



Kansas Guardianship Program

2020 ANNUAL REPORT

JULY 1, 2019 to JUNE 30, 2020

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

A Report to

Governor Laura Kelly
Honorable Marla J. Luckert, Chief Justice
the 2021 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 and trained individuals 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 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

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Topeka

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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.

“46% of the volunteers have served 10 or more years and 70% have served 5 years or more.”

The Process

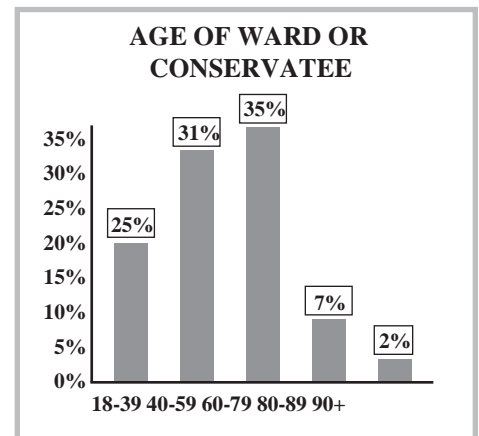
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP requires this considerable personal commitment from the individuals who agree to become KGP volunteers.

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 relationships develop and many times the guardian becomes the one person with long-term involvement in the ward's life. In reviewing our records over the year, we find that approximately 46% of the volunteers have served in the program for 10 or more years and 70% have served for 5 years or more. That represents an outstanding commitment to the person or persons the volunteer serves 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 who then make formal requests to the KGP for an approved volunteer who may be nominated to the court for appointment as guardian or 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 petition 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

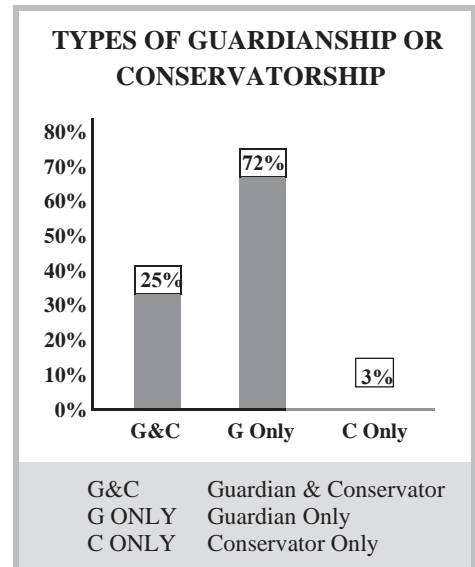
Guardians and conservators provide a check and balance on the human services system. The more than 775 guardians and conservators currently volunteering with the KGP, through their legal authority, have access to group homes, nursing facilities, public institutions or residences of their wards and conservatees. 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 2020

- During fiscal year 2020, the KGP volunteers provided guardianship or conservatorship services to 1387 different individuals.
- On June 30, 2020, approximately 775 volunteers were serving in the program. Over the years, approximately 5000 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 person receiving guardianship or conservatorship services.
- The KGP provides information, consultation and referral to service providers, family members and other interested groups and individuals. The KGP is available to provide information and training programs about guardianship related matters.
- 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* and other guardianship information on the website www.ksgprog.org.
- During 2020, KGP marked 41 years of a unique cooperative relationship between the State of Kansas and its citizenry. Throughout this time, Kansans of all ages and walks of life have stepped forward to serve as advocates for adults in need of guardianship with no one to serve in that role and without someone to give voice to expressed wishes and needs.

The program is a reflection of the spirit of Kansas: a belief that dignity and respect should be afforded to all and improvement in the quality of life is an outcome of hard work and collaboration.

“...The KGP volunteers provided...services to 1387 wards and conservatees.”



