

TITLE: ADULT GUARDIANSHIP DECISION MAKING PROCESS {LEGAL AND PSYCHOMORPHOLOGICAL PERSPECTIVE}

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Abstract:

Psychomorphological Overview to Adult Guardianship decision making process hinges majorly on Genetic and Epigenetic considerations that has become necessarily essential ingredient and the pivot of global Adult Guardianship decision making process. This concept provides the rare solution to the decision making process of the Exomorphic-Viscerotonic, Mesomorphic-Somatonic, Ambimorphic-Hybritonic and Indomorphic-Cerebrotonic tendencies of the conservatees, conservators and adjudicators, making available rare information that will assist the management of assorted and divergent disorder and phobia such as Post Traumatic Stress Disorder, Obsessive-Compulsive Stress Disorder, Somato-form Stress Disorder and Affective Stress Disorder of the conservatee. In the course of this presentation, we will demystify the genetic alliterational psychomorphological deca-perimeter and its attendant charts. All this is to the best interest and wellbeing of the conservatee.

Keywords; Adult Guardianship, conservatorship, Decision Making process. Psychomorphological overview. Exomorphic overview , Mesomorphic overview, Ambimorphic overview, Indomorphic overview. Genetic Alliterational Psychomorphological Deca Perimeter.

INTRODUCTION

Many of us may have loved ones and friends who may have severe health conditions such as stroke, dementia and other serious disabilities. At this point, there is a legal backing for an adult guardian to be appointed to see that those wants and needs are met. The decisions made by the conservator (on financial, medical and personal care) have the legal backing of the court.

Adult Guardianship and Conservatorship is fundamentally the same thing. The usage of these terms however can be inter-changeable in the States. If an adult can't make significantly imperative and essential decisions for him/herself, an adjudicator / a judge assigns someone called the Guardian or "Conservator" to make those decisions.

DEFINITION:

Psychomorphology is defined by Ayawei [2004] as the study of human actions, reactions, responses and metamorphosis of the mind occasioned by genetic and epigenetic factors.

Psychomorphology recognises that our mind is in a constant state of development and changing processes, being shaped and sharpened by intrinsic and extrinsic factors. In other words every second, we are in a constant state of psycho-metamorphosis.

ETYMOLOGY

Psychomorphology is derived from three Greek words ‘psyche’ meaning “soul” or mind, ‘morphos’ meaning “shape, shade and size” and ‘logos’ meaning “study”.

DIVISION

Psychomorphological Decision making process is predicated on two perspectives- genetic and epigenetic factors.

Genetic psychomorphology is the study of the intrinsic, interior or internal factors such as temperamental heredities (inborn traits) that affect human actions, reactions, responses, adjustments, proneness to innovations and management of life’s challenges.

Epigenetic Psychomorphology is the study of the extrinsic, exterior or external factors such as family background, training, environment, peer group influences, education, life experiences, rule of law etc. in dealing with human actions, reactions, responses, proneness to innovations, adjustments and management of life’s challenges.

From a genetic perspective, the decision making process is basically inbred and temperamental while the epigenetic factor is occasioned by information, environment and other external influences.

However, this paper will concentrate on genetic psychomorphology in decision making process.

LEGALITY

Lahaye (1984) observed that in the US and other advanced countries, Guardianship or [Conservatorship](#) is an outcome of court proceedings that grants one or more person(s) the authority to make financial or health care decisions for another because of the person’s mental or physical incapacitation to make informed and sound decisions. A conservatorship can be of the person, the estate, or both.

The person who is appointed by the court to make decisions is called the **GUARDIAN** or **CONSERVATOR**, and the person for whom decisions will be made is called the **CONSERVATEE**. Conservators are usually family members or

may be a professional conservatorship company. In some cases, the Public Guardian's office may be appointed.

Despite whom the conservator is, their obligation is to act exclusively and solely in the best interest and wellbeing of the conservatee. This is to ensure that, court evaluation, recommendations, supervision and monitoring of the conservatorship is established and adhered to.

ADULT GUARDIANSHIP DECISION MAKING TYPE

Adult Guardianship Decision making is majorly predicated on two types, they are: Conservatorship of the person and Conservatorship of the estate.

