lockdowns. Now that events are being offered again, the guardian/conservator has inquired about any plans or scheduling. So far, nothing is being offered except for twice-weekly walks to the park and convenience store. When the show Hamilton came to town, Adam asked his Guardian/Conservator to accompany him as Adam’s guest. The show ticket and train ride cost \$166 per person which Adam offered to pay.

Recently, the guardian/conservator noticed Adam’s spending had increased to include women’s clothing, candy, flowers, and books. When the guardian/conservator asked about the purchases, Adam handed over some printed papers. A photo with information about a low-priced, sub-basement apartment in a rough neighborhood about 15 miles away in the next county. “I have a girlfriend and I want to move here with her.”

SMALL GROUP ACTIVITY – Part 2

1. **Appoint a different person to take notes and report group's ideas to class.**
2. **Read chapter 2 of your assigned case story.**
 - **Which of the medical ethics do you believe were used? Be prepared to explain why.**
 - **Was there anything you might have done differently? Be prepared to describe.**
 - **As guardian/conservator, what might you do next?**

Case Story A. Adam Part 2.

Adam was prescribed Neurontin to prevent seizures. The guardian/conservator was concerned when it was recommended and asked about side effects when Adam was out of the room. The list was long. The neurologist was reassuring that the impact of seizures far outweighed any side effects and that most patients tolerated the drug with no problems. So, the guardian/conservator agreed. He documented the reasons for adding this drug, and the expected impact to Adam. He added a note to himself to look for a second opinion and to learn about alternatives but has not accomplished this yet.

After several weeks, the Group Home Director reported Adam may be "cheeking" his medication and spitting it out when he thinks no one is watching. The guardian/conservator asked Adam if this was true, and Adam confessed. "Why do I have to take this? It makes me feel sleepy and dizzy and stupid. I don't want people to see me this way."

SMALL GROUP ACTIVITY – Part 1

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 - **Was anything missed that could have been included?**
 - **As guardian/conservator, what might you do next?**

Case Story B. Bella Part 1.

Bella is an 84-year-old tall, slim woman who has lived in the same house since she married at age 24. She has 3 adult children who live in far flung corners of the world including Israel, Botswana and Illinois. Her 8 grandchildren and 2 great grandchildren visit Bella along with their parents about every 2 years. She speaks to almost everyone via phone and Zoom weekly or monthly. Her children send her large checks for her birthday to augment her Social Security and small teacher's pension. This helps make sure she has enough money to keep up the house she owns and to do what she wants.

4 years ago, Bella was diagnosed with dementia after several outings through the neighborhood where she became lost. Her neighbors contacted Bella's oldest daughter, Bitsy, who arranged for legal guardianship by a local firm. The guardian is an old friend of Bitsy's from childhood. Bitsy speaks with the guardian frequently and is apprised of all the details about her mom's activities. She feels safe knowing the guardian will answer all of her questions. Bitsy did not want the guardian to have control of her mother's money. So, Bitsy takes care of paying bills. Bella has access to an ATM account and credit cards when she wants to use them.

Since the guardianship started Bella gave up driving in order to be safe. At first, she depended upon neighbors for rides to the market and the senior center. The guardian let her know about a free van service and now Bella feels free to attend every lecture and activity her community has to offer.

Recently, at the senior center, Bella heard a presentation on the advance directive planning too called "Five Wishes." She told the guardian she would not want to be resuscitated if her heart stopped. The guardian asked, "How will your children feel about that?" which caused Bella to become very upset. They have not discussed this topic again.

Last week, Bella was disappointed to learn that the man who had mowed her large lawn passed away. She did not know him well, but he did an excellent job. The guardian researched local landscapers and their fees were triple what Bella was used to paying. The guardian has a nephew who mows lawns locally for a reasonable charge. She recommended her nephew to Bella who agreed to meet with the kid and see if she likes him.

SMALL GROUP ACTIVITY – Part 2

1. **Appoint a different person to take notes and report group's ideas to class.**
2. **Read chapter 2 of your assigned case story.**
 - **Which of the medical ethics do you believe were used? Be prepared to explain why.**
 - **Was there anything you might have done differently? Be prepared to describe.**
 - **As guardian/conservator, what might you do next?**

Case Story B. Bella Part 2.