The Future

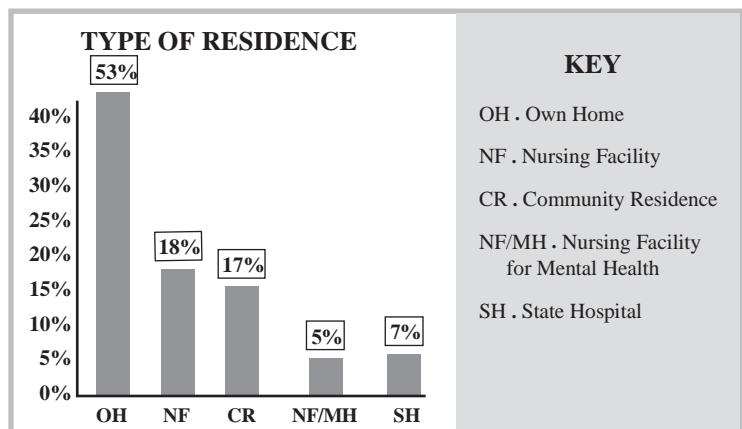
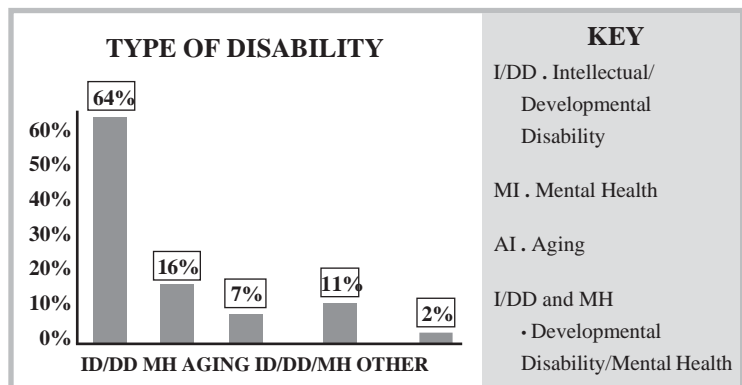
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer, and 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, reasonable alternatives to guardianship or conservatorship are not always 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

John is an individual for whom love of and loyalty to family is very important. He and his wife lived a life that many would consider to be difficult, but as long as contact with family was ongoing, John was content. He and his wife lived in the same apartment complex as their daughter, son-in-law and grandchild. Sharing of resources and food items amongst the family members occurred often because John's beliefs included family always helps family, even if one-sided. A number of formal and informal supports were in place for both families and they maintained living in the community, but consistently on the margins. John's wife was the individual in the family circle that kept things in order. She became ill, moved to a long-term care facility and subsequently died. John's situation changed dramatically as a result of her death. The nature of the sharing became exploitive and frequent with John suffering the consequences, but John continued to voice that family takes care of family. To his own detriment, John would provide his food, clothing, household items and money for his family members. Over time, John's health began to significantly decline and concerns were growing about his continued ability to live independently in the community. John was adamant he would not go to a long-term care facility, as that was where his wife had died and options for other residential settings were not available in his home community.

Living independently in the community was identified consistently by John as extremely important. The guardian began the process of seeking a lesser restrictive setting than long term care but one that would provide greater medical oversight, 3 meals and daily care. Visits to several assisted living facilities proved unproductive as

John's situation worsened. A Home Plus residence was identified in another community and the guardian suggested John spend a day at the home. Uncertain of exactly where he was going, but fully trusting in his guardian, John packed a few items for the visit. Upon arrival, he immediately sat down with another gentleman living in the home and easily entered into conversation, chatting about the weather, KC Chiefs football and numerous other topics. The guardian left to purchase new clothing and a few other items in hopes John would want to stay through the evening. When the guardian returned, John had his coat on and was ready to go back home. The guardian invited him to look at his new items. When he realized he had a new electric razor and clock radio that were his and his alone, the coat came off and he was ready to stay, with a smile from ear to ear inquiring of the menu for dinner. John now enjoys the comforts of daily conversation and companionship, warm meals, a clean home, outings, clothing and personal items not "shared" with family to never be returned – things taken for granted by the general population. Because of the advocacy and efforts of his guardian, John is afforded a life so very different from his previous life.

Seeking what will keep a person healthy, safe and in good spirits while balancing their expressed wishes and desires is a weighty responsibility as guardian.

Our gratitude to all the KGP volunteers who assume the responsibility of another's life and do so with thoughtful advocacy!

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

The Budget

KANSAS GUARDIANSHIP PROGRAM FISCAL YEAR 2020 BUDGET

Expenditures by Object

Salaries and Wages	\$606,054.00
Contractual Services	\$696,118.00
Commodities.....	\$8,331.00
Capital Outlay.....	\$10,450.00
Total Expenditures	\$1,320,953.00

Expenditures by Fund

State General Fund	\$1,320,953.00
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FTE Positions..... 10

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