

Kansas Guardianship Program

2008 Annual Report

July 1, 2007 – June 30, 2008

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

A Report to

Governor Kathleen Sebelius
Chief Justice Robert E. Davis
the 2009 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

Dr. Eloise Lynch
Salina

Jack E. Dalton, Esq.
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.

“39% of the volunteers have served 10 or more years and 67% have served 5 years or more.”

The Process

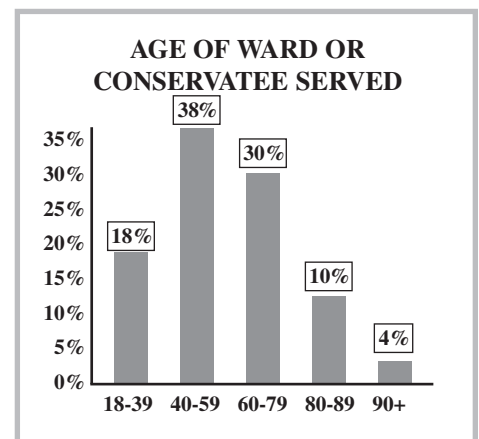
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP requires this considerable personal commitment from the individuals who agree to become KGP volunteers.

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 39% of the volunteers have served in the program for 10 or more years and 67% 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

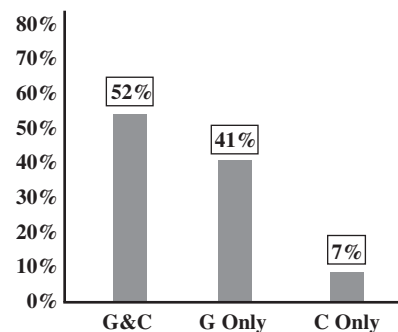
Guardians and conservators provide a check and balance on the services system. The more than 819 guardians and conservators currently volunteering with the KGP, through their legal authority, have access to group homes, nursing facilities, public institutions or residences of their wards and conservatees. 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 2008

- During fiscal year 2008, the KGP volunteers provided guardianship or conservatorship services to 1490 wards and conservatees.
- On June 30, 2008, approximately 819 volunteers were serving in the program. Over the years, approximately 3805 Kansans have been recruited to serve as volunteers in the program.
- It is estimated that, on average, a volunteer may spend 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 7000 persons and agencies.

“...The KGP volunteers provided...services to 1490 wards and conservators.”

TYPES OF GUARDIANSHIP OR CONSERVATORSHIP



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

- The 2008 Legislature approved funding to reestablish a KGP office in the greater Kansas City area.
- The KGP Board of Directors actions included, approval of the FY 2009 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

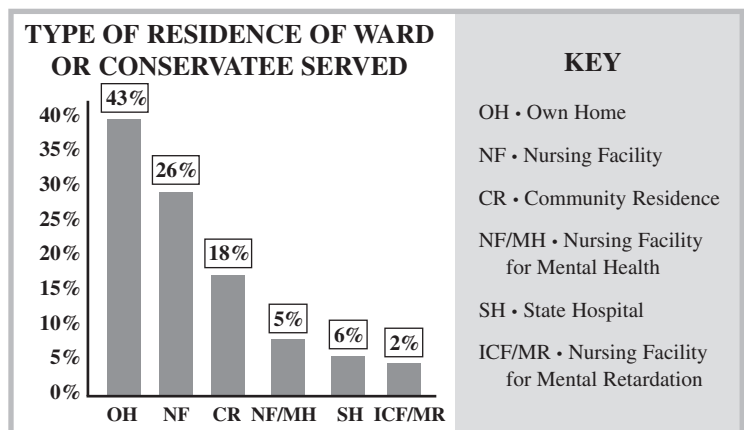
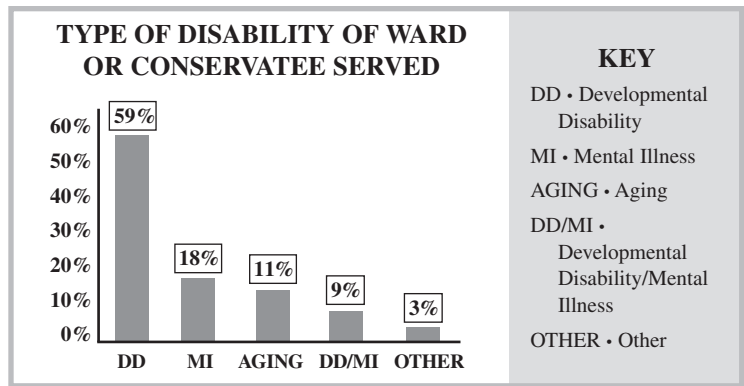
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer and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

