

Kansas

Guardianship

Program

2002 Annual Report

July 1, 2001 – June 30, 2002

...a partnership involving
the State of Kansas and
its citizen volunteers.

A Report to

Governor Kathleen Sebelius
Chief Justice Kay McFarland
the 2003 Legislature
the People of Kansas

Prepared Pursuant to K.S.A. 74-9601 et seq., as amended.

The Vision

The goal of the Kansas Guardianship Program (KGP) is to provide that qualified, caring, willing and trained persons are available throughout the State to serve as court appointed guardians and/or conservators for those program eligible persons in need of this level of protection and advocacy, and those non-adjudicated persons who elect to have a voluntary conservator, and who do not have family members willing or able to assume such responsibilities.

The Kansas Guardianship Program was initiated in 1979 under the administration of Kansas Advocacy and Protective Services, Inc. The 1995 Kansas Legislature established the program as a separate public instrumentality pursuant to K.S.A. 74-9601 et seq., as amended. The KGP is governed by a seven member board of directors, six of whom are appointed by the Governor and one by the Chief Justice. Funds are provided by the State of Kansas.

BOARD OF DIRECTORS

John D. Bennett
Pittsburg

Eloise Lynch
Salina

Jack E. Dalton
Dodge City

James Maag
Topeka

Barbara Lawrence
Wichita

The Honorable Frank Yeoman, Jr.,
Chair
Topeka

Senator Janis K. Lee
Vice Chair
Kensington

Executive Director
M. Jean Krahn

The Purpose

Every year many Kansans are declared legally unable to manage their lives and financial affairs. Most of the people have family members who are appointed by the courts to serve as guardians and/or conservators. There are, however, a significant number of adults who have been abandoned by families, or who have families unable or inappropriate to provide the necessary care involved in guardianship/conservatorship.

Kansas is unique in the country in that, on a statewide basis, citizen volunteers are appointed guardians/conservators for those program eligible persons adjudicated by the court and in need of this level of protection and advocacy. The Kansas Guardianship Program serves persons who are, essentially, the adult wards of the State.

“The program strives to... encourage respect for the rights and dignity of all Kansans.”

“Kansas is unique in the country...”

The KGP recruits volunteers willing to advocate for and protect the rights of these vulnerable, at-risk people. We maintain that, if a guardianship and/or conservatorship is imposed, the ward/conservatee should be assured the benefits of positive efforts by the guardian/conservator - efforts (relationships) that will assure the person of someone to act as an advocate and protector.

The program strives to advocate for and protect the rights of persons with disabilities in ways that recognize the interdependence of all individuals and encourage respect for the rights and dignity of all Kansans.

“28% of the volunteers have served 10 or more years and 58% have served 5 years or more.”

The Process

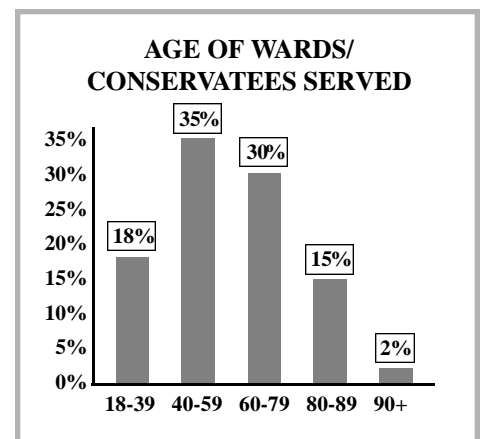
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP does ask for this considerable personal commitment from the individuals who agree to become KGP volunteers.

Volunteers maintain regular contact with the ward and conservatee through personal visits, phone calls and other efforts. In their legal capacity as guardians and conservators, volunteers advocate for or take action on behalf of the ward/conservatee to access services including physical, psychological and emotional care and treatment. They also monitor the quality of those supports and services. Additionally, they provide consents and maintain communication with service providers such as case managers, facility staff and medical providers; and assume responsibility for the paperwork necessary in accessing appropriate benefits such as Social Security and Veteran's pensions. Finally, they are required to provide the court with annual documentation on the status of the ward and the finances of the conservatee.

Volunteers in the program are asked to make a long-term commitment to their ward/conservatee. For some individuals that may extend to the rest of their life or the life of the ward/conservatee. Caring and loving relationships develop and the guardian becomes, many times, the one person with long-term involvement in the ward's life. In reviewing our records over the year, we find that approximately 28% of the volunteers have served in the program for 10 or more years and 58% have served for 5 years or more. That represents an outstanding commitment to their wards/conservatees and to the program.

