

ARKANSAS DEPARTMENT OF HUMAN SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES  
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	Guardianship	1043

1. Purpose. This policy establishes DDS Guidelines for decisions regarding guardianship. Guardianship shall be used only as is necessary to promote and protect the well being of the person. It is the intent of this policy to encourage the development of maximum self-reliance and independence of the person, and to recommend guardianship only to the extent necessitated by the person's actual mental, physical, and adaptive limitations, as determined by the Interdisciplinary Team.
2. Scope. This policy pertains to all DDS programs, services, and staff.
3. Guardianship Criteria.
  - a. Guardianship will only be pursued when need for such is clearly and fully documented. Factors in considering guardianship will include but are not limited to informed consent, life threatening situations, the potential for exploitation.
  - b. Guardianship will not be pursued as a general policy or criteria for entrance, participation, or as a contingency to receiving any service offered by DDS.

The only exception will be for persons residing in or selected for participation in the DDS special treatment units which are designed for persons with behavioral disorders that constitute a danger to themselves or others. Programming for these individuals will be behaviorally oriented and guardians are needed to serve as an advocate for these individuals and consent to their placement, programs, and treatment.
  - c. No DDS staff may assume guardianship of an individual receiving any direct or indirect services from the Agency unless a parent. Any DDS employee who currently serves as a guardian and is not a parent guardian shall seek remedy through Office of Chief Counsel.
  - d. As part of the Interdisciplinary Team and annual staffing process, review of the individual's need for guardianship shall be conducted and information gained therefrom made a part of the IPP.

Replacement Notation: This Policy replaces DDS Policy #1043, dated April 26, 1985 and January 8, 1987.

Effective Date: December 1, 1993

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References: Arkansas Code Annotated 28-65-101 et.seq., Office of Chief Counsel Procedures.

Administrative Rules & Regulations Sub Committee of the Arkansas  
Legislative Council: November 4, 1993.