Conservatorship of the Person is recommended when a proposed conservatee is unable to provide for his or her own basic needs (food, clothing, and shelter). If appointed, Conservator of the person will have the authority to make decisions which might include where the conservatee will live, how the conservatee will be clothed and fed, and may include the power to make medical decisions.

Conservatorship of the Estate provides the conservator with authority to make financial decisions. The conservatee's property will be inventoried, appraised and reports will be submitted to the court. A bond may be required to protect the assets of the conservatee.

GUIDING PRINCIPLES OF ETHICAL DECISION MAKING PROCESS OF CONSERVATORSHIP

In most countries the act of conservatorship is to be administered and interpreted in accordance with the following principles:

That all adults are entitled to live in the manner they wish and to accept or refuse support, assistance or protection as long as they do not harm others and they are capable of making decisions about those matters;

That in 1st stage dementia and similar impairment the Conservator cannot take absolute decisions as regards the needs of the conservatee but should support him/her to make his/her own decisions. The conservator has the right to participate in what is called *the conservatee shared decision making process* without infringing on the rights of the conservatee; and

That all conservatees should receive the most efficient and effective aid, without any encumbrances and bias even when it is obvious that they are incapable to care of themselves and make sound financial decisions. Conservatees in this category include people in a state of coma or those who are in the third phase of dementia.

CONFLICTS AND LIMITATIONS

There are three (3) noticeable conflicts that may arise in Adult Guardianship, namely:

1. Role conflict: One domineering family member interfering with the Conservatorship process.

2. Role over-load: A conservator undertakes too many other assignments that one or more assignments begin to suffer. This is often seen in desperate professional Conservators.

3. Role ambiguity: This occurs as a result of lack of precision in the guardian's job description and also addition of tasks outside the scope or terms of appointment as the conservatee's case worsen.

CONCEPTUALIZATION

GENETIC PSYCHO- MORPHOLOGICAL OVERVIEW

Generic Psycho-morphologists argue that temperamental factors affect everything you do from eating habits to sleeping, job performance and productivity including adult guardianship decision making process. Therefore, it strives to understand, interpret and control deviant behavioural disposition of both the conservatee and conservator, from an inbred and temperamental view point.

It argues that each temperamental type has both strengths and weaknesses that form a unique part of his/her makeup throughout life. Once a person diagnoses his or her own basic temperament, he is better equipped to ascertain his strengths and weaknesses in management and decision making.

GENETIC PSYCHOMORPHOLOGICAL TYPES AND DECISION MAKING PROCESS

GENETIC PSYCHOMORPHOLOGY is divided into two: the **EXTROVERSION AND INTROVERSION**. These are further subdivided into four: the **EXTROVERT {EXOMORPH and MESOMORPH}** and the **INTROVERT {AMBIMORPH and INDOMORPH}**

THE EXOMORPH

The Exomorph is generally observed to be an ecstatic, egoistic, emotional, expeditive, exquisite, eclectic, social, talkative, winning and dining personality. The person is emotional and impulsive in decision making with feelings outweighing introspective thinking in his decisions. Therefore, not too good as an ideal conservator; except if trained otherwise. He/she is referred to as *viscerotonic*.

THE MESOMORPH is a manly, masterful, magisterial and merchandizing personality. He is an optimistic, aggressive, autocratic and adventuring person. He is also manipulative, having unfair, insidious and cruel controlling tendencies. He/she is not often times remorseful or guilty of any evil act. He is not easily moved by pains and tears, therefore cannot appreciate any emotional outburst of a conservatee. His practical, fanatical mind is capable of making sound and instant decisions but they are most times for selfish purposes. This nature makes him easily susceptible to believing "the end justifies the means", thus is likely to abuse the right and privileges of a conservator at will. He is referred to as *somatonic*.

THE AMBIMORPH is an ambivalent and unpredictable personality and tends to be Hybritonic that is, given to a variety of moods. Sometimes he or she is happy and for no good reason is moody, gloomy and antagonistic. The Ambimorph is referred to as an altruistic, analytic, argumentative, abhorrent, acerbic, aesthetic and artistic personality.

He seeks the welfare and good of others and is rarely motivated by selfishness even in his decisions. He has an innate tendency to give himself selflessly for a cause that he believes is worth pursuing. Sacrificial giving is not usually a difficult task to him. He/she is a loving, caring and concerned decision maker; and would have been the best conservator but for his unpredictable mood **swing**. Many of them who have mastered these depression tendencies turn out to be the best conservators. He is also referred as *Hybritonic*.

