

§5-807. Decisions by guardian

1. Compliance with expressed wishes; cannot revoke advance health care directive. Except as authorized by a court of competent jurisdiction, a guardian shall comply with the individual subject to guardianship's individual instructions and other wishes, if any, expressed while the individual subject to guardianship had capacity and to the extent known to the guardian and may not revoke the individual subject to guardianship's advance health care directive unless the appointing court expressly so authorizes.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Agent's decision takes precedence. Absent a court order to the contrary, a health care decision of an agent takes precedence over that of a guardian.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Effective without judicial approval; exceptions. A health care decision made by a guardian for the individual subject to guardianship is effective without judicial approval, except under the following circumstances:

A. The guardian's decision is contrary to the individual subject to guardianship's individual instructions and other wishes, expressed while the individual subject to guardianship had capacity; or [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. The guardian seeks to withhold or withdraw life-sustaining treatment from the individual subject to guardianship, against the advice of the individual subject to guardianship's primary physician and in the absence of instructions from the individual subject to guardianship, made while the individual subject to guardianship had capacity. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

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SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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