

Making End-of-Life Decisions as a Guardian in Virginia

In Virginia, a guardian is responsible for making decisions on behalf of the incapacitated person, referred to as “the person” in this guide. At some point, and depending on their decision-making authority, guardians may need to make end-of-life decisions on behalf of the person. These decisions can be unquestionably difficult for any person to make, but for guardians, the impact of making end-of-life decisions can weigh heavily. With the appropriate resources and support, guardians in Virginia can make informed, compassionate end-of-life decisions that respect the person’s wishes and best interests.

Important considerations for a guardian when making end-of-life decisions include:

1. Decision-Making Authority

Guardians should review the **Order of Appointment** and follow their decision-making authority as outlined by the court prior to making decisions.

2. Advance Directives

Guardians should be informed about whether the person executed an advance directive or living will to help guide the decision. If there was an **advance directive** executed by the person before they became incapacitated, the document will identify “the agent,” someone who is responsible for following the wishes decided by the incapacitated person. The agent may be the guardian, or it may be another person. Regardless, the agent must follow the wishes outlined in the advance directive. If an advance directive is not available, the guardian should look for any documentation in their medical records on their wishes for life support, pain management, or hospice care.

3. Decision-Making Approaches

When making an end-of-life decision, guardians should seek the person’s input. The person should be encouraged to participate in the decision-making process, unless the guardian believes it would be harmful for the person to participate. Follow the decision-making approaches as outlined in the Virginia Guardian Training:

- 1) First, the guardian should **ask the person what they want to do**.
- 2) If the person does not want to participate or is unable, the guardian should use **substituted judgment** to guide the decision. This means choosing what the person would have wanted if they were able to make the decision independently.
- 3) If the guardian is unable to determine what the person would have wanted, the guardian should choose what is in the **best interest** of the person. This means choosing what any reasonable person would do and what preserves the person’s dignity.

4. Respect Values, Religious Beliefs, and Quality of Life Preferences

As with all decisions, the guardian must respect the person's **values and beliefs** when considering end-of-life decisions. It may be helpful to ask, "if the person could see themselves and their condition, what would they want?" It's important for the guardian to educate themselves if they are unfamiliar with what the person believes, including their religious beliefs.

The guardian should also consider how the decision may impact the person's **quality of life**. For example, you may wish to consider:

- How will the decision impact the person's ability to have meaningful interactions with others?
- How will their end-of-life care be managed?
- Will they remain independent with personal activities like bathing, or whether they need help?
- Will the decision impact their ability to move independently?

Decisions in support of the person may be different from what the guardian would choose for themselves, but making decisions to **honor the person and their preferences** will enhance the person's quality of life at the end of their life.

5. Consult with Others

The guardian may wish to consult with others who know the person and are familiar with their medical history, values, and beliefs. This may include family, friends, clergy, church members, and medical providers. Speak with the medical provider(s) about eligibility and the benefits of for palliative care or hospice care.

It may help to ask yourself or others the following questions:

- How will this affect the person's values in their life?
- Will this decision support their religious beliefs?
- What options are available improve their quality of life?
- What would the person choose to avoid?
- How will it affect the person's ability to communicate?

The guardian may consider seeking a second opinion as time allows. If available, the guardian may seek review by an ethics committee or review board through the hospital to ensure all options are explored while honoring with the person's values and beliefs.

Conclusion

Guardians in Virginia play a critical and compassionate role when making end-of-life decisions for incapacitated adults. By understanding their legal authority, honoring advance directives,

involving the person whenever possible, respecting personal values and beliefs, and consulting with trusted individuals and medical professionals, guardians can navigate these difficult choices with confidence and care. Ultimately, the goal is to ensure that decisions align with the person's wishes and best interests, preserving their dignity and quality of life during this sensitive time.

Helpful Resources

[Virginia Navigator: Making Decisions for Someone at the End of Life](#)

[National Institute on Aging: What Are Palliative Care and Hospice Care?](#)

[National Institute on Aging: Different Care Settings at the End of Life](#)

[Virginia Family Caregiver Solution Center](#)

[Alzheimer's Association: End-of-Life Decisions](#)