

Good Guardianship.

Promising Practice Ideas on Community Links

State Court Partnerships with the Aging Network

This brochure encourages collaboration in guardianship practices between the court system and the aging network. The idea is that by working together, courts and aging organizations—such as agencies on aging, adult protective services (APS), and long-term care ombudsmen—can tackle some of the difficult barriers to good guardianship practice in a cost-effective way.

The objective is to get courts and service providers or advocates in the aging field talking to each other about specific constructive improvements in guardianship in their area.

The Problems:

- Guardians and courts frequently do not have enough information on aging services, elder abuse, and long-term care.
- Guardians can protect against elder abuse. Guardians also can help “unbefriended” at-risk individuals to get the services they need. But in many areas there are not enough guardians or other surrogate decision-makers.
- Sadly, some guardians mistreat their vulnerable charges. Courts sometimes do not have enough resources for thorough monitoring—and abuse, neglect, or exploitation may go unchecked.

The Solution:

- Judges and the aging network can work together in strengthening guardianship systems.
 - ✦ State and area agencies on aging created under the *Older Americans Act* are the focal points for community services for elders. They can work with courts to inform guardians and recruit volunteers.
 - ✦ State, regional, and local long-term care ombudsman programs under the *Older Americans Act* advocate and help resolve problems for residents of nursing homes and assisted living. They can educate guardians and courts about long-term care. They can help the court with monitoring by flagging problems of adults under guardianship in long-term care facilities.
- ✦ APS staff, often located in local social service agencies, help adults in danger of being mistreated or neglected. APS can identify at-risk individuals in need of guardianship, and provide training for courts and guardians on elder abuse.
- Develop partnerships with these front-line resources. Set out specific practical aims to improve guardianship and increase the use of advance planning approaches that could delay or avoid guardianship. Involve the bar association in this partnership. Become court-community partners for good guardianship now.

Aging Network Partnerships: 10 Promising Practice Tips

- ① Offer to speak on guardianship and alternatives at Elder Law Day presentations or other community events for seniors, and to attend a meeting of the advisory council for the agency on aging or the long-term care ombudsman program.
- ② Distribute basic brochures on aging services, the aging process, long-term care, residents’ rights, and elder abuse to newly appointed guardians with their order of appointment.
- ③ Suggest that court staff who handle guardianship be included in training sessions for staff or community volunteers by agencies on aging, APS, or ombudsmen.
- ④ Recruit knowledgeable staff from the aging network to speak on aging, long-term care, or elder abuse at judicial education conferences and training sessions for guardians.
- ⑤ Develop or clarify a protocol for agencies on aging, APS, and ombudsmen to report directly to the court any instances they encounter of abuse or neglect by guardians.
- ⑥ Explore the joint development of a volunteer court visitor guardianship monitoring program to contact isolated elders under guardianship and report on any problems. Use retired individuals or law, accounting, social work, or gerontology students as “eyes and ears of the court.”
- ⑦ Consider the joint development of a volunteer guardianship program. Involve members of the local bar association and local service groups.
- ⑧ Ask whether your courthouse and judicial process are easy for elders and adults with disabilities to use. Suggest an evaluation of court accessibility. Have disability advocates conduct a “walk through” or “wheel through.”
- ⑨ Invite aging network staff to participate in “future of the courts” planning or visioning sessions, in light of the rapid growth of the older population. Will the court be “elder ready”?
- ⑩ Initiate an interdisciplinary *community coordinating group* on guardianship and alternatives to identify barriers, help close gaps between guardianship law and practice, pool resources, and increase knowledge.

12 Promising Practice Examples

1. The *Nevada Second Judicial District Family Court* and the *Nevada Division of Aging* participate in the SAFE program (Special Advocates for Elders), a court-based volunteer project serving seniors under or facing guardianship. Deborah Van Veldhuizen, dvanveld@mail.co.washoe.nv.us.

2. In *Maricopa County, Arizona*, the *area agency on aging*, the *long-term care ombudsman program*, *APS*, the *public fiduciary*, the *local probate court*, and others have formed an Alternatives to Guardianship Program to identify alternatives to guardianship and to protect vulnerable adults. Dawn Savatone, savatone@aaaphx.org.

3. The *Area Agency on Aging in Palm Beach, Florida* is working with the *Fifteenth Judicial Circuit Court's Elder Justice Center* to recruit volunteers for a guardianship monitoring program. Fay Hewitt, fhwitt@co.palm-beach.fl.us.

4. The *Connecticut Office of Probate Court Administrator* and several *Connecticut Area Agencies on Aging* have operated a volunteer Court Visitor and Conservator Program through Sage Services of Connecticut, Inc. Lou Zaccaro, sageservices@snet.net.

5. The *Georgia APS*, with the participation of the *State Long-Term Care Ombudsman*, has conducted workshops on elder abuse for the annual probate judge conference. Local *Georgia Long-Term Care Ombudsmen* have testified on behalf of residents who are subjects of petitions in guardianship proceedings and assisted them to secure legal counsel. Both APS and ombudsmen have alerted probate judges to specific instances of guardian misuse of power or neglect of duties, and have worked with probate judges on multidisciplinary teams to address elder abuse. Becky Kurtz, bakurtz@thr.state.ga.us.

