

Medical decisions are among the most challenging for a guardian to make. Should you give the go-ahead to start a new medical treatment? Should doctors stop a treatment? This video will try to take the mystery out of making medical decisions for a disabled person. It can be helpful to ask yourself a series of questions when you must make these difficult decisions, such as: Am I allowed to consent to this treatment? What does the disabled person want? What do the experts say? Do I need more information?

Let's look closely at each of those questions.

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**Am I allowed to consent to the treatment?** You cannot consent to treatment unless the court has given you the authority to do so. That authority will be spelled out in your guardianship order. Even if you are authorized to make medical decisions, there are situations where you must get court approval before you start, stop, or withhold medical treatment; for example, when the decision involves a substantial risk to the life of the disabled person. Also, you cannot involuntarily commit the disabled person to a mental facility. If that need arises, contact the court for guidance.

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**What does the disabled person want?** Include them in the decision-making process as much as possible. If the person can't tell you what they want, use substituted judgment by considering their current diagnosis and prognosis. Has the disabled person ever expressed a preference about their treatment? If they can't communicate a preference, you can look for guidance in a living will or advance directive, if one exists. Does the disabled person have attitudes toward similar treatment for another person? What is their outlook toward medical treatment in general? Have they expressed concerns about the impact of their illness and treatment on family and friends? Finally, consider their religious, cultural, and moral beliefs or personal values.

What if you can't use substituted judgment because you don't know what the disabled person wants? At that point, you must decide what is in their best interest. Consider the effect that treatment will have on their physical, emotional, and cognitive functions. What are the risks, benefits, and side effects? What might be the effect on their life expectancy and chance of recovery? Also consider the humiliation, loss of dignity, and dependency the person may be suffering. Finally, think about their religious, cultural, or moral beliefs and personal values.

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**What do the professionals say?** The court doesn't expect you to be a medical expert. But it does expect you to be a strong advocate. As guardian, you have the right to ask questions, seek second opinions, and have information explained to you in a way that allows you to make informed decisions. So go ahead and ask specific questions about the benefits and risks of starting, stopping, or withholding treatment. Ask about alternatives to proposed treatments. Seek guidance from medical advocates or social workers to help you make an informed decision.

As an advocate for the disabled person, you need to ensure that the experts know and understand that person's history and current condition. Share with them any information that may be pertinent to recommending medical care. If you don't have this information, put the expert in touch with someone who does.

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**Do I have all the information I need to make an informed decision?** Gather all the facts and information you need to make an intelligent decision about the disabled person's care. Make sure you understand all the benefits and risks of the treatment. Also make sure you're not being pressured by another person.

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After all of this questioning, you may still not know what to do. All is not lost. Talk to the court.

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Finally, let's talk about life-sustaining and end-of-life decisions. These choices always require court approval. Without that approval, you may not withhold or withdraw life-sustaining medical procedures, care, or treatment that prevents or postpones the death of the disabled person. Get court permission before you execute Do Not Resuscitate or DNR orders. Same for Do Not Intubate or DNI orders. The removal of a feeding tube also requires permission from the court.

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There's no doubt that making medical decisions for a disabled person is a challenge, but you can ask yourself a series of questions to help you work through difficult decisions. Remember that certain life-sustaining decisions always require court permission. Finally, if you truly don't feel able to make a medical decision, ask the court for guidance.