

Alternatives to Guardianship



Power of attorney

A power of attorney allows an individual to designate another person to make decisions on their behalf, typically in financial or healthcare matters. This arrangement can provide a less restrictive alternative to guardianship while still ensuring support.



Living wills

Living wills are legal documents that outline an individual's preferences for medical treatment in the event they become unable to communicate their wishes. This tool empowers individuals to maintain control over their healthcare decisions without the need for guardianship.



Supported decision-making

Supported decision-making is an approach that enables individuals to make their own choices with the assistance of trusted supporters. This method promotes autonomy and dignity, allowing individuals to retain control over their lives while receiving necessary support.

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CLUES A CLIENT MAY NEED A GUARDIAN

- *Unable to engage client in services to help them remain as independent as possible or refusing services.
- *Family or caregivers have seen significant concerns of client decline in mental incapacity, incompetency in decision making, self neglect, etc.



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CLUES A CLIENT MAY NEED A GUARDIAN

- *Current decision makers are not making good decisions on medical or financial needs placing client in possible risk (POA's)
- *Medical providers have concern for client in matters relating to capacity for decision making.
- *Supported Decision making no longer effective.



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ASSISTED LIVING GUARDIANSHIP



Bob, 68 years old, referred by APS due to mental illness & dementia. Very poor judgment, lacked insight, exploited, and deplorable living conditions. Mobile Crisis took him to hospital.
 Pending guardianship Hearing. Probate Court granted Application to Order him into a nursing home from the hospital.
 Appointed Guardian of Person & Estate in 2021.
 Initial Tasks: Inform the nursing home about guardianship and Guardian of Estate manage/protect finances. Monitored his medical care, needs, and concerns, including desire to move to assisted living facility
 As his medical condition stabilized and confirmed amount of assets, able to consider an assisted living move. Arranged for Bob to visit two facilities. Bob chose which facility he wanted. Coordinated move.
 Ongoing Guardian Tasks: visits, medical care coordination/decisions, advocacy, cat care, purchases, funeral planning, Medicaid application/trust in coordination with Guardian of Estate.

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RULE 66.09. Responsibilities of Guardian to person under guardianship

*RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

(A) **Professionalism, Character, and Integrity:**
 A guardian shall act in a manner above reproach, including but not limited to avoiding financial exploitation, sexual exploitation, and any other activity that is not in the best interest of the ward.



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(B) **Exercising Due Diligence:** A guardian shall exercise due diligence in making decisions that are in the best interest of a ward, including but not limited to communicating with the ward and being fully informed about the implications of the decisions.



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(C) **Least Restrictive Alternative:** Unless otherwise approved by the probate division of a court of common pleas, a guardian shall make a choice or decision for a ward that best meets the needs of the ward while imposing the least limitations on the ward's rights, freedom, or ability to control the ward's environment. To determine the least restrictive alternative, a guardian may seek and consider an independent assessment of the ward's functional ability, health status, and care needs.



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(D) **Person-Centered Planning:** A guardian shall advocate for services focused on a ward's wishes and needs to reach the ward's full potential. A guardian shall strive to balance a ward's maximum independence and self-reliance with the ward's best interest.



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COMMUNITY GUARDIANSHIP



Betty, 63 years old, referred by Butler County Developmental Disabilities due to lack of support in home setting, intellectual disabilities, tracheostomy, COPD, a host of other medical issues.
 Appointed Guardian of Person 2016
 Initial Tasks: Evaluate living arrangement and move to senior housing, home services via COA care manager
 Ongoing Guardian Tasks: mental health support, coordinate medical care, rep payee, monitor living arrangement.
 By 2025 due to medical conditions, including deteriorating stage 4 kidney failure, enrolled Betty in hospice services.
 Betty was very adamant she wanted to maintain independence in community. Guardian arranged all supports to maintain Betty in community for 10 yrs before she passed.

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RULE 66.09. Responsibilities of Guardian to person under guardianship

(E) **Ward's Support System:** A guardian shall strive to foster and preserve positive relationships in the ward's life unless such relationships are substantially harmful to the ward. A guardian shall be prepared to explain the reasons a particular relationship is severed and not in the ward's best interest.



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(F) **Communication With The Ward:**

(1) A guardian shall strive to know a ward's preferences and belief system by seeking information from the ward and the ward's family and friends



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(2) A guardian shall do all of the following:

- (a) Meet with the ward as needed, but not less than once quarterly or as determined by the probate division of the court of common pleas;
- (b) Communicate privately with the ward;
- (c) Assess the ward's physical and mental conditions and limitations;



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RULE 66.09. Responsibilities of Guardian to person under guardianship

- (d) Assess the appropriateness of the ward's current living arrangements;
- (e) Assess the need for additional services;
- (f) Notify the court if the ward's level of care is not being met;
- (g) Document all complaints made by the ward and assess the need to report the complaints to the court of common pleas.