Bella is a lifelong smoker. Recently, osteoporosis was diagnosed, and she was prescribed Fosamax, the weekly pill. At the doctor's appointment, Bella agreed she would cut back on her cigarettes to try to stop the progression of the osteoporosis. She agreed that each fall she took seemed to be more serious and take longer to heal.

The guardian arranged for a visiting nurse to come once a week and make sure Bella took the pill. At the first visit, Bella refused saying she knew nothing about Fosamax and did not have osteoporosis. She got very upset, rushed out the front door where she fell down 5 cement stairs. The nurse called an ambulance and Bella was admitted to the hospital with a severely broken hip. Her shoulder was broken in 3 places. During the ambulance ride Bella's heart stopped and she was resuscitated.

The guardian contacted Bitsy who arrived the next day. Meanwhile, the guardian stayed at the hospital trying to decide if she should move ahead with the "do not resuscitate order" Bella had clearly stated that she wanted just weeks earlier. In their state, guardians are allowed to consent to a change in code status, and this guardian felt she needed to make that change to fulfill Bella's wishes.

When Bitsy arrived and heard about the DNR, she was enraged. Her reaction was just as the guardian had feared. Bitsy asked her mother how the DNR order happened, and Bella blamed the guardian.

SMALL GROUP ACTIVITY – Part 1

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 - **Find actions the guardian took for any of the client advocacy ethics.**
 - **Was anything missed that could have been included?**
 - **As guardian/conservator, what might you do next?**

Case Story C. Charlie Part 1.

Charlie is a 45-year-old man with long graying hair and an unshaven face. He lives in a studio apartment over the garage in a home owned by an old friend from college. The house is next to a protected wildlife preserve. He has been there for 8 months and says that he is as comfortable here as he will be anywhere indoors. It is the tenth place he has lived in during the past 20 years since he was diagnosed with schizophrenia. He has not spoken to parents and brother in many years and often tells people his family died when he was young.

Charlie is passionate about the outdoors. He lectures on flora and fauna to anyone who comments on the weather or the trees. Often, he is found sleeping on the ground regardless of the weather. He says he needs to see the sky and the stars in order to sleep peacefully. He says he plans to travel to see "all the mountains and all the oceans next year."

Charlie smokes tobacco and marijuana, which are legal in the state where he lives. Even though he has income from SSDI, he has been seen panhandling to make these purchases in cash. The guardian learned about this from the local police who thought Charlie was drunk and arrested him. He was not charged. The guardian told Charlie to ask her for the money he needs rather than begging money from strangers. He has never asked. When the guardian hands Charlie money, he is happy to take it.

Frequently, he asks the guardian if she will accept \$10 to drive him on a personal errand such as shopping or visiting a park. The van that takes him to his weekly therapy used to let him call for personal errands, but there is a new driver who refuses to take Charlie more than the once a week that is already on the schedule. The guardian refused to become Charlie's driver. Instead, she also showed him how to use a rideshare app on his phone. The guardian's husband drives for one of the rideshare companies. She has considered arranging for her husband to drive Charlie but has not organized this yet.

His guardian is worried he may not be allowed to stay in his current apartment where he appears to be happy. The homeowners do not allow smoking and Charlie has difficulty going an hour without a cigarette. They complain that Charlie has to be forced to bathe and change into clean clothes. He coughs and spits and they describe him as "disgusting." They say neighbors are disturbed by his coughing, appearance, odor and tendency to corner them to talk about nature.

SMALL GROUP ACTIVITY – Part 2

1. **Appoint a different person to take notes and report group's ideas to class.**
2. **Read chapter 2 of your assigned case story.**
 - **Which of the medical ethics do you believe were used? Be prepared to explain why.**
 - **Was there anything you might have done differently? Be prepared to describe.**
 - **As guardian/conservator, what might you do next?**

Case Story C. Charlie Part 2.

Recently, at his weekly therapy session, Charlie started coughing blood. He was taken by ambulance to the local hospital. The next day he was diagnosed with chronic obstructive pulmonary disease (COPD).

The doctor has recommended a treatment program at a local clinic that specializes in this disease. The clinic will only accept Charlie if he stops smoking and agrees to follow the rules. The doctor has also stated that placement in these programs is difficult to get and that Charlie may not be a desirable participant. Schizophrenia, marijuana use and Charlie's personal habits may cause them to decline.

