

	Montana Mental Health Nursing Care Center Policy Manual	Policy Number	1119
		Original Date	09/30/1987
	Department: Social Services	Revised Date	07/09/2015
	Resident Guardianships		

Policy:

Residents allegedly incapable of realizing and making a rational decision with respect to their need for care and treatment will be referred to the Care Plan Review Committee to determine if protective proceedings need to be initiated.

Procedure:

1. The Care Plan Committee will review the residents chart (i.e. progress notes) to determine the resident's alleged impaired judgment. If documentation indicates impaired judgment which will affect the residents need for care and treatment, the committee will recommend guardianship proceedings.
2. When guardianship proceedings are recommended, the Social Worker will contact the primary family member to review the need for guardianship and determine if the member or another person will agree to accept the appointment as guardian. A case note will be written in regards to the discussion / decision.
3. The Social Worker will inform the Facility Attorney, in writing, of the Care Plan Committees recommendation. (Attachment #1)
4. When the Notice of Hearing of Petition for Appointment of Limited Guardian, has been received by the Social Worker, the resident will be informed of the following:
 - A. Need for guardianship
 - B. Authority of the petitioner
 - C. Non-authority of the petitioner
 - D. Date, Time, Place of hearing
 - E. Invitation to attend the hearing

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5. A case note will be written documenting the resident was informed.
6. The Social Worker will inform the Superintendent and Director of Nursing of the hearing date, time, and place.
7. When the Letter of Limited Guardianship and Order appointing Limited Guardian are received, they will be filed as follows:
 1. Original to Medical Records
 2. Copy to Resident Accounts Office
 3. Copy to Social Service File
8. The Medical Records Administrator will submit the required medical consent forms to the guardian.
9. Social Services will send admission forms to new guardian. See Policy #1118.