



CONSIDERING A PROTECTIVE PROCEEDING: GUARDIANSHIP/ CONSERVATORSHIP

1. Values & Expressed Wishes

Find out if person wants a Guardian and/ or Conservator.

- If so, find out who is the preferred Guardian/Conservator. Is this person a family member? Do they have either a criminal record or a bankruptcy filing? Carefully consider qualifications and willingness. **Also, be certain to consider alternatives even if person states that they want a Guardian/ Conservator.**
- If not, consider the alternatives to Guardian/ Conservator.

Find out about the person's preferred health care services. What sorts of services are desired/ needed? Who are the preferred treatment providers?

Find out about the person's preferred living arrangements. Carefully consider the benefits and drawbacks of making a change in residence from the person's perspective.

Find out about the person's preferred manner of managing finances. Are there problems? Can these be rectified with some assistance?

Find out about the person's preferred care, comfort and maintenance services.

2. Appropriate Scope of Guardianship

SPECIFIC AREA	ABILITY/CAPACITY	COMMENTS
Medical	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Residential	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Financial	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Testamentary	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Care, comfort and maintenance	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Death/Burial	<input type="checkbox"/> No <input type="checkbox"/> Yes	

3. Alternatives to Guardianship &/or Conservatorship

ALTERNATIVES	DESCRIPTION OF ALTERNATIVES	RULED OUT?
Family or Other Assistance	Family members, Personal Care Assistants, Case Managers, Home Health Services, Meals on Wheels as well as education regarding people/ agencies who may be able to work together to provide care for the physical and financial needs of a person with diminished capacity. This requires the person's cooperation and the financial authority to act on behalf of the person.	<input type="checkbox"/> No <input type="checkbox"/> Yes
Advance Directive for Health Care	This allows the management of health care and access to medical records. ORS 127.531.	<input type="checkbox"/> No <input type="checkbox"/> Yes
Declaration for Mental Health Treatment	This allows the designation of a representative to make decisions pertaining to mental health care in the event that a person becomes unable to do so.	<input type="checkbox"/> No <input type="checkbox"/> Yes
Durable Power of Attorney	This allows a capable person to grant another person authority to act for him or her if incapacity occurs. DPA's usually affect property decision-making, but may also relate to health care.	<input type="checkbox"/> No <input type="checkbox"/> Yes
DD Health Care Representative	This is allowed in OAR for specific situations.	<input type="checkbox"/> No <input type="checkbox"/> Yes
Daily Money Management	Daily money management services help people with the gamut of services regarding their financial affairs. DMM is voluntary; a person must be capable of asking for or	<input type="checkbox"/> No <input type="checkbox"/> Yes

	accepting services	
Special Needs Trust	This allows a person to remain eligible for government benefits, while the designated trustee manages the funds for particular uses for the grantor's benefit.	<input type="checkbox"/> No <input type="checkbox"/> Yes
Revocable Trust	A properly drafted trust can be a good alternative to a guardian if the person is cooperative.	<input type="checkbox"/> No <input type="checkbox"/> Yes
Supported Decision Making	Requires supportive people in potential protected person's life.	<input type="checkbox"/> No <input type="checkbox"/> Yes
Representative Payee	A representative payee is appointed by a government agency to receive, manage and spend government benefits for a beneficiary.	<input type="checkbox"/> No <input type="checkbox"/> Yes