

KANSAS GUARDIANSHIP PROGRAM

2007 Annual Report

July 1, 2006 – June 30, 2007

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

A Report to

Governor Kathleen Sebelius
Chief Justice Kay McFarland
the 2008 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

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.

“35% of the volunteers have served 10 or more years and 65% have served 5 years or more.”

The Process

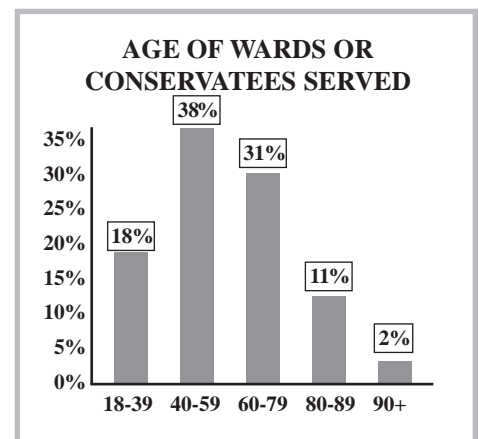
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP requires this considerable personal commitment from the individuals who agree to become KGP volunteers.

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 Veterans 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 35% of the volunteers have served in the program for 10 or more years and 65% 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 trial 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 and support to the volunteer in order to enhance the quality of life of the persons they serve.



The Achievements

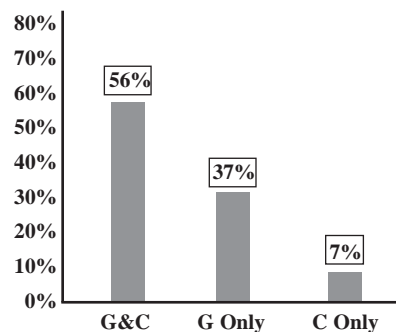
Guardians and conservators provide a check and balance on the services system. The more than 825 guardians and conservators currently volunteering with the KGP, through their legal authority, have access to group homes, nursing facilities, public institutions or residences of their wards and conservatees. 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 2007

- During fiscal year 2007, the KGP volunteers provided guardianship/conservatorship services to 1523 wards and conservatees.
- On June 30, 2007, approximately 825 volunteers were serving in the program. Over the years, approximately 3700 Kansans have been recruited to serve as volunteers in the program.
- It is estimated that, on average, a volunteer spends at least ten hours or more each month working on issues related to the ward or conservatee.
- 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 volunteers provided...services to 1523 wards and conservators.”

TYPES OF GUARDIANSHIP OR CONSERVATORSHIP



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

- The KGP Board of Directors actions included, approval of the FY 2008 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 on the website www.ksgprog.org.

The Future

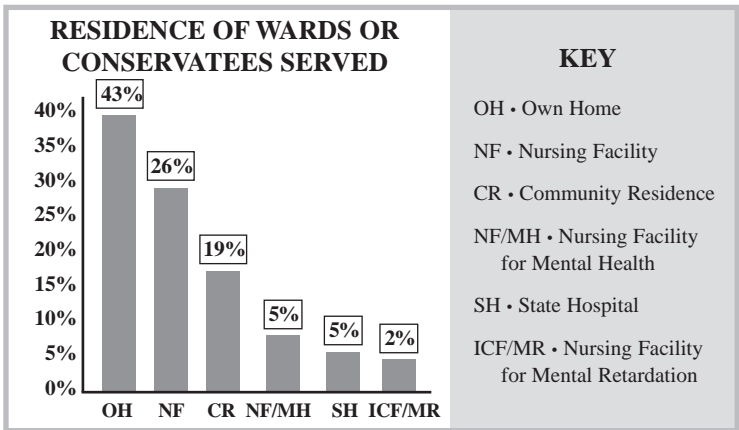
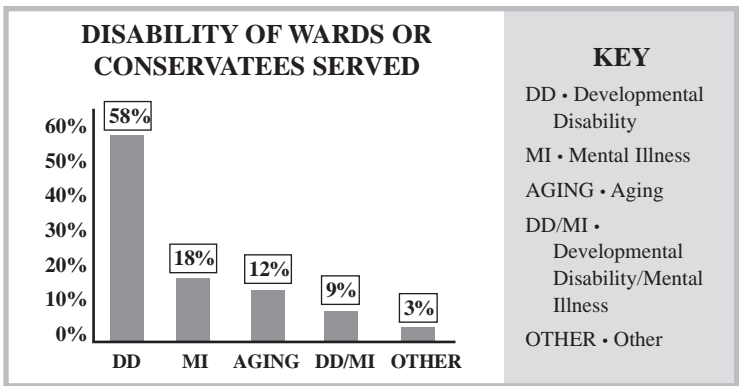
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer and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

Stacey is a 90 year old woman currently residing in a nursing facility that she referred to as The Waldorf Estoria upon her admission. Stacey would know, as she had been a model in New York City earlier in her life. She came to Kansas from California in 1970, residing in the same community for the last 37 years. Stacey filled her life by taking in and caring for stray cats providing a home for hundreds of animals throughout the years. She was known throughout the community as the "Cat Lady."

As her abilities lessened, she was unable to care for the home, cats or herself. The house was deteriorating and animals were able to enter through a hole beneath the kitchen sink. When the cats inadvertently turned on the kitchen stove and caught some papers on fire, the local fire department broke through a window to put out the small blaze before it grew into a larger problem. This was the first time local authorities became aware of her situation. Stacy was divorced and had no siblings or children of her own to assist her in any way. Kansas Social and Rehabilitation Services, adult protective services conducted an investigation and found self-neglect. At the time a referral for a guardian and conservator was made to the KGP, Stacey was in serious need of attention.

Karl, a seasoned and compassionate KGP volunteer was appointed by the court as Stacey's guardian and conservator. She was immediately moved to a local nursing home and numerous health exams were completed to assure for her physical health and well being. New clothing and items for her room had to be purchased. As conservator, Karl set about the task of identifying assets, including a storage unit in California for which monthly rental fees had been paid since 1970. The storage unit was closed and the items shipped to Kansas. He spent over 50 hours

going through each box. The boxes contained numerous magazines, newspaper clippings, health and beauty items, books, each carefully wrapped in its own tissue paper. The house in immediate proximity to two elementary schools posed a serious health risk. After authority was granted through the court and much time and energy expended, the house was demolished. The empty lot was later sold at auction and proceeds from the sale were used for Stacey's care.

At the time the guardianship was put into effect, Stacey said she had been praying for a guardian angel to save her from her situation and "the Lord brought Karl into my life." Stacey can be a lively and cantankerous sort, complaining about others. She has never complained about her guardian, telling him she would not want anyone else to take care of her affairs. Karl visits frequently and makes sure Stacey is well supplied with chocolate and cola drinks, her favorite. He is committed to Stacey living the rest of her days with dignity and the certainty of someone who cares.

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 2007 BUDGET

Expenditures By Object

Salaries and Wages	\$570,955.00
Contractual Services	641,085.00
Commodities	14,235.96
Capital Outlay00
Total Expenditures	\$1,226,275.96

Expenditures by Fund

State General Fund	\$1,226,275.96
--------------------------	----------------

FTE Positions12.0

Kansas Guardianship Program

Main Office

3248 Kimball Avenue
Manhattan, KS 66503-0353
(785) 587-8555
1-800-672-0086
www.ksgprog.org
Email: info@ksgprog.org

Wichita

1333 N. Broadway
Suite B
Wichita, KS 67214
(316) 269-2525