SMALL GROUP ACTIVITY – Part 1

1. **Appoint 1 person to take notes and report group's ideas to class.**
2. **Read your assigned case story.**
 - **Find actions the guardian took for any of the client advocacy ethics.**
 - **Was anything missed that could have been included?**
 - **As guardian/conservator, what might you do next?**

Case Story D. Dale Part 1.

Dale is a pretty 23-year-old woman with short wavy hair and perfect white teeth. She was diagnosed with Autism at age 3. Through the years she has become more verbal and learned to recognize some social cues. She paces and performs several other repetitive tasks which make it difficult for her to participate in group activities. Making friends has been challenging and at this time, Dale has no one she can name as a friend except for her Mom. Dale has a case worker named Donna who has followed her for 15 years.

Homeschooling by Mom resulted in a high school diploma for Dale at the age of 18. In her county, the diploma means legal adulthood for Dale and other individuals with developmental disabilities. For Mom to continue to have access to Dale's medical records and finances, Mom had to petition in family court to become Dale's legal guardian and conservator. The decree was issued for permanent, plenary guardianship and conservatorship.

Mom sees no point in college because Dale is unlikely to ever work or marry or manage a household or manage money. Dad, who is divorced from Mom and is remarried, provides money. Mom places half the money in a Special Needs Trust for Dale's care in the event that Dale outlives her parents. The rest of the child support and alimony goes into the family bank account and is used for their bills.

Mom knows Dale so well that she has stopped asking for Dale's opinions on anything. Mom picks Dale's clothes, fixes her hair, allows a little makeup, modest clothes and tasteful jewelry. When Dale refuses to wear something, or eat something, Mom takes it away and does not argue. In the evenings, they watch TV together and Fridays they order pizza. Other hobbies include baking fresh breads and pastries, making homemade pastas, and knitting baby clothes for charity donation.

Recently, Dale has been getting upset several times during the day about things that used to be okay. Some days she refuses to sit down to lunch. She intentionally spills on clothes and changes back into pajamas. When she sees an ad on TV she demands to eat that food or visit that destination. "I want to travel the world," is Dale's new expression and she repeats it many times a day. Donna, the case worker, has suggested Mom and Dale take more outings and explore the local area. "Cooped up in the house may be taking its toll," she said.

SMALL GROUP ACTIVITY – Part 2

1. **Appoint a different person to take notes and report group's ideas to class.**
2. **Read chapter 2 of your assigned case story.**
 - **Which of the medical ethics do you believe were used? Be prepared to explain why.**
 - **Was there anything you might have done differently? Be prepared to describe.**
 - **As guardian/conservator, what might you do next?**

Case Story D. Dale Part 2.

At Dale's annual physical, they were stunned to learn that she has Diabetes, Type 1. The doctor recommends Mom, Dad and Dale take some classes to understand the disease and how to manage her blood sugar. Mom is confident the classes will be a disaster if Dale attends. She commits to managing blood sugar testing, diet and insulin injections for Dale.

