

Free argumentative essay on legal guardianship for mentally ill

[Law](#), [Criminal Justice](#)



Introduction

We all may meet the risk of mental illness - it can be seen as God's punishment or bad genetics. Today there are many different social programs that are involved in supporting the mentally ill, even whole programs at the university are designed to train professionals who will be able to work with such people. Of course, the mentally ill should be treated as equal persons. There are three reasons to appoint a legal guardian. He can serve as personal assistant, when a person cannot make his or her own decisions. In addition there are different types of guardianship, which can be applied considering the patient`s condition and other circumstances. In addition, there are a large number of external organizations, which can help with the medical treatment.

Discussion

Very often, we witness the accidents when a person loses the ability to think or act in a proper way. In that case, the help of guardian will be helpful because the patient will get a daily assistant, who will look after him. This guardian is appointed by the local court with the judge's permission so this decision has a legal basis, which leave little place for manipulation with law (the family may impose restrictions on the guardian). For example, in Massachusetts, the court nullified the right of the guardian to send a patient in a psychiatric hospital, leaving this right for a family(" State Standards for Assisted Treatment").

However, there are cases when the legal guardian makes decisions for the patient concerning the treatment drugs. In this case, the guardian can do a

serious threat, because, for example, he can wrongly calculate the dose of the drug and thus kill the patient (Salzman, n. d., p. 291).

Mental illnesses vary at great lengths that would incapacitate a person accordingly. A person with high level of mental illness would be unable to make any decision or consent. On the contrary, a person with a minor illness or disorder can make most decisions by themselves. Thus, the urgency of a legal guardian for making informed consents on behalf of the patient depends on the severity of mental illness.

People with mental illnesses would be unable to understand the contents of a consent form. Patients who lose the ability to reason and understand would lack the intellectual ability to measure the consequences of a medical treatment. Hence, the patient would be unable to decide the best course of action. In such cases, appointing a legal guardian is the best solution as it would allow the patient to receive appropriate medical attention. For example, people suffering from mental disorders due to birth defects, etc. have poor intellect that makes it difficult to perceive and understand complex matters.

A person with mental illness would often find it difficult to determine if they need medications or treatment. People with prolonged mental disorders that aggravate with time would have little knowledge about the medication that is best for them. In such cases, the patient is unable to decide the best medical approach towards their health. Therefore, a legal guardian would allow the patient to receive the much needed medical attention in a timely fashion to ensure the best health of the patient (Salzman 279-289).

Certain people with mental disabilities would resist receiving medication or

treatments despite the urgency of the matter. In certain situations, medical treatment would become necessary to ensure a healthy life for the patient. However, the resistance would make it difficult for the doctors to implicate the treatment. In such cases, a legal guardian can give the consent to treat the patient against their will (Salzman 279-289).

Certain communities that support free will are against forced treatment methods. Such communities believe that a person has the right to choose what is best for them and any external pressure is non-mandatory (Juth and Frank 1-6). However, the disadvantage of hiring a legal guardian is that they would be willing to take greater risks than compared to a close relative or the person. This means that due to lack of personal interest or loss, legal guardians may not be as vigilant and pro-active in identifying the underlying risks involved in medical treatments compared to the family members. A legal guardian may not weight the consequences of the treatment as the patient would. Moreover, certain treatments such as amputations would cause physical challenges for the patient that would hinder the living conditions in future. In such cases, a legal guardian would be less hesitant compared to the patient.

Such cases are very rare, especially because the institution of guardianship is legalized for a long time and has a set of laws defining the actions of guardian. If the patient has at least a partial ability to make decisions, so he can use the help of his family, or personally take the medication (Barton, Lau, &Locket, 2014, p. 35). In any case, the law establishes different forms of guardianship, which is determined by the judge, the circumstances and condition of the patient, which reduces the risk of death.

Nevertheless, what should the judge decide when a person is an orphan and absolutely cannot make independent decisions? Guardian can manipulate the will of the patient, as well as to use its resources (or resources of the state) for his own purposes. In addition, the incompetence of the judges can often play a cruel joke with the patient, which is more or less adequately thinking that could lead to an unnecessary commitment of taking the medicine.(Bassman490-491).

Conclusion

Thus, guardian can be a personal assistant and can be a manager of a state organization that cares about the health of patients. In addition, the institute of guardianship has a legal basis that minimizes risks. It should be noted that the surprising number of organizations, which are engaged in the care of mental illness should be increased, especially in small towns, where there is no such a large infrastructure. Legal guardianship can act as a support function in variety of situations such as seeking medical help, and ensuring safety. However, a legal guardian with a lot of responsibility may fail to perform the duties with obligation and efficacy.

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