

	3.1.27	PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY (PRTF) GUARDIANSHIP POLICY	Effective: 06/26 Revised: Reviewed/Approved by Bd. Of Dir.: 06/26  Teddi Hernandez, President/CEO
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In accordance with applicable federal and state requirements and accreditation standards, the program ensures that informed consent for psychiatric residential treatment services (PRTF) is obtained from a legally authorized representative (LAR) with verified authority.

Upon reaching 18 years of age, an individual is legally recognized as an adult. Due to the scope, intensity, and nature of psychiatric residential treatment services, the program does not permit individuals age 18 or older to serve as their own legal decision-maker for purposes of consent to treatment and residential placement.

Accordingly, for all individuals age 18 and older receiving services, the program requires verifiable, legally sufficient, court-ordered authority granting another individual the right to consent to medical, mental health treatment, educational, and residential placement.

New Admissions:

The program will not admit any individual age 18 or older without verified legal guardianship that meets program requirements. Admission will not proceed until acceptable legal authority documentation has been received, reviewed, and approved.

Current Residents Turning Age 18 or Without Established Authority:

For individuals currently receiving services who turn 18, or for whom acceptable legal authority is not yet established, the program may allow continued stay under defined conditions. Continued stay is permitted only when program leadership confirms clinical appropriateness and safety, and a documented plan is in place to obtain acceptable legal authority within an established timeframe. This process must include identified responsibilities, required documentation, timelines, an interim decision-making plan, and defined actions if requirements are not met, including transition or discharge planning.

This policy defines program acceptance criteria for legal authority and does not constitute legal advice or direction to individuals or families. Responsibility for obtaining legally sufficient authority rests with the individual and their representatives.

Acceptable Legal Authority

The program recognizes the following forms of legal authority only when documentation demonstrates court-ordered decision-making authority consistent with the scope of services provided:

Court-Ordered Legal Guardianship

Policy Reference: None

Procedure reference: PRTF Procedure Manual

Application: PRTF

- Must be issued by a court of competent jurisdiction and remain active and valid. Lakemary will review and seek verification that the document or documents presented are current and have not been revoked.
- Must grant authority to consent to medical and mental health treatment, including psychiatric residential services and educational services.
- Documentation must clearly identify the appointed guardian and the scope of authority.
- Out-of-state Guardianships must be registered in Kansas pursuant to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Unacceptable Forms of Legal Authority

The following documents do not meet program requirements for consent to PRTF services for individuals aged 18 or older, as they do not establish court-ordered authority and/or may be revoked by the individual:

- Power of Attorney (POA)
- Durable Power of Attorney
- Health Care Power of Attorney
- Informal, notarized, or written authorization letters
- Verbal consent from parents, caregivers, or other parties
- Consent provided solely by the individual supported
- Conservatorship

Verification and Oversight

- Legal authority documentation is reviewed and verified by designated staff prior to admission or upon the individual reaching age 18.
 - Lakemary staff will begin reaching out to families/guardians 9 months prior to the individual turning age 18
- Documentation must be:
 - Current
 - Complete
 - Consistent with the scope and intensity of services provided
- Legally Authorized Representative (LAR) Identification:
 - A government-issued photo ID for the LAR must be obtained and reviewed, when available, to verify identity and ensure consistency with legal authority documentation
- The program maintains documentation in the individual's designated record and may request clarification or additional documentation as necessary to ensure compliance.

Rights and Non-Advisory Statement

The program respects the rights of individuals and their families. The program does not provide legal advice, recommendations, or guidance regarding the pursuit of guardianship. Responsibility for obtaining legal authority that meets program requirements rests with the individual and their representatives.

Policy Reference: None

Procedure reference: PRTF Procedure Manual

Application: PRTF