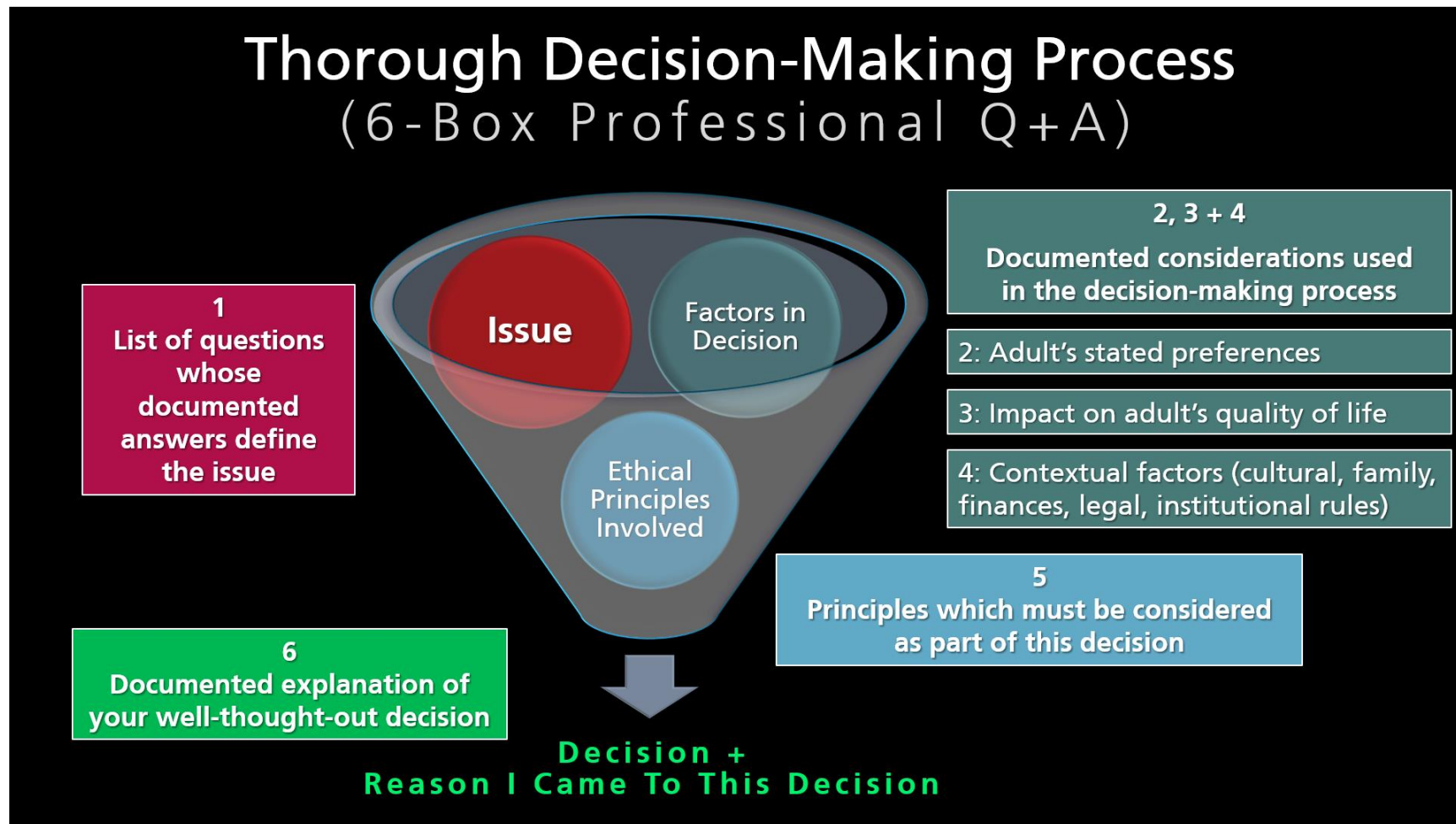
The cost of insulin and care for diabetes is much higher than Mom expected. She has asked Dad to pay for all the medicine, but he says he is unable to contribute more than he already gives. At the appointment, in front of the doctor and nurse, Dad said, "You and Dale are both capable of working and earning money."

