

# KANSAS GUARDIANSHIP PROGRAM

2006 Annual Report

July 1, 2005 – June 30, 2006

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



A Report to

Governor Kathleen Sebelius  
Chief Justice Kay McFarland  
the 2007 Legislature  
the People of Kansas

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



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## The Vision

**T**he 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.

**T**he 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

**George Beard**  
Kansas City

**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.

**“34% of the volunteers have served 10 or more years and 66% have served 5 years or more.”**

## The Process

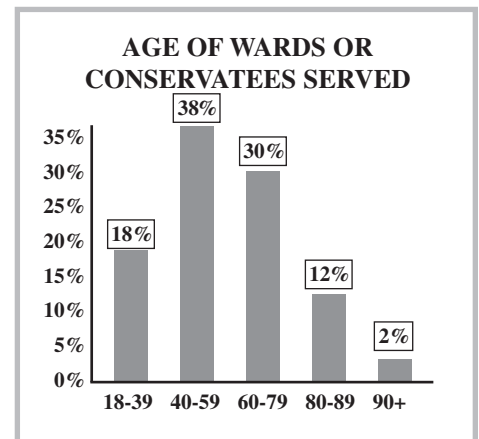
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP does ask for this considerable personal commitment from the individuals who agree to become KGP volunteers.

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 34% of the volunteers have served in the program for 10 or more years and 66% 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

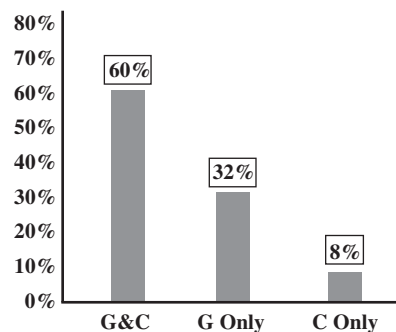
Guardians and conservators provide a check and balance on the services system. The more than 831 guardians and conservators currently volunteering with the KGP, through their legal authority, have access to group homes, nursing facilities, public institutions or residences of their wards and conservatees. 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 2006

- During fiscal year 2006, the KGP volunteers provided guardianship/conservatorship services to 1536 wards and conservatees.
- On June 30, 2006, approximately 831 volunteers were serving in the program. Over the years, approximately 3601 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.
- The 2006 Kansas Legislature approved additional funding for the KGP to increase the stipend paid to volunteers serving as guardians and conservators from \$20 to \$30 per month. This is the first such adjustment since the inception of the program.

**“...The KGP volunteers provided...services to 1536 wards and conservators.”**

**TYPES OF GUARDIANSHIP OR CONSERVATORSHIP**



KEY	G&C	Guardian & Conservator
	G ONLY	Guardian Only
	C ONLY	Conservator Only

- The KGP provides information, consultation and referral to service providers, family members and other interested groups and individuals. The KGP also provides information and training programs. During the past year, the KGP provided such assistance to more than 5500 persons and agencies.
- The KGP Board of Directors actions included, approval of the FY 2007 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](http://www.ksgprog.org).

# The Future

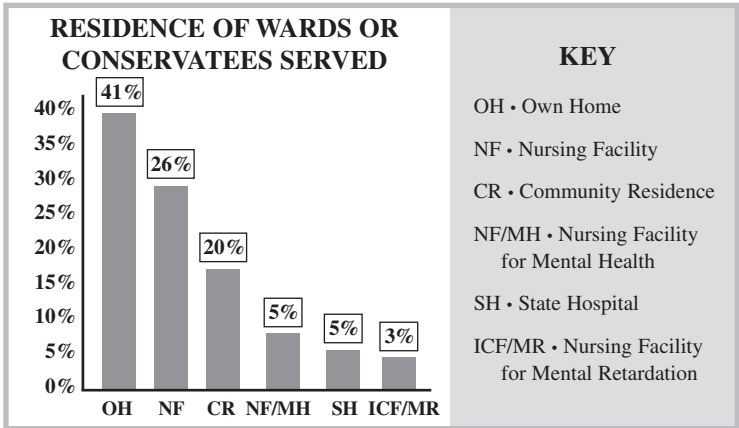
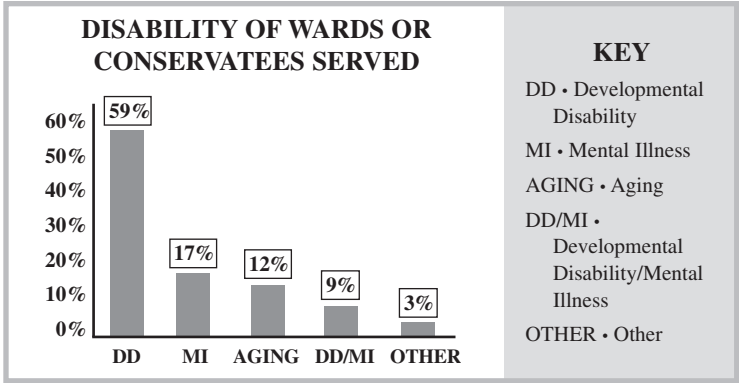
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer and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

