

KANSAS GUARDIANSHIP PROGRAM

2005 Annual Report

July 1, 2004 – June 30, 2005

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

A Report to

Governor Kathleen Sebelius
Chief Justice Kay McFarland
the 2006 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 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

The Honorable Frank Yeoman, Jr.
Chair
Topeka

Senator Janis K. Lee
Vice Chair
Kensington

James Maag
Topeka

Eloise Lynch
Salina

Jack E. Dalton
Dodge City

John D. Bennett
Pittsburg

Senator Donald Betts, Jr.
Wichita

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 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 or conservatorship.

Kansas is unique in the country in that, on a statewide basis, citizen volunteers are appointed guardians or 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 or conservatorship is imposed, the ward or conservatee should be assured the benefits of positive efforts by the guardian or 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.

“31% of the volunteers have served 10 or more years and 65% have served 5 years or more.”

The Process

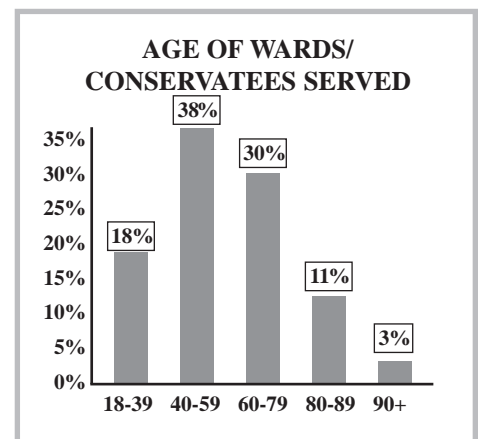
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP does ask for this considerable personal commitment from the individuals who agree to become KGP volunteers.

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 or 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 or conservatee. For some individuals that may extend to the rest of their life or the life of the ward or 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 63% have served for 5 years or more. That represents an outstanding commitment to their wards or 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 or 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 or conservatorship. The District Court determines the need for and level of guardianship or conservatorship services and makes the appointment of the guardian or conservator.

After a KGP volunteer is appointed as the guardian or conservator, the KGP contracts with the volunteer to provide a high level of advocacy and protection to the ward or conservatee; requires a written monthly report of activities undertaken on behalf of the ward or 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.



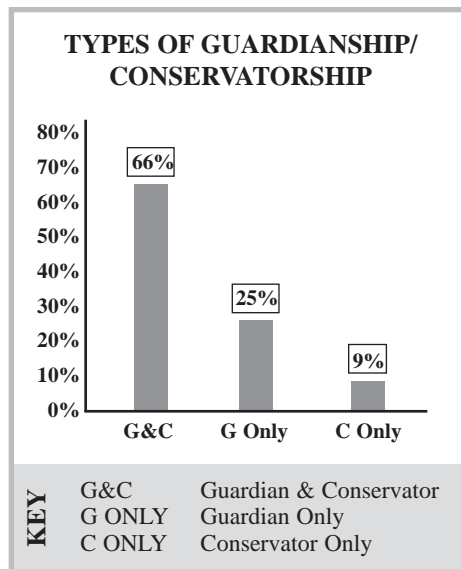
The Achievements

Guardians and conservators provide a check and balance on the services system. The more than 831 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 2005

- During fiscal year 2005, the KGP volunteers provided guardianship/conservatorship services to 1565 wards and conservatees.
- On June 30, 2005, approximately 831 volunteers were serving in the program. Over the years, approximately 3395 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 or conservatee.
- Governor Kathleen Sebelius recognized the more than 520 KGP volunteers who have served in the program for five or more years. Individual certificates of appreciation signed by the Governor were provided to these volunteers during the National Volunteer Recognition month in April.

“...The KGP volunteers provided...services to 1565 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 3900 persons and agencies.
- The KGP Board of Directors actions included, approval of the FY 2006 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 KGP provides *The Guide* and other guardianship information at the website www.ksgprog.org.