MEDICAL ETHICS: Principles of medical decision-making that lead to justice for the adult.		
Action	Definition	Example
8. Beneficence	<i>Doing good on behalf of someone else. (Think of the term “benefactor.”)</i>	<i>Drive client to a doctor appointment he is nervous about rather than leaving him to take a van alone.</i>
9. Non-Malevolence	<i>Do no harm.</i>	<i>Learn about the side effects of a client’s new medication and make sure he receives the antacids he might need.</i>
10. Best Interest	<i>Decisions made when no information about the adult’s preferences or values can be uncovered.</i>	<i>You aren’t able to discuss the risks and benefits of chemotherapy with your client who has significant dementia, so you decide that it is not appropriate to begin lengthy and uncomfortable cancer treatments.</i>
11. Substituted judgment	<i>Making the decision that the adult would have made, had he or she had the capacity to do so.</i>	<i>You heard your client refuse pain medication because of her addiction so you refuse pain medication on her behalf while she is in a coma.</i>
12. Informed consent	<i>Approval of a medical procedure after thoroughly investigating the purpose, process, benefits, risks, and alternatives.</i>	<i>After thorough investigation, you go with the recommendation of the 2nd and 3rd doctors and agree to kidney dialysis for your client.</i>
13. Justice	<i>Fair and equitable distribution of health resources.</i>	<i>When you learn a COPD treatment program typically refuses admittance to adults with schizophrenia, you advocate for your client by meeting with the director, a local judge, and a local prosecutor.</i>
<ul style="list-style-type: none"> • Comply with laws + court orders 	<i>Carefully review state laws and guardianship documentation to understand what is expected of you. Keep copies of all legal documents associated with the individual under guardianship. Avoid overstepping.</i>	<i>Your state requires a judge’s approval before you can agree to surgery involving amputation, so you alert the doctors and contact an attorney immediately.</i>
<ul style="list-style-type: none"> • Involve individual in decisions 	<i>Explain what is happening and decisions that need to be made. Listen to the adult’s opinions. When possible, offer choices and let the adult decide.</i>	<i>You explain how dental appointments every 6 months will prevent painful procedures in the future and give your client a few options for dentists and their online reviews.</i>
<ul style="list-style-type: none"> • Strict confidentiality 	<i>Private information remains private unless the adult gives permission for you to share with someone. Avoid sharing this private information with your family, friends or colleagues.</i>	<i>Your 63-year-old client has been diagnosed with lung cancer and wants to wait until treatment starts before informing his son who lives overseas. When asked how Dad is, you say, “Everything is fine.”</i>
<ul style="list-style-type: none"> • Documented support for every decision 	<i>Keep notes with details of observations, conversations, and professional advice. Write down your process for key decisions as you make them so that anyone who reads it can understand.</i>	<i>You use the CGE “6 box decision-making tool” and type in your thoughts in each category. You date these notes, print them and keep them in a binder with tabs for each client.</i>

BUSINESS + FINANCIAL ETHICS: Principles for managing the income and assets of an adult under guardianship.		
Action	Definition	Example
14. Detailed accounting	<i>Keep records of income earned and money spent including dates, amounts, and purpose.</i>	<i>You use Quickbooks for each client account.</i>
15. No commingling of funds	<i>You must keep a separate account and records of the individual's funds. Never combine the individual's money with yours or someone else's.</i>	<i>Before guardianship, husband's social security check went into a joint account with his wife. Now that wife is legal guardian, a separate account is set up for husband's income and expenses.</i>
16. No financial benefit to conservator	<i>Never use the adult's assets to invest in anything that may potentially bring profit to you. Avoid all conflict of interest or the appearance of a conflict of interest.</i>	<i>You do not hire your nephew to mow the lawn if it means he will take money from your client.</i>
17. No estate planning nor sale of assets without court approval	<i>Transaction that are final or permanent must be approved by a judge.</i>	<i>Your client's home can be sold to his children, but you make sure you have authority from the court before the sale closes.</i>
<ul style="list-style-type: none"> • Comply with laws + court orders 	<i>Carefully review state laws and guardianship documentation to understand what is expected of you. Keep copies of all legal documents associated with the individual under guardianship. Avoid overstepping.</i>	<i>On Facebook, you follow your state's guardianship office and read every post for new information about what you can or cannot do.</i>
<ul style="list-style-type: none"> • Involve individual in decisions 	<i>Explain what is happening and decisions that need to be made. Listen to the adult's opinions. When possible, offer choices and let the adult decide.</i>	<i>You show your client the monthly bank statement so she knows how her spending affected her balance.</i>
<ul style="list-style-type: none"> • Strict confidentiality 	<i>Private information remains private unless the adult gives permission for you to share with someone. Avoid sharing this private information with your family, friends or colleagues.</i>	<i>28-year-old adult does not want her parents to know the cost of the car she purchased, or the monthly payment amount. The conservator agreed with parents concern that the car seemed too expensive yet did not reveal any details or confirm any amounts.</i>
<ul style="list-style-type: none"> • Documented support for every decision 	<i>Keep notes with details of observations, conversations, and professional advice. Write down your process for key decisions as you make them so that anyone who reads it can understand.</i>	<i>You handwrite notes onto a contact record explaining the current situation, past history, problems, consequences of not solving problems, goals and decisions. You keep this documentation in your file cabinet so you can find it if asked.</i>

Decision-Making Process (6-Box Professional Q+A)

You may download the Excel spreadsheet from our Learning Hub. The graphic below explains the 6 categories.



