

Kansas Guardianship Program

2009 Annual Report

July 1, 2008 – June 30, 2009

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

A Report to

Governor Mark Parkinson
Chief Justice Robert E. Davis
the 2010 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.

“43% of the volunteers have served 10 or more years and 69% have served 5 years or more.”

The Process

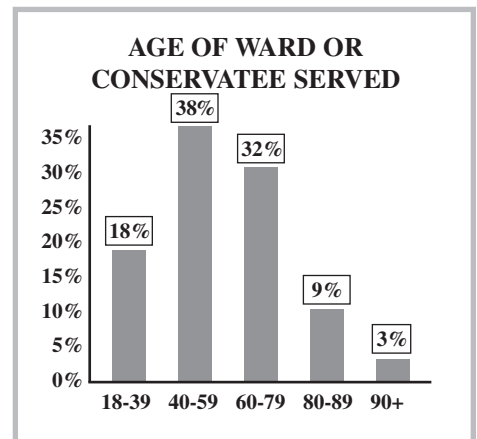
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP requires this considerable personal commitment from the individuals who agree to become KGP volunteers.

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 43% of the volunteers have served in the program for 10 or more years and 69% 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.



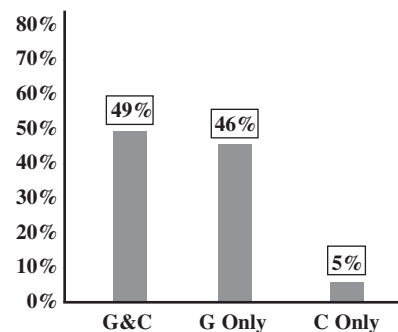
The Achievements

Guardians and conservators provide a check and balance on the services system. The more than 816 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 2009

- The KGP celebrated the 30th anniversary of providing guardianship services through this unique volunteer-based model of citizen advocacy.
- During fiscal year 2009, the KGP volunteers provided guardianship or conservatorship services to 1487 wards and conservatees.
- On June 30, 2009, approximately 816 volunteers were serving in the program. Over the years, approximately 3915 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 2800 persons and agencies.

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 2010 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 KGP volunteers provided....services to 1487 wards and conservators.”

The Future

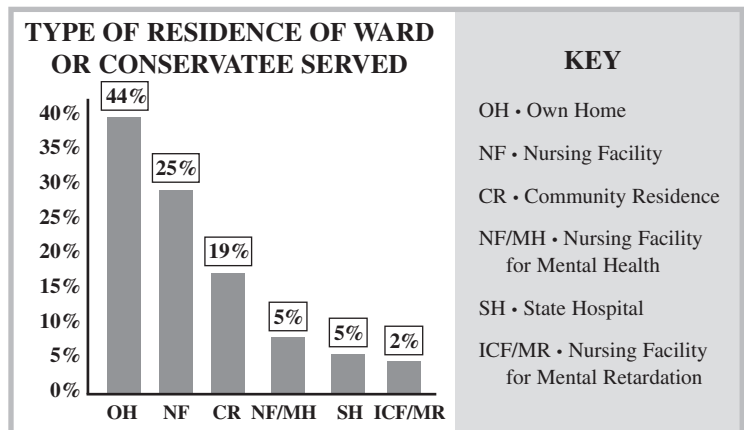
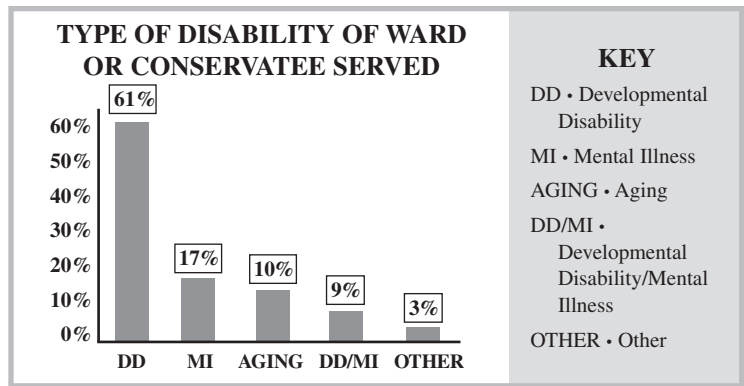
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer and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

KGP volunteer and court appointed guardian, Marci shares with us about Lori, her ward. Marci has served as Lori's guardian for ten years.

I recently had the privilege of attending the 55th annual awards banquet sponsored by the local CDDO (Community Developmental Disabilities Organization). Lori received the Personal Growth and Achievement Award. The CDDO serves more than 1300 persons with developmental disabilities, so I thought it was outstanding that Lori received this award. About 500 – 600 guests were present, including the Mayor, press, City Manager, and other local dignitaries.

When they called Lori's name, I accompanied her to the podium to receive the award. Lori smiled ear-to-ear when the crowd stood up and clapped for her; she started clapping also, smiled at the audience, and greeted the audience with a loud, "Hi."

This award substantiated my belief that the best thing I have done for Lori is to assist her in moving into the community from a state institution. It has been ten years since I was appointed to serve as legal guardian when her family moved out of state.

For more than twenty-five years, Lori lived at a state institution. Her developmental disability and mental health challenges were manifested in serious behavioral issues including self injury and aggression. As I came to know Lori, I had the distinct feeling her abilities exceeded her options at the state institution. Together we explored community living opportunities. A new residential home, day service provider and case manager were identified. Each provider assists with self-help training, communication, social skills and community activities. I believe having different providers of supports and service creates an important check and balance for the system.

Over the past several years Lori has matured and become more self confident. Lori is a delivery assistant for the

Meals-on-Wheels program. She manages her daily living activities and has overcome some behavioral challenges. Anger issues and outbursts are now a part of her past. Lori uses a communication board and her vocabulary has increased, she is more task oriented and focused, and appears more alert and happy. Lori's social skills have improved as a result of her increased participation in community events and activities. She was beautiful, with grace and poise when accepting the Personal Growth and Achievement award.

I am so very proud of Lori and her accomplishments. She is truly a blessing in my life. Through experiences and interactions with Lori, my daughter Keena has chosen to use her Master of Science in Art Therapy to provide psychotherapy to persons with developmental disabilities. My daughter, Keena, and I are now Lori's family. We love and cherish her. Taking on the responsibility for Lori is my way of giving back and giving thanks for the wonderment and joy of being Keena's mother.

The biggest challenge in being a guardian is wanting to do all you can to help the person, but also working with a support system to accomplish this. Regular contact with all the providers of supports and services is imperative. As guardian, I want the providers to believe Lori is as important to them as she is to her guardian. Lori is my only ward – I am her only guardian. Together, we make a difference for each other.

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 2009 BUDGET

Expenditures By Object

Salaries and Wages	\$622,985.00
Contractual Services	617,919.00
Commodities	21,071.00
Capital Outlay	4,526.00
Total Expenditures	\$1,266,501.00

Expenditures by Fund

State General Fund	\$1,266,501.00
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FTE Positions	11.0
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