This model involves a collaborative working relationship with The Kansas Department of Social and Rehabilitation Services (SRS). Persons served by the KGP are identified by SRS. Adult protective services and State hospital social workers make formal requests to the KGP for an approved volunteer who may be nominated to the court for appointment as guardian/conservator or voluntary conservator. The individuals served generally are dependent upon public support. Referrals to the KGP are considered after all other less restrictive alternatives have been exhausted. The needs of the potential ward and conservatee are matched with the abilities and interests of the volunteer. SRS legal services petitions the court for the hearing to determine the need for guardianship and/or conservatorship. The District Court determines the need for and level of guardianship and/or conservatorship services and makes the appointment of the guardian/conservator.

After a KGP volunteer is appointed as the guardian/conservator, the KGP contracts with the volunteer to provide a high level of advocacy and protection to the ward/conservatee; requires a written monthly report of activities undertaken on behalf of the ward/conservatee; provides a small monthly stipend to the volunteer to offset out-of-pocket expenses for services provided on behalf of the person(s); and, provides ongoing training of and support to the volunteer in order to enhance the quality of life of the persons they serve.



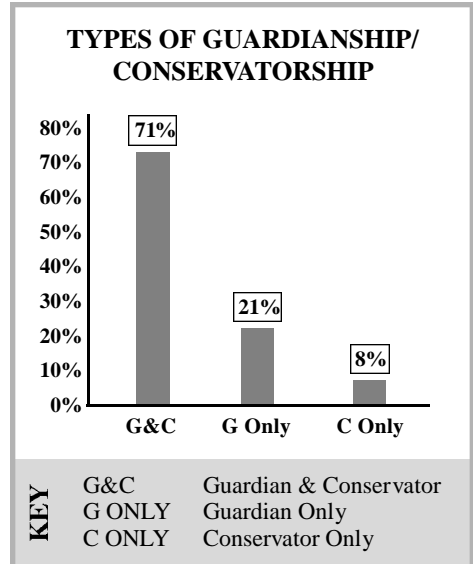
The Achievements

Guardians and conservators provide a check and balance on the services system. The more than 815 guardians and conservators currently volunteering with the KGP, through their legal authority, have access to group homes, nursing facilities, public institutions or residences of their wards and conservatees. Their advocacy and protective efforts frequently extend to a roommate or another resident. A guardian's very presence can afford a sense of safety, protection and security.

OF SIGNIFICANCE IN 2002

- During fiscal year 2002, the KGP volunteers provided guardianship/conservatorship services to 1647 wards and conservatees.
- On June 30, 2002, approximately 815 volunteers were serving in the program. Over the years, approximately 3152 Kansans have been recruited to serve as volunteers in the program.
- It is estimated that, on the average, a volunteer spends at least ten hours or more each month working on issues related to the ward/conservatee.
- A large bed, private IMR (Intermediate Mental Retardation Facility) is closing. This means an additional 20 individuals with KGP guardians/conservators will move into community living.

“...The KGP volunteers provided....services to 1647 wards and conservators.”



- The KGP provides information, consultation and referral to service providers, family members and other interested groups and individuals upon request. The KGP also provides information and training programs. During the past year, the KGP provided such assistance to more than 4150 persons and agencies.
- The KGP Board of Directors actions included, approval of the FY 2003 budget proposal for submission to the Governor and the performance of the annual audit required pursuant to K.S.A. 74-9601 et seq.
- The KGP publishes and disseminates *A Guide To Kansas Laws on Guardianship and Conservatorship*.

The Future

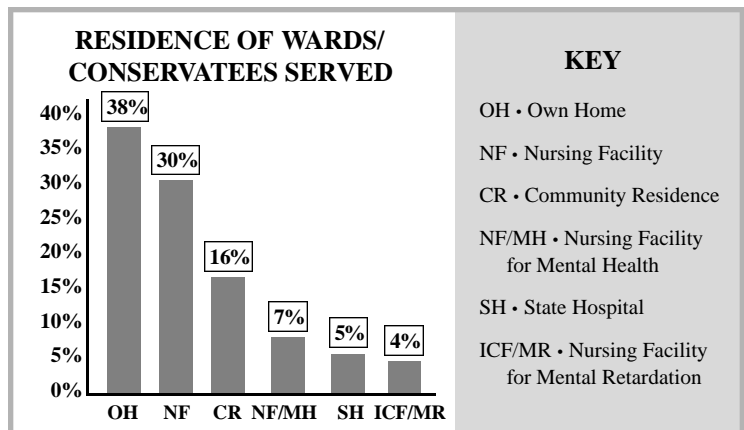
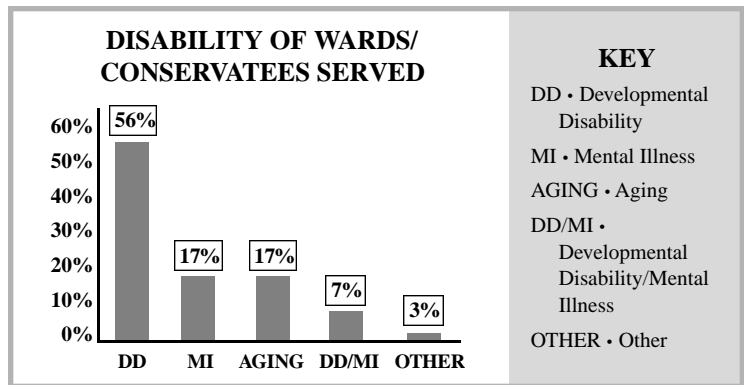
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer and many will need some form of protection through substitute decision makers such as guardians and conservators. In addition, young adults with conditions that severely limit their ability to manage their lives and financial affairs are receiving services in a wide variety of programs operated by public and private providers throughout the State. Guardianship and conservatorship is an important part of protective services, but must always be viewed with caution since it represents the most restrictive and intrusive of the possible interventions available.