The Questions List (6-Box Professional Q+A)**1-The Issue***Questions used to thoroughly understand the issue.**Answers to each question.*

What is the concern?
 What is the history of the issue?
 Is this problem acute? Chronic? Critical? Emergent?
 What interventions or solutions are being considered?
 Who, what, and where do the solution recommendations come from?
 What are the risks of this solutions at this time?
 What are the benefits?
 What are the risks of not taking action?
 Other points or ideas that help to understand the issue.

2-The Adult's Preferences*Questions used to identify preferences related to the issue.**Answers to each question.*

Has the adult expressed preferences about this issue?
 What is the adult's preference?
 What is the adult's level of understanding of the issue?
 In discussion of risks, benefits and consequences, what does the adult say?

3-Quality of Life*Question used to determine if/how adults QOL will be impacted.**Answers to each question.*

How does the adult rate their current quality of life?
 What are the adult's quality of life goals?
 How will the proposed interventions impact quality of life or goals?
 How will not taking action impact quality of life?

4-Contextual Factors*Uncover cultural, family, finances, legal, institutional rules.**Answers to each question.*

How might family issues impact the decision?
 What institutional issues or rules might influence the decision?
 Are there financial or economic factors?
 Are there religious or cultural factors?
 Are there legal issues that support or oppose this decision?
 What liabilities or consequences might the guardian face as a result of this issue?

5-Ethical Principles Associated with this Issue

<i>Which ones are considerations in this decision?</i>	<i>Questions</i>
1.Preserve adult's dignity	How does this issue impact the adult's dignity and will the proposed solution be better or worse?
2.Create safe, secure environment	Is there a change in environment? If so, how do I know it is safe and secure?
3.Understand needs, values + goals	Have I explored the issue well enough to understand the adult's needs, values or goals?
4.Support growth and achievement of goals	Does this issue impact growth and goal achievement? If so, how?
5.Select least restrictive alternatives	Does the principle of least restrictive alternatives apply? If so, how?
6.Maximize independence	Is the adult's independence impacted? If so, how
7.Comply with laws + court order	Are there any laws to be considered as part of this decision? If so, what?
8. Seek termination or limitation of guardianship, if capacity regained	Are limitations or termination of the guardianship relevant actions to be considered as part of this issue?
9.Beneficence	How am I demonstrating beneficence?
10.Non-Malevolence	How am I demonstrating non-malevolence?
11.Best Interest	Does this decision call for the principle of best interest? Why?
12.Substituted judgment	Does this decision call for the principle of substituted judgment? Why?
13.Informed consent	Do I understand the risks and benefits of this decision thoroughly enough to give consent or non-consent?
14.Justice	Are there issues regarding scarce medical resources?
15.Detailed accounting	Is money involved? If so, how will I track it?
16.No commingling of funds	Is money involved? If so, am I taking care to keep a separate account and accounting?
17.No financial benefit to conservator	Is there a conflict of interest (or the appearance of COI) in any way?
18. No estate planning nor asset sales without court approval	Are estate planning or asset sales required for this decision? If so, do I have the authority?
19. Involve adult in decisions	Am I able to involve the adult in this decision? If not, why?
20. Strict confidentiality	Does confidentiality need to be broken in order to provide a solution? If so, why?
21. Documented support for every decision	Do I have the information I need to thoroughly document my decision?

6-Summary of Information + Conclusions*What do we know as result of this decision-making process?**Answers to each question.*

Is action needed?

What action should be taken?

Why?

When?

Is the adult's preference being respected? If not, why?

Which ethical principles have been considered?

What concerns or consequences must be prepared for?

Prevent Challenges from The Court, Family and Certifying Bodies

The 6-box decision-making tool can help explain and justify your decisions. Store your answers to the 6-part questions where you can retrieve them, if needed. Consider naming your file [CLIENT NAME-DATE- DECISION] so it is easy to retrieve later, if needed.

"What If" Scenarios Discussion:

- A. You let Adam move into an apartment with mold and he gets sick
- B. You get sued by Bitsy for signing Bella's DNR
- C. You allow Charlie to refuse treatment for COPD and he dies in 1 month
- D. You never file state required care plans for Dale and are called into court

Final Wisdom

1. This code of conduct is meant to support your good work.
2. Keep a list of the principles where you can see them and refer to them.
3. Look for guidance from the ethical principles as you make every decision. Even small ones.
4. Document the questions you asked and answers you received so you can explain yourself, if needed.
5. Store your documentation for 7 years in a place where you can find it, if needed.