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NURSING HOME GUARDIANSHIP



Sue, 75 years old, referred by APS due to dementia and financial exploitation.

Appointed Guardian of Person & Estate in October 2019

Initial Tasks: Evaluate living arrangement, home services, medical appointments and Guardian of Estate manage/protect finances. By March 2020, due to several risk factors, moved Sue to nursing home memory care unit.

Ongoing Guardian Tasks: medical care, advocacy, room enhancement, family communication, visits, purchases, supplemental services, funeral planning, Medicaid application/trust in coordination with Guardian of Estate.

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RULE 66.09. Responsibilities of Guardian to person under guardianship

(G) Direct Services: A guardian, except a family member guardian of the ward, shall not provide any direct services to a ward without notifying the probate court. All guardians providing any direct services to a ward shall comply with all licensing, training, and accreditation rules required of paid providers by any applicable state agency.



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(H) Monitor and Coordinate Services and Benefits: A guardian shall monitor and coordinate all services and benefits provided to a ward, including doing all of the following as necessary to perform those duties:

- (1) Having regular contact with all service providers;
- (2) Assessing services to determine they are appropriate and continue to be in the ward's best interest;
- (3) Maintaining eligibility for all benefits;
- (4) Where the guardian of the person and guardian of the estate are different individuals, consulting regularly with each other.



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GROUP HOME GUARDIANSHIP



Deborah, 61 years old, referred by Mental Health Board due to paranoid schizophrenia, intellectual disabilities, concerns over home life and abuse.

Appointed Guardian of Person 2015

Initial Tasks: Move to safe environment-- mental health group home and payee services.

Ongoing Guardian Tasks: Coordinate mental health and medical care, monitor family communication, visits, and monthly treatment team meetings.

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RULE 66.09. Responsibilities of Guardian to person under guardianship

(I) Extraordinary Medical Issues:

- (1) A guardian shall seek ethical, legal, and medical advice, as appropriate, to facilitate decisions involving extraordinary medical issues.
- (2) A guardian shall strive to honor the ward's preferences and belief system concerning extraordinary medical issues.



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(J) End of Life Decisions: A guardian shall make every effort to be informed about the ward’s preferences and belief system in making end of life decisions on behalf of the ward.

(K) Caseload: A guardian shall appropriately manage the guardian’s caseload to ensure the guardian is adequately supporting and providing for the best interest of the wards in the guardian’s care.



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RULE 66.09. Responsibilities of Guardian to person under guardianship

(L) Duty of Confidentiality: A guardian shall keep the ward’s personal and financial information confidential, except when disclosure is in the best interest of the ward or upon order of the probate division of a court of common pleas.



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HOW CAN WE HELP/BENEFIT EACH OTHER?

- Guardian will inform you that they are appointed for the Ward including Letters of Guardianship
- Guardian will provide contact information including emergency on call number.
- Providers team with Guardians about care plans, medical care, and any concerns.
- Service Provider nor Ward can give consent to treat. Always inform medical providers that Ward has a Guardian for consents and include Guardian’s contact information.

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Meals on Wheels Senior Services



- **Personal Financial Management** including Representative Payee/ Financial Power of Attorney and Community Trust Designated Advocates—help seniors manage and protect their money so they can live independently. Referrals usually through Elderly Services Program or funded by Title III Older Americans Act.
- **Senior Care Coordination** is a self-pay program providing assistance to seniors to help them solve everyday challenges. This can include finances, housing and coordinating services to support personal care needs, legal issues and medical care.
- **Guardianship Services** manage the personal and, if needed, financial decision making for seniors deemed legally incompetent by the Probate Court using dedicated staff and volunteers to fulfill this essential role for our most vulnerable seniors. Referrals are either through our Senior Care Coordination program or through Adult Protective Services.

Call Cheryl Bolender, MSW/LISW-S, Senior Manager, at 513-559-4523 for Referrals
www.muchmorethanameal.org

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LifeSpan Programs



- Guardianship- Guardian of Person, Guardian of Estate limited to specific situations.
- Elderly Service Program
- Representative Payee Program (Pro Advisor Bookkeeping)

For Referrals
 On-line Application Process on Website
www.community-first.org

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THANK YOU QUESTIONS?

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