

Kansas Guardianship Program

2016 Annual Report

July 1, 2015 – June 30, 2016

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

A Report to
Governor Sam Brownback
Hon. Lawton R. Nuss, Chief Justice
the 2017 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

Dave Heinemann
Vice Chair
Topeka

Representative Barbara Ballard
Lawrence

Larry Hapgood
Topeka

Paul A. Kallman
Scandia

Ruth Graham
Topeka

Wayne Radford
Topeka

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.

“48% of the volunteers have served 10 or more years and 69% have served 5 years or more.”

The Process

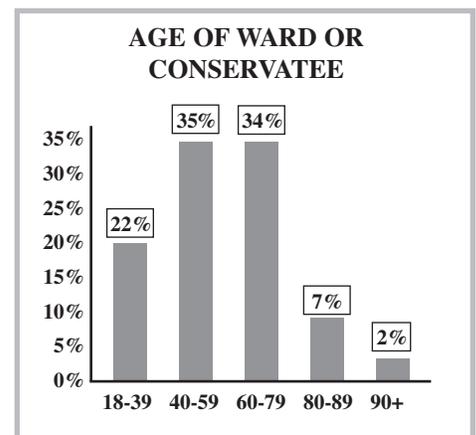
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP requires this considerable personal commitment from the individuals who agree to become KGP volunteers.

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 48% 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 Department of Children and Families (DCF) and the Kansas Department for Aging and Disability Services (KDADS). Persons served by the KGP are identified by DCF 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. DCF and KDADS 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.

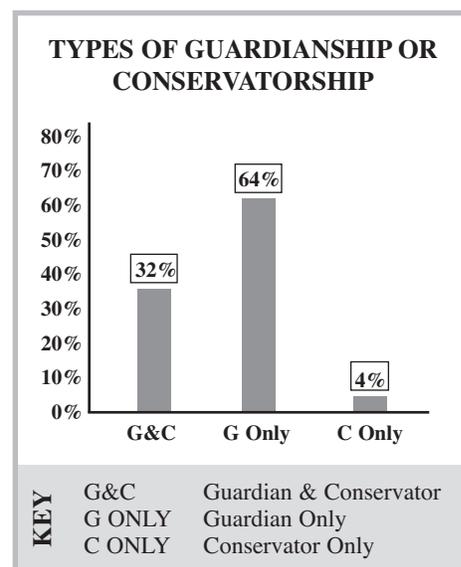


The Achievements

Guardians and conservators provide a check and balance on the services system. The more than 765 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 2016

- During fiscal year 2016, the KGP volunteers provided guardianship or conservatorship services to 1409 wards and conservatees.
- On June 30, 2016, approximately 765 volunteers were serving in the program. Over the years, approximately 4606 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 2160 individuals and/or groups.
- The KGP Board of Directors actions included, approval of the annual 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 1409 wards and conservators.”

The Future

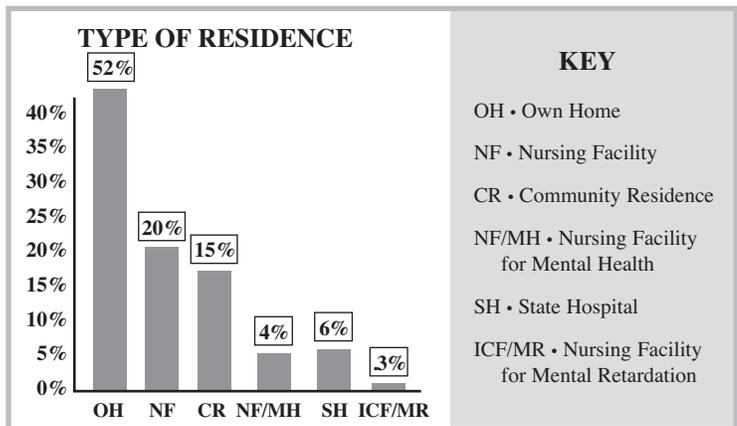
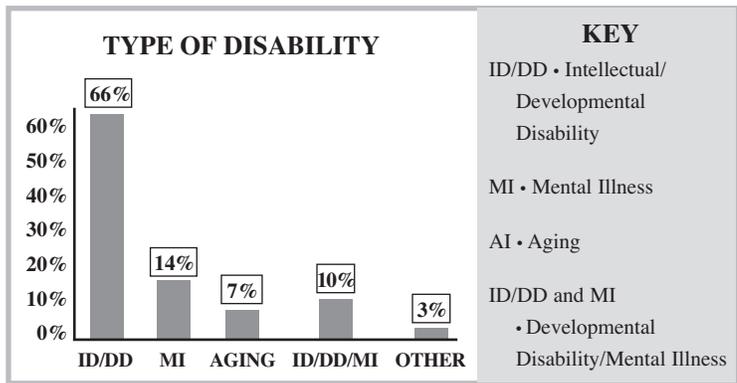
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer and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