Amanda traveled to celebrate Christmas with her children and other family members for the first time in many years. They exchanged gifts and started the process of becoming reacquainted.

Amanda was diagnosed with a mental illness in her late 20s and she is now in her mid-40s. The consequences of her mental illness have been overwhelming. Amanda lost the ability to retain employment and maintain family relationships. Day to day activities became insurmountable. She was hospitalized and treated numerous times at a State psychiatric hospital. After each psychiatric hospitalization, Amanda would return home with the hope of following a treatment plan and maintaining a medication regimen to successfully reside in the community independently. Amanda would manage relatively well for short periods of time before worsening and eventually having to seek intervention. After years of frustration and inability to help Amanda, relationships with her family disintegrated.

Amanda became homeless. Following an investigation by Social and Rehabilitation Adult Protective Services, a referral was made to the KGP for a volunteer to be appointed as guardian. After the guardian was appointed, Amanda continued to deteriorate. The guardian advocated for short term hospitalization multiple times with the local mental health center treatment team which eventually led to another admission to a State psychiatric hospital.

The guardian was actively involved in the discharge planning with the hospital treatment team and advocated Amanda receive supports and services through supervised congregate living. The guardian applied for Social Security and Medicaid benefits. Through the advocacy of the guardian and case management services of the local mental health center, Amanda received medication management, individual therapy, peer support and assistance with community living skills. Amanda has successfully moved into her own apartment, adopted a dog and resumed fitness activities.

The guardian was effective in advocating with medical providers for treatment of a serious health condition. With resolution of the medical condition, the guardian and case manager noted marked improvement in Amanda's mental health. Amanda set goals to obtain a driver's license and own a car. She and her case manager are exploring volunteer opportunities which she hopes will lead to a paid position.

Amanda has begun to initiate contact with her guardian as she improves mentally and physically.

This is new for Amanda, as she historically would make no contact with the guardian. The guardian is greatly heartened by the overall improvement in Amanda's well being and looks forward to relationships in Amanda's life being enhanced with continued stability. Amanda has benefitted from the support of the guardian, her advocacy efforts and the services provided through the mental health center.

Wayne in his late 50's was living in his own home. He has a persistent mental illness and had been receiving case management services from the local mental health center. Wayne was responsible for managing his Social Security benefits and was managing well until an incident in a local store resulted in Wayne making threats of harm toward the police. A psychiatric assessment determined the need for admission and hospitalization to a State psychiatric hospital.

While at the hospital, his treatment team discovered a serious, potentially life threatening health problem requiring immediate attention. He would not agree to medical treatment. The treatment team requested an emergency guardian to make medical decisions. A referral was made to the KGP and a volunteer was appointed as guardian. The guardian provided necessary consents for medical treatment in an area hospital. Following medical care, the guardian reported Wayne's mental health improved quickly.

With continued improvement, the guardian advocated for a less restrictive placement. The guardian and treatment team assisted Wayne in returning to his own home with mental health services providing support and services.

Wayne and the guardian are working with Social Security Administration for Wayne to resume management of his benefits. The next step for Wayne will be movement toward restoration of capacity to become his own guardian.

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 2008 BUDGET

Expenditures By Object

Salaries and Wages	\$626,500.00
Contractual Services	696,642.78
Commodities	16,485.90
Capital Outlay	10,000.00
Total Expenditures	\$1,349,628.68

Expenditures by Fund

State General Fund	\$1,349,628.68
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FTE Positions12.0

Kansas Guardianship Program

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