### JAMES A STORY OF COMMUNITY SUCCESS

In 1992, James age 26, arrived at Winfield State Hospital and Training Center (WSH&TC) after spending time in a state psychiatric hospital. James experienced the challenges of mental retardation and mental illness and had difficulties trusting people. He expressed frustration through self injurious behaviors, aggressive acts toward others and poor decision making. Gene, a KGP volunteer, was appointed to serve as guardian for James in 1992. During the next six years they became friends. Gene was a positive and stable role model for James.

While at WSH&TC James began visits with Linda, the hospital psychologist. Initially he spoke very little during their meetings, however, he was fascinated with her computer. He was quickly hooked on computers after being allowed to try it out. Together with computer time as one of the motivators, the psychologist started to address James' behavioral issues and aggression particularly toward women. Appropriate behavior resulted in an opportunity to play at the computer. Before long James was saving his money for a computer.

As guardian, Gene worked with James and the Team at WSH&TC to plan for James to live in the community. James, together with two house mates, moved to a renovated country home. The setting was an ideal first step allowing James to work on the aggressive and socially inappropriate behaviors. James soon added a dog, Angela, to the household. Shortly after moving, James' guardian was diagnosed with a terminal illness. Gene, remembering the friendship between James and Linda, asked her to consider becoming the successor guardian for James and he would become James' "guardian angel." Linda applied to become a KGP volunteer and was appointed by the court as the successor guardian for James in 1998.

Over the next eight years Linda continued to advocate for additional changes in James' life. A change in the day services provider offered an ideal seasonal job of cutting lawns and working outdoors. This work provided less structure, fewer people giving instructions and included working with the maintenance men. James also made friends with the owner of the bowling alley where during the off season he now works behind the counter one day a week.

The guardian also advocated for changes in James' house mates, all of whom did not really care for each other. James was able to select his own house mate and they have been sharing their home, interests and friendship for the last four years. Residential staff turnover was very frustrating for James and he responded with sulking, acting out and overall he was very unhappy. The residential support agency found three men willing to support James. After five years together this daily stability helps manage the stresses in James' life.

Today James enjoys playing basketball, volleyball, softball, bowling and rodeo with the area Special Olympics team and is active in community activities on weekends. He continues to improve his social skills and is able to socialize appropriately without frequent staff direction.

His guardian Linda writes: "James is a story of community success! He has come so far from the man I met fourteen years ago. He was a person who was lost in the system. I saw no constant in James' life; no one to be his voice and advocate for the things he needed and wanted. I have tried to pick up where his former guardian left off. There have been changes in the day and residential service providers and the case manager in order to get the services and supports James deserves. It has not been easy at times but it has always been rewarding.

James has been a part of my family now for many years. He calls almost every night to talk to my daughters and me. James and the girls tease back and forth and talk about TV programs, and what they ate for dinner. He talks to me about which one of the girls isn't home or available to talk to him. Then we say goodnight - it's the same every call- it's a constant in both our lives."

### 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 2006 BUDGET

### Expenditures By Object

Salaries and Wages .....	\$550,017.00
Contractual Services .....	474,969.00
Commodities .....	15,383.00
Capital Outlay .....	18,271.00
Total Expenditures	<u>\$1,058,640.00</u>

### Expenditures by Fund

State General Fund .....	\$1,058,640.00
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FTE Positions .....12.0

## **Kansas Guardianship Program**

### **Main Office**

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