THE INDOMORPH is an easy going, enduring, elucidating, estimable, even-tempered, euphemistic, extortive and epistolaric personality. Such a person is likely to be peaceful, thoughtful, humorous, secretive, careful and reliable. The indomorph has the ability to withstand hardship, difficulty or stress, has a carefree attitude to life, never exploitative in decision making and follows instructions strictly. He/she is naturally described as the best conservator by so many. He is also referred to as *Cerebrotonic*.

Chart1:

GENERIC ALLITERATIONAL PSYCHO-MORPHOLOGICAL DECA PERIMETER

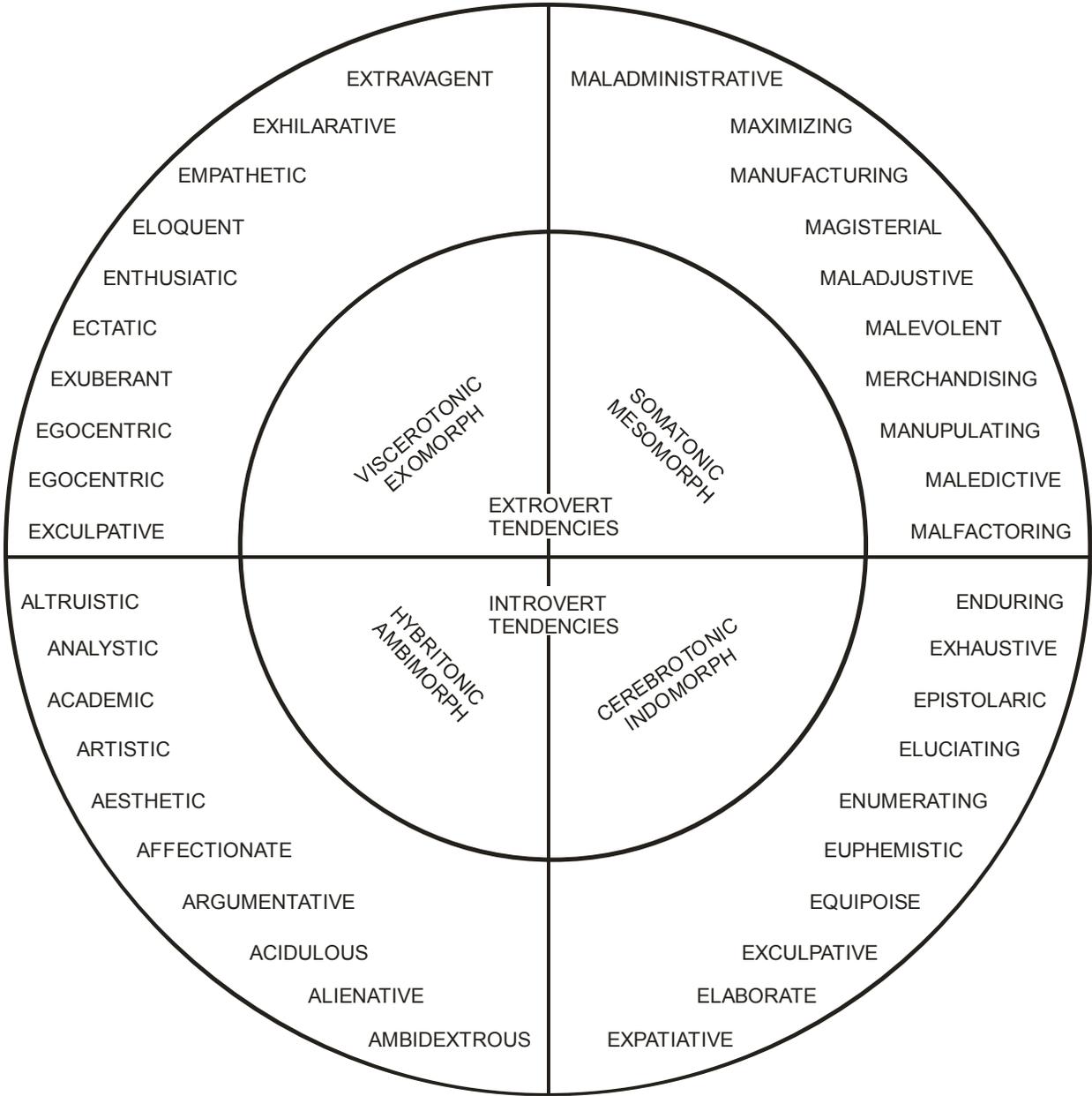


CHART 2

GENETIC PSYCHOMORPHOLOGICAL DEMYSTIFICATION DIAGRAM

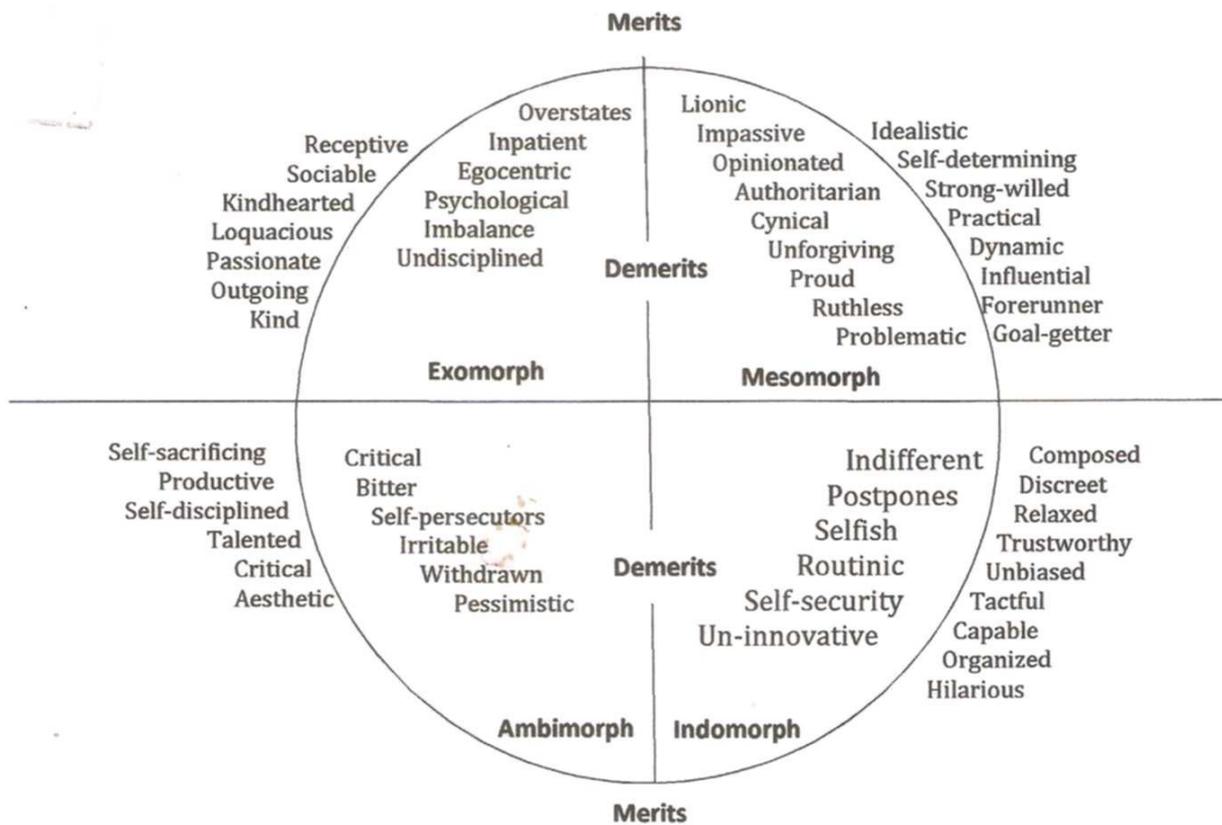
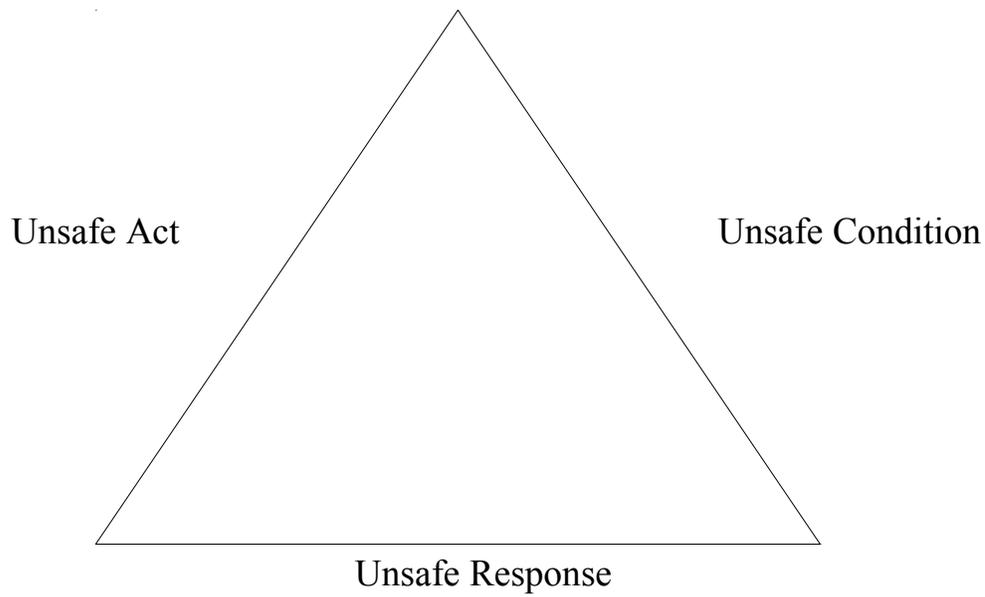


