

Glossary of Common Substitute Decision-Making Terms

advance directives

Legal documents stating a person's wishes for medical treatments in case the individual is not able to make his/her own decisions.

attorney-in-fact

Individual designated in a power of attorney document to make decisions on behalf of the principal.

beneficiary

Person receiving a federal benefit check (e.g., Social Security, Social Security Disability Insurance)

best interests

Course of action that is the least intrusive and most normalizing course of action possible, given the needs of the individual principal, ward or beneficiary.

capacity

Ability to understand the nature and effects of one's acts.

cognitive capacity

Mental process of comprehension, judgment, memory and reasoning.

competency

Legal finding determined by a review of medical capacity, functional limitations, cognitive and functional abilities.

conservator

Person appointed by the court to have custody and control of the property of a ward under provisions of probate code.

custody

The control, supervision and care of another or the assets of another.

dependency

Reliance upon another for support or aid. Does not equate to a lack of capacity or incompetence.

dependent adult

Person aged 18 years or older who is unable to adequately perform or obtain services necessary to meet essential needs as a result of a physical or mental condition and who requires assistance from another.

durable

Document becomes effective or remains effective upon the disability of the principal.

durable power of attorney for health care

Document authorizing an attorney-in-fact to make health care decisions for the principal if the principal is unable, in the judgment of the attending physician, to make health care decisions.

estate

Real and personal property of a decedent, ward or trust.

fiduciary

Responsibility of acting in confidence and trust. Includes representative payee, personal representative, agent, attorney-in-fact, guardian, conservator and trustee.

financial power of attorney

Written document in which one person (the principal) gives another (the agent) the authority to act on the principal's behalf in financial matters.

functional capacity

Capability of performing tasks and activities. Characterized by ability to perform "activities of daily living" (ADLs) and the ability to perform "instrumental activities of daily living" (IADLs). ADLs are the most basic of self-care functions, such as bathing and dressing. IADLs are functions that may be needed for independence, such as cooking, cleaning or laundry.

functional limitations

Behavior or condition of a person that impairs the person's ability to care for his/her personal safety or to attend to or provide for necessities.

guardian

Person appointed by the court to have the custody of a ward under provisions of the probate code.

guardian ad litem

Individual who is appointed to provide independent advice to the court (as compared to the attorneys advocating for one side or the other in the action), bringing balance to the decision-making process. May conduct interviews and investigations, make reports to the court or participate in court hearings and mediation sessions.

health care

Any care, treatment, service or procedure to maintain, diagnose or treat an individual's physical or mental condition.

impairment

A person's diagnosed disability or medical condition that may affect a person's decision-making skills.

incompetent

Condition of any person who has been adjudicated by a court to meet at least one of the following conditions: (1) to have decision-making capacity that is so impaired that the person is unable to care for his/her personal safety or to attend to or provide for necessities for himself/herself, such as food, shelter, clothing or medical care, without which physical injury or illness may occur; (2) to have decision-making capacity that is so impaired that the person is unable to make, communicate, or carry out important decisions concerning his/her own financial affairs.

interested person

Adult relative or friend of a ward or beneficiary, or an official or representative of a public or private agency, corporation or association concerned with the person's welfare.

least intrusive

Mechanism, course of action or environment that allows the principal, ward or beneficiary to live, learn and work in a setting that places as few limits as possible on this/her rights and personal freedoms and is appropriate to meet his/her needs.

limited guardianship/conservatorship

Guardian or conservator has only those specific powers set out in a court order.

living will

Document directing the declarant's doctor to withhold or withdraw certain treatments (life-sustaining procedures) that serve only to prolong the dying process.

natural person

A human being, as distinguished from a corporation.

petition

Formal written request made to the court.

power of attorney

Legal instrument authorizing one to act as the attorney-in-fact or agent of the grantor (principal).

principal

Individual (aged 18 or older) who has put the power of attorney document in place and authorized the attorney-in-fact or agent to act on his/her behalf.

probate code

Chapter 633 of the Iowa Code that has jurisdiction chiefly over the probate of wills and administration of deceased persons' estates, guardianships, conservatorships and trusts.

probate court

Court that has jurisdiction chiefly over the probate of wills and administration of deceased persons' estates, guardianships, conservatorships and trusts.

property

Real and personal, tangible and intangible property that includes anything that may be the subject of ownership.

representative payee

Individual appointed by a government entity to receive funds on behalf of a beneficiary.

self-determination

Combination of attitudes and abilities that lead people to set goals for themselves and to take initiative to reach those goals.

Social Security Retirement, Survivors and Disability Insurance

An earned benefit that provides income for qualified workers who retire or become disabled and their dependents.

standby guardianship/conservatorship

Takes on guardian/conservator role upon the occurrence of a specific event.

substitute decision maker

Guardian, conservator, representative payee, attorney-in-fact or agent under power of attorney or personal representative.

substitute decision-making

Provision of services of a guardian, conservator, representative payee, attorney-in-fact or agent under a power of attorney or personal representative.

Supplemental Security Income (SSI)

Needs-based program providing income for aged, blind and disabled persons with little or no income or resources.

ward

Individual for which a guardianship or conservatorship is established.