A Guide to Decision Making Approaches as a Guardian in Virginia

	ASK	SUBSTITUTED JUDGMENT	BEST INTEREST
Description	Ask the person what they want.	If the person cannot make the decision, the guardian should try to make the decision the person would have made if they could. *This approach should be used if the person had capacity at one time to make decisions.*	If there is not enough information to use substituted judgment, the guardian must make the decision based on what is in the person's best interest. *This approach should be used if the person never had capacity to make their own decisions.*
Why is it important?	Guardians should include the person in all decision as much as possible, unless it would be harmful to do so. This builds rapport and trust with the person, and it ensures the guardian representative is person-centered in the decision.	Guardians should gather as much information about the person's values, lifestyle, religious or cultural beliefs, or preferences to help determine the decision the person would likely have made for themselves.	Guardians should consider what any reasonable person in a similar situation would do, while choosing the least restrictive alternative that supports the person's values, dignity, freedom, and independence.
Practical Application	• Ask the person in plain language. • Provide all information needed to make an informed decision. • Breakdown information as necessary. • Include the person in conversations with providers. • Use communication aids & supports. • Consider timing of discussions.	• Gather information about previous decisions made by the person. • Talk with family, friends, clergy, service providers. • Review documents like healthcare power of attorney or living wills, if available. • Request medical records and other service records to determine pattern of decisions made by the adult.	• Research the topic, decision that needs to be made, and any potential consequence(s). • Talk with family, friends, clergy, service providers. • Request a second opinion. • Avoid letting personal opinions influence the decision.