The Future

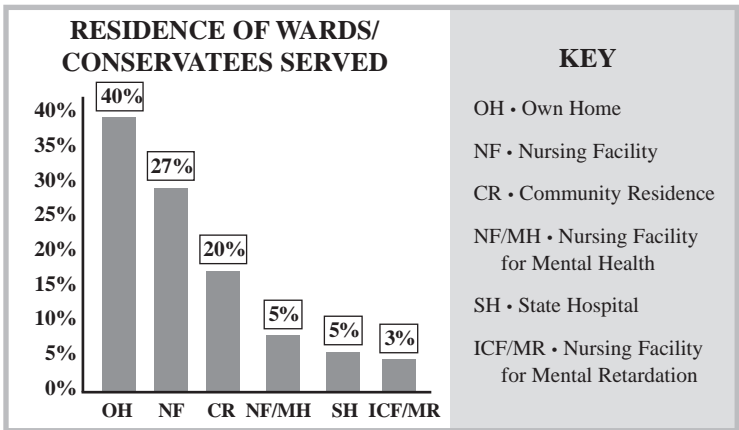
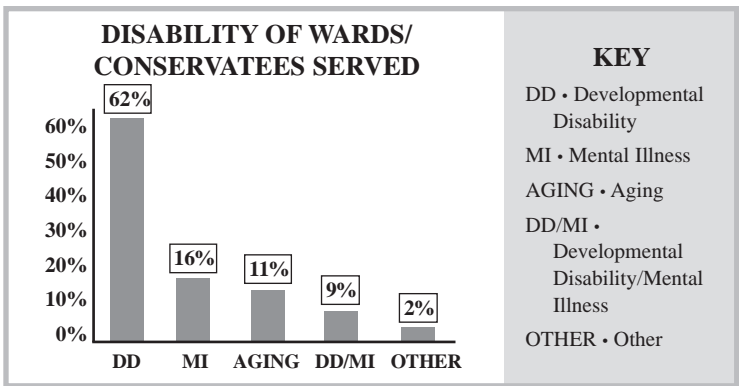
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer and 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

DWAYNE'S DREAM

Dwayne believes if you work hard and have the support of your friends and community, dreams can come true.

Dwayne is in his mid-40s and owns his home in a small town in central Kansas. He uses numerous community supports and receives case management support through an area CDDO (Community Developmental Disability Organization). He has a developmental disability and struggles with serious diabetes. SRS Adult Protective Services requested a KGP volunteer be appointed by the court to serve as conservator to assist Dwayne with financial matters.

Dwayne works various jobs in the community earning money to supplement his Social Security income. He relied on the use of his riding mower to earn extra income by hauling trash, however, extensive mechanical problems had made that impossible. Cecilia, his conservator, assisted Dwayne in finding a used "Mule" - a 4-wheeled all terrain vehicle (ATV) with roll bars and a storage carrier on the back. Dwayne saw the advantage of an ATV for transportation and increased earning capability. His monthly Social Security check was not enough to cover payments for the Mule. He worked through the summer mowing, hauling tree limbs and helping a neighbor build a deck to earn extra money for the ATV, but additional funds were still needed to complete the refurbishing.

Behind the scenes, community members were helping make Dwayne's dream a reality. Cecilia shared Dwayne's story with an auto painter in a nearby city. The shop owner donated the labor for a new paint job. The local Lion's Club donated the cost of the paint, while a grant through the local CDDO helped pay the remainder of the purchase cost.

Cecilia arranged for the delivery of the Mule and Dwayne was surprised by its early arrival. He was thrilled. The Mule displays a slow-moving vehicle sign and is to be driven only during day-light hours.

This year Dwayne proudly drove his Mule pulling Santa's sleigh in the community Christmas parade. Dwayne continues to be actively involved in his community and has

become a member of the local Lion's Club.

THEIR GUARDIANS

On behalf of the State of Kansas, appreciation is extended to the hundreds of Kansans who have volunteered to become legally responsible for the well-being of neighbors in need.

The KGP would not be possible without the dedication of these volunteers. KGP volunteers donate many hours and often their own resources in helping the people they serve. These individuals exemplify commitment to their community while providing respect and dignity for all Kansans.

The Budget

KANSAS GUARDIANSHIP PROGRAM FISCAL YEAR 2005 BUDGET

Expenditures By Object

Salaries and Wages	\$542,000.00
Contractual Services	491,150.00
Commodities	13,586.00
Capital Outlay	000
Total Expenditures	<u>\$1,046,736.00</u>

Expenditures by Fund

State General Fund	\$1,046,736.00
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Kansas Guardianship Program

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