6. The *San Francisco APS staff and court staff* conducted judicial training on elder abuse and reporting requirements. Mary Joy Quinn, mquinn@sftc.org.

7. *Oklahoma APS* convened a conference for judges, district attorneys, and law enforcement officers on elder abuse, protective services, and undue influence, including identification and prosecution of crimes against the elderly. Robert Nunley, Robert.Nunley@okdhs.org.

8. The *Rhode Island Long-Term Care Ombudsman* has conducted an in-service training for probate judges to inform them about the ombudsman program and residents' rights. The ombudsman contacts the judge with instances of guardian abuse or exploitation, and helps to monitor difficult situations. The ombudsman worked with a key judge in advocating for a public guardianship program and provided training for the volunteer guardians. The ombudsman also educated social workers in long-term care facilities about guardianship. Roberta Hawkins, stateomb@alliancebltc.org.

9. The *Long-Term Care Ombudsman Program in Fort Worth, Texas* alerts the court when a nursing facility closes or when there are signs of instability; helps guardians with relocation of residents under guardianship; and assists the court in finding those who "got lost in the shuffle" during a sudden closure. Terry Thompson, terryt@mhatc.org.

10. The *Indiana Long-Term Care Ombudsman* provides brochures about long-term care to probate courts for distribution to newly appointed guardians. Arlene Franklin, AFranklin@fssa.state.in.us.

11. The *Long-Term Care Ombudsman of Youngstown, Ohio* has invited the coordinator of the court's volunteer guardianship program to attend its regular training session for volunteer ombudsmen.

12. The *Long-Term Care Ombudsman of the Bluegrass, Lexington, Kentucky* has worked with guardians ad litem to ensure a thorough interview with facility residents who are respondents in guardianship proceedings, and with the court on accessibility of the hearing room. Kathleen Gannoe, ombuddy1@aol.com.

Know the Basics

State and Area Agencies on Aging: A network of state and area agencies throughout the country created under the *Older Americans Act*, 42 U.S.C. §3001 *et. seq.* Under the Act, funding is allocated to the 57 *State Agencies on Aging* located in every state and territory to plan, develop, and coordinate systems of supportive in-home and community-based services. Most states are divided into Planning and Service Areas and nationwide there are over 650 *Area Agencies on Aging*. The area agencies contract with over 29,000 service provider agencies nationwide.

Older Americans Act Funds: Title III of the *Older Americans Act* provides for funding for home- and community-based services such as in-home care, transportation, meals—and legal services. Title VII of the Act provides for Elder Rights. *Older Americans Act* funds are scarce, but could be a resource for development of guardianship programs.

Adult Protective Services (APS):

Services provided under state law to elders and/or adults with disabilities who have suffered from abuse, neglect, exploitation, or self-neglect. APS receives and investigates reports of suspected abuse. If the report is

substantiated, APS arranges or provides services. Each year between 500,000 and five million elders are abused, neglected, and exploited in this country. APS staff may identify at-risk elders in need of guardianship. Court links with APS agencies can help in crafting solutions that protect the welfare and respect the rights of elder abuse victims.

Long-Term Care Ombudsman: An advocate for residents of long-term care facilities. Ombudsmen provide information about residents' rights, choosing a facility, and getting quality care. They can help to resolve problems and promote improvements in the long-term care system. Under the *Older Americans Act*, every state is required to have an ombudsman program. These programs vary, but many include local or regional programs using trained volunteers. Ombudsmen may be the first line of contact when a problem arises.

Legal Assistance Developer: An individual designated by a state agency on aging to provide leadership in securing and maintaining the legal rights of elders. Under the *Older Americans Act* the state legal assistance developer promotes state capacity to help older individuals understand their rights, exercise choices, and benefit from services and opportunities authorized by law. The developer can help to link the court with the aging network.

To Contact These Community Resources:

To find agencies on aging, APS, and long-term care ombudsmen in your jurisdiction use the *Eldercare Locator* at 1-800-677-1116, <http://www.eldercare.gov/>. For ideas on probate court practices, see the Web site of the National College of Probate Judges, <http://www.ncpj.org>.

Web sites with more information about aging resources include:

- ✧ U.S. Administration on Aging, <http://www.aoa.gov>;
- ✧ Nat'l Center on Elder Abuse, <http://www.elderabusecenter.org/>, including a compendium on promising practices;
- ✧ Nat'l Association of State Units on Aging, <http://www.nasua.org/>;
- ✧ Nat'l Association of Area Agencies on Aging, <http://www.n4a.org/>;
- ✧ Nat'l Long-term Care Ombudsman Resource Center, <http://www.ltombudsman.org/>; and
- ✧ ABA Commission on Law and Aging, <http://www.abanet.org/aging>.

For an AARP handbook on establishing a volunteer guardianship monitoring program (no charge), contact AARP order fulfillment, 1-800-424-3410, stock #D16383.