

Thinking about Guardianship: Checklist

The following checklist is intended to help you identify your loved one's abilities and areas where help is needed. This information can be used to work with your attorney to seek an appropriate balance between protection and freedom when considering guardianship and/or conservatorship.

Personal and Medical Capacities (please check one for each item):

- a. The individual **does** _____ / **does not** _____ have basic language capacity (i.e., understands and participates in conversations, understand signs such as "keep out," "men," "women").
- b. The individual **does** _____ / **does not** _____ have the capacity to live independently (i.e., follow a daily schedule, conduct housekeeping chores, use community resources such as banks, stores, post office).
- c. The individual **does** _____ / **does not** _____ have the capacity to make medical decisions or choices regarding medical treatment or emergency health care.
- d. The individual **does** _____ / **does not** _____ have the capacity to notify others of illness, follow medication instructions, or contact emergency health care when necessary.
- e. The individual **does** _____ / **does not** _____ have the capacity to give informed medical or psychiatric consent.
- f. The individual **does** _____ / **does not** _____ have the capacity to determine the individual's place of residence, make decisions regarding roommates, or maintain safe shelter.
- g. The individual **does** _____ / **does not** _____ have the capacity to maintain personal safety (e.g., recognize danger and seek assistance as needed, protect self from personal harm).
- h. The individual **does** _____ / **does not** _____ have the capacity to maintain appropriate personal hygiene (e.g. bathing, brushing teeth, using proper hygiene when using the restroom, controlling toilet functions during day).

- i. The individual **does** _____ / **does not** _____ have the capacity to make decisions about the individual's social environment and social aspects of the individual's life.
- j. The individual **does** _____ / **does not** _____ have the capacity to make appropriate nutrition and dietary decisions.
- k. The individual **does** _____ / **does not** _____ have the capacity to make decisions about educational or vocational needs.
- l. The individual **does** _____ / **does not** _____ have the capacity to understand and enter into a romantic or sexual relationship.
- m. The individual **does** _____ / **does not** _____ have the capacity to understand and enter into a marital relationship.
- n. The individual **does** _____ / **does not** _____ have ability to vote (this might be shown if he/she knows who the President is and how he got his job.)
- o. The individual **does** _____ / **does not** _____ have the capacity to drive (or learn to drive) motor vehicles.
- p. The individual **does** _____ / **does not** _____ have the capacity to own weapons.
- q. The individual **has the capacity** to perform the following additional personal and medical functions: _____

Financial and Legal Capacities (please check one for each item):

- a. The individual **does** _____ / **does not** _____ have the capacity to enter into contracts, (i.e., the ability to understand the general nature and consequences of the transaction).
- b. The individual **does** _____ / **does not** _____ have the capacity to enter into an employment relationship.
- c. The individual **does** _____ / **does not** _____ have the capacity to file or defend lawsuits.

- d. The individual **does** _____ / **does not** _____ have the capacity to apply for government benefits.
 - e. The individual **does** _____ / **does not** _____ have the capacity to manage real estate.
 - f. The individual **does** _____ / **does not** _____ have the capacity to manage a personal bank accounting containing **less than** \$2,000.
 - g. The individual **does** _____ / **does not** _____ have the capacity to manage a personal bank accounting containing **more than** \$2,000.
 - h. The individual **does** _____ / **does not** _____ have the capacity to pay bills.
 - i. The individual **does** _____ have the capacity to make discretionary purchases for items costing less than \$_____

OR

 The individual **does not** _____ have the capacity to make any discretionary purchases.
 - j. The individual **does** _____ / **does not** _____ have the capacity to resist attempts at financial exploitation by others.
 - k. The individual **does** _____ / **does not** _____ have the capacity to make lifetime gifts or other disposition of property.
 - l. The individual **does** _____ / **does not** _____ know the extent of his or her property.
 - m. The individual **does** _____ / **does not** _____ know his or her closest relatives
 - n. The individual **does** _____ / **does not** _____ own any of the following: bank account, savings bonds, car, real property, investment accounts, retirement accounts, life insurance.
 - o. The individual **does have the capacity** to perform the following additional financial and legal functions: _____
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Need for Guardianship/Conservatorship

What types of decisions is the individual facing?

Education _____

Residential _____

Medical _____

Social _____

Employment _____

Financial _____

Could these decisions be made if no guardian/conservator is appointed? If so, how?