Michael

Michael, age 51, deals with daily challenges resulting from a brain injury at birth which has resulted in long term mental and behavioral health issues. As a young adult he lived with his parents and spent brief periods in group homes. When group living became too complicated for him, Michael would return to his parent's home. Michael expressed interest in being employed; however, he was unable to keep a job and ultimately became eligible to receive Supplemental Security Income (SSI). This income allowed him to move into his own apartment.

The mental health issues continued as he strived to live independently. He was easily exploited by those in his life despite the assistance he received from his parents. In 2013, Michael sustained a significant loss with both parents passing away. Without their daily support, Michael's life began to deteriorate. During this time Michael was involved in some altercations resulting in imprisonment. A report was made to Adult Protective Services with Department for Children and Families (DCF) and their investigation revealed serious self-neglect concerns. An APS referral was made to the KGP for a nominee to be appointed guardian through the Court.

Katie, a KGP volunteer was introduced to Michael and their first meeting went well. With the court appointment of a guardian, Michael had a person to provide the legal consents to access needed supports and services. Michael qualified for assistance through the Home and Community Based Services Waiver for Persons with Intellectual and Developmental Disabilities (HCBS/IDD). With case management services and residential staff, he had necessary supports to help with grocery shopping, meal planning, housekeeping responsibilities and personal care reminders.

With Katie's advocacy and encouragement Michael became involved in a supported work program, started making friends and joined a local bowling league. Katie took the time to establish a relationship with Michael. This included invitations to her children's ball games and to share in home cooked meals. It was the beginning of a wonderful life for Michael.

Unfortunately these changes were short lived because of changes in his living environment. This triggered unsettling reactions from Michael. He stopped participating in all of his activities and experienced paranoid delusions. Michael began to make dangerous decisions; eating out of dumpsters, taking late night walks, bringing wild animals into his home and accusing staff of poisoning him. Katie was fearful for Michael's safety and arranged for a psychiatric evaluation resulting in a diagnosis of schizophrenia and a recommendation for short-term hospitalization for stabilization. Michael's guardian advocated for a change in his living situation and initiated the necessary steps and assisted with his transition.

With the addition of medications and a new 'family' of peers, Michael began to flourish. He was better able to focus on new personal goals including employment and developing new friendships.

Katie is thrilled for Michael and believes in the importance and value of team work. She readily gives credit to Michael's case manager, residential provider and KGP staff, acknowledging their essential roles in providing support and continuity for Michael. Life is much improved for Michael since a guardian entered the picture and became his advocate, friend and family.

Katie became a KGP volunteer in 2016.

THEIR GUARDIANS

On behalf of the State of Kansas, our 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 citizen volunteers. KGP volunteers donate many hours and often their own resources in helping the people they serve.

These individuals exemplify the dignity and respect all persons are accorded while reflecting a commitment to their communities.

The Budget

KANSAS GUARDIANSHIP PROGRAM FISCAL YEAR 2016 BUDGET

Expenditures By Object

Salaries and Wages	\$568,201.00
Contractual Services	572,742.00
Commodities.....	8322.00
Capital Outlay.....	000.00
Total Expenditures	\$1,149,265.00

Expenditures by Fund

State General Fund	\$1,149,265.00
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FTE Positions10

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