CHART 3:
PSYCHOMORPHOLOGICAL STIMULI ANALYSES DIAGRAM



Equation:

USA= USC

USC= USA

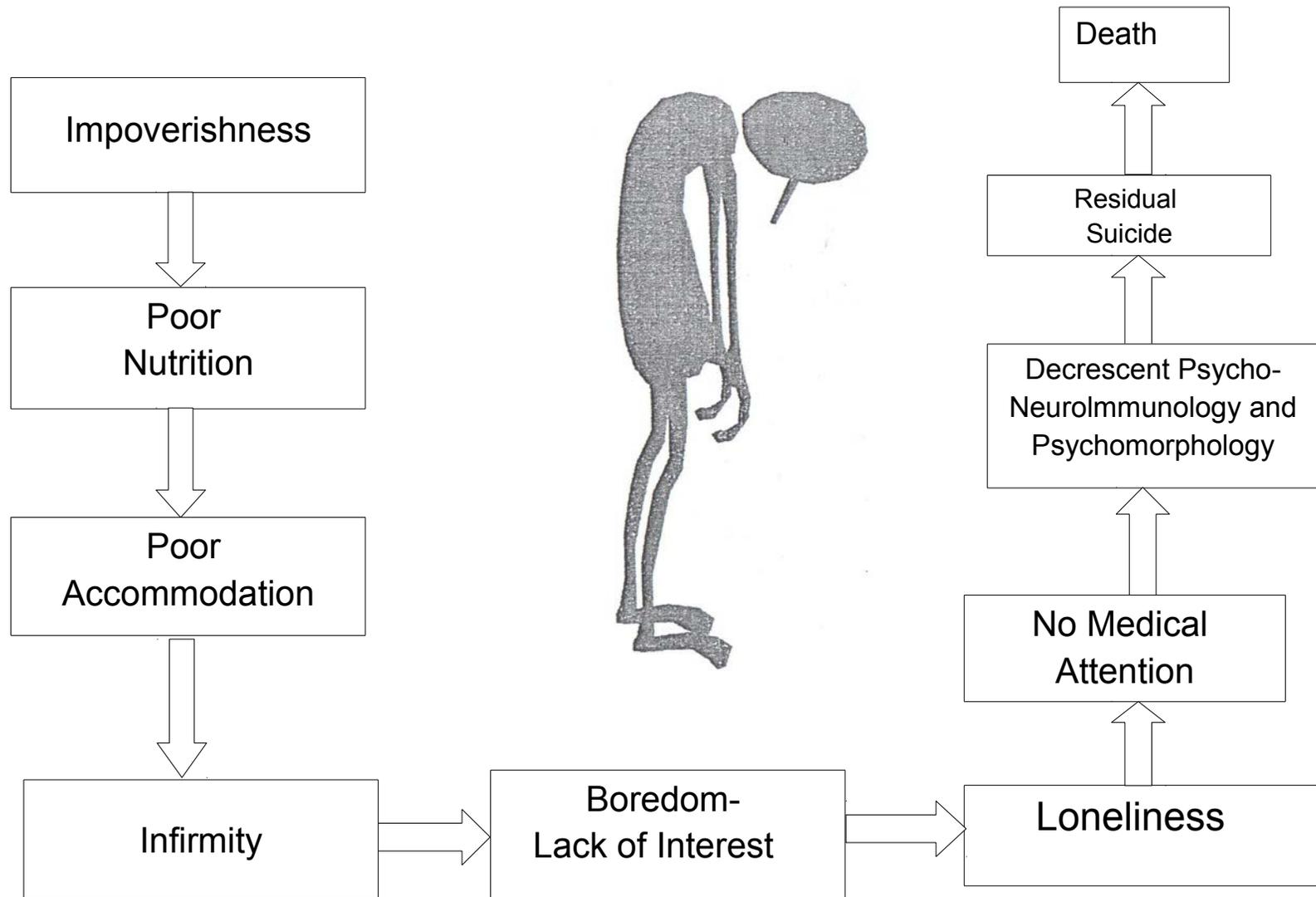
USR= USC

USR= USA

USA= USC = USR

USC= USA = USR

CHART 4
THE PLIGHT OF ABUSED CONSERVATEE VICTIMS



POSSIBLE PHOBIC AND ANXIETY DISORDERS OF THE CONSERVATEES

(Conservatee self-persecution prone decision making process)

Most conservatees are suffering from several phobic disorders (fears) occasioned by a wide range of sudden unpredictable panic stricken attacks of intense fear or terror. These phobic disorders causes ailments such as heart attack, dizziness, fainting, paralysis and anxiety disorders with perplexingly neurotic and schizophrenic tendencies, even though many times they have no logical premises to justify their overwhelming experiences and controversial behaviours. Therefore, conservators need training in psychomorphological know-how and wisdom in handling conservatees with such disorders.

Below are some highly identified and diagnosed cases that most conservatees suffer. Viz:-

POST TRAUMATIC STRESS DISORDER (PTSD)

As the name implies, the type of people known to have suffered from this disorder have painstakingly lived through several previous traumatic (shocking, injurious) experiences that are clearly responsible for their present disorder. Therefore those who suffer PTSD have a very undependable, unreliable, anecdotal and untrustworthy decision making process.

OBSESSIVE – COMPULSIVE STRESS DISORDER

This type of disorder is a Fanatical, fixated, infatuated, irrational, mesmerizing and gripping hassle disorder. The impaired adult suffers from symptoms of involuntary despondency, despair and desperate discouragement and compelling harmful pull leading to suicidal thoughts, which ideally are always noticed to have been re-occurring in the minds of such conservatees despite their attempts to stop them. These types of people can't help themselves, so the conservator must decide to take extra steps to manage their emotions deliberately, diligently and intelligently else before the next day, the conservatee would have committed suicide.

SOMATO-FORM STRESS DISORDER

This disorder is characterized by serious bodily mayhem like back aches, dizziness, partial paralysis of glove anaesthesia, abdominal urinal pains etc; without any physical evidence of organic cause.

AFFECTIVE STRESS DISORDER

This disorder is always characterized by serious self-persecution and dehumanization that can cause psychological imbalance in the affective psychomotive and cognitive domain.

It is evident that many conservatees suffer from the above stress disorders hence, the need for conservatees' conservators to identify the specified disorder and manage them first-hand before recommendations to professional psycho-therapists.

CONCLUSION AND RECOMENDATION

Basically four main processes are advised for Adult guardianship they are; Get the assistance of an attorney, File a petition for guardianship in court, Attend the guardianship hearing and Review the stipulations of the guardianship decree etc. but what is neglected by most processes is the psychomorphological bit of the decision making process that seeks to provide a compatible working relationship between the conservator and the conservatee and other related parties. Because of the need to educate the adjudicator on compatibility-pairing of conservators and conservatees, mend communication breakages and breaches in the wrongly paired conservator and conservatee relationship and also to meet the needs of impaired adults, as concerns decision making processes, I therefore recommend, that the Psychomorphological overview be engrafted into adult guardianship curriculum universally.

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