There are situations in which guardianship is pursued without consideration of alternative measures. At times we see attempts to use guardianship/conservatorship as a mechanism for bill collecting, to address fears of liability, and, sometimes, to control disruptive or uncontrolled behavior (usually unsuccessfully). While such basic problems may need to be addressed, often reasonable alternatives to guardianship/conservatorship are not considered.

Kansas statutes provide for advance directives and durable and health care powers of attorney; however, there is a need, on a statewide basis, for other community based interventions that may reduce the need for guardianship and conservatorship. These may include bill paying services, representative payee programs, and crisis intervention alternatives such as respite care and mediation services.

RECOMMENDATIONS

- Medical and other service providers need to be informed of the responsibilities of and limitations of guardians and conservators. This could include information on when guardianship is appropriate.
- As services for persons with developmental disabilities, mental illness and aging related illnesses become more widely dispersed in community settings throughout the State, attention should be focused on assuring that formal mechanisms are in place to provide for protection of these individuals from abuse, neglect and exploitation.



The People

THE PERSONS SERVED

Doug, age 62, has been diagnosed with a bipolar disorder, heart problems and Parkinson's disease. He formerly lived in his own mobile home on a rented lot in a trailer park. He and a friend ran an informal car dealership where they bought and traded vehicles.

In time, Doug's life began to whirl out of control. He went on spending sprees which led to unpaid bills and overdrawn accounts. Problems worsened when "friends" began financially exploiting him. His health situation became life threatening. SRS adult protective services became involved. Doug moved into a nursing facility for mental health but, when his condition continued to deteriorate, he was admitted to a State psychiatric hospital.

SRS made a referral to the KGP for a volunteer and SRS legal petitioned the court to appoint the volunteer guardian and conservator. After the volunteer was appointed, she found she had a great deal of work to do. The nursing facility had not been paid for months. The mobile home had been condemned. (She did manage to retrieve a water heater and sold it.) At least 14 titles to vehicles involved in his car business had not been transferred and some cars were unaccounted for. The volunteer spent countless hours attempting to get Doug's finances in order.

Currently, Doug is receiving medical treatment and physical therapy at the hospital but it is hoped he soon will be able to move into a less restrictive setting.



Alex and Dale are brothers in their mid 40's and both have been diagnosed with mental retardation. They lived with family members in a sadly dysfunctional setting. Problems in the home involved drug abuse and repeated altercations with law enforcement. The brothers

were unsupervised and their most basic needs unmet. Their clothing was dirty and torn, they suffered from poor nutrition and there was a total lack of personal hygiene.

People in the community became alarmed when the brothers appeared physically aggressive toward others and made inappropriate sexual advances. There were also problems with public defecation.

A grandmother was appointed guardian and conservator until her ill health resulted in the need for someone to replace her. SRS made a request to the KGP and the court agreed to appoint the KGP volunteer. The men were moved out of the home and into a respite care situation until a more permanent placement could be found.

Since that time, the KGP volunteer arranged to have the brothers moved into a group home and, from there, into a house. They have their own living space and personal possessions and are receiving services from the local developmental disabilities service provider. Dale enjoys spending his days at the workshop while Alex does some cleanup work in sports complexes in the community. They live right around the corner from their guardian. The inappropriate behaviors have disappeared and both they and their community are comfortably sharing life together.

THEIR GUARDIANS

On behalf of the State of Kansas we express our appreciation to the many hundreds of Kansans who have volunteered to become legally and morally responsible for the well-being of their neighbors in need. These volunteers reflect that which is the most noble quality of the human spirit.

The Budget

KANSAS GUARDIANSHIP PROGRAM FISCAL YEAR 2002 BUDGET

Expenditures By Object

Salaries and Wages	539,288.00
Contractual Services	518,051.00
Commodities	18,966.00
Capital Outlay	30,603.00
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Total Expenditures	\$1,106,908.00

Expenditures by Fund

State General Fund	1,055,995.00
Kansas Savings Incentive Program	50,913.00
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Total Expenditures	\$1,106,908.00

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Kansas Guardianship Program

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