

## Assessing Capacity and Standards for Guardianship in the Young Adult

By Norma Medway, Psy. D., Guest Author

Because of the possible life changing skills and evolution of the family system and how that impacts on young adults, there is no “one size fits all” component to assessing the guardianship needs of those individuals. If one follows the trend of the legal system for least restrictive measures, it is imperative that clinical psychologists utilize not only the standardized measurements that are specific to this task but also utilize their professional clinical skills that allow them to make an assessment of capacity that is fair and productive.

In 2006, Paul J. Moberg cites a Denney & Wynkoop finding that suggests capacity includes many different abilities: an individual’s capacities to work, drive, parent, make medical decisions, provide informed consent in treatment and research settings, care for oneself or one’s property and enter into legal contracts. In clinical psychology those are some of the questions that must be answered.

So when an individual turns 18 and there is a question of impairment because of mental health, mental retardation or a physical disability, making a decision for the need for a guardianship the psychologist must take into account not only the cognitive ability of the individual, but also that individual’s adaptive functioning ability which can vary greatly across domains. Adaptive function refers to an individual’s ability to effectively meet social and community expectations throughout the spectrum of independence. Each domain of living, however, should be assessed cautiously by the clinical psychologist since impairment in one area, such as inability to manage money, does not necessarily mean impairment in another area, such as being able to make medical decisions. That is of particular importance since cognitive skills do not always equal competence and that learning by rote does not always equal reasoning and understanding.

One should understand the overall goal of guardianship is to preserve, to the maximum extent possible, the individual’s autonomy while also providing needed protection (Dervitz, Jain, Kakascik, 2004). This is why the clinical assessment

is necessary to afford the young adult any decision making authority that he/she can manage and to ensure the young adult is protected from harm. Since one cannot predict future events or whether or not an individual will improve in ability because of the passage of time and/or training that is available, guardianships should be reviewed on an ongoing basis and be adjusted to the individual’s changing needs.

Hence, as there are many ethical, legal and clinical considerations that must be observed, the establishment and need for a guardianship is a task that should not be taken lightly. So when determining such, the psychologist must remember that, although these terms are often used interchangeably, competency is a legal construct and is different than capacity.

### Cited Works:

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