



Legal advocacy with
dignity and respect



How do we assure for individuals served through guardianship during COVID-19?

What we are learning through the ongoing pandemic is that we are challenged to become creative problem solvers and fierce advocates for the persons served in guardianship—the most vulnerable adults.

How do we make sure individuals are receiving necessary care when we cannot visit in person?

- 1) Visit through a window or with social distancing frequently. Nothing is a substitute for seeing a person directly and assessing how they are doing.
- 2) Use technology: phone calls, texts, video chats/conferencing or email. Audio or visual phone chats can help gauge the person's condition and well-being and may also bring comfort to the person.
- 3) 3) Talk with facility staff and review records. Staff have direct access to the individual and can facilitate communication and answer questions. Inquire if records can be reviewed electronically. Be sure to attend care plan meetings electronically.

Be kind, patient, vigilant, listen intently and ALWAYS ADVOCATE!~

CHANGES COMING within KGP

It is with great sadness and joy we announce Barb Longhofer's coming retirement. We are selfishly saddened and will miss her beyond words. She will enter retirement after a lifetime of social work and touching lives in the best spirit of giving of self. We are honored that she chose to walk the road with us for 7 years, sharing her many gifts and closing her career. We thank her for the commitment and heart she brought to the work of the KGP. If choosing one word to reflect Barb, it would be JOY. Joy is in her every thought, word and deed. And with joy, we wish her a wonderful retirement and great adventures ahead!.

Act as if what
you do makes
a difference.
It does.

— William James

Guardians: Protecting the Right to Vote

With the election just a few weeks away, now is the time to make sure you protect the right to vote for those who are under guardianship.

Have they retained the right to vote?

The right to vote is the foundation of our democracy. If an individual with a guardian retains this right, the guardian should arrange for any logistical supports they need to vote.

Exercising this civic duty is an expression of self-determination. NGA Standard of Practice #9 lays out the guardian's duty to provide the person with the opportunity to exercise self-determination, including maximizing their independence.

In some states, the right to vote is automatically removed if full (plenary) guardianship is ordered. In other states the judge determines on a case-by-case basis whether the right to vote is retained or removed. In other jurisdictions, the right to vote is retained unless the court specifically removes this right.

Check your state's statutes and the individual court order to confirm that the person under guardianship has the right to vote.



Are they properly registered to vote?

Ask the person under guardianship if he or she wishes to vote in the upcoming election and where they last voted.

If they are living at the same address where they last voted, verify that they are registered to vote at your state's department of elections website. You can link to the state website here www.vote411.org/check-registration.

If they have recently moved to a new permanent address, they will need to register at the new address. The state's department of elections website should tell whether the state requires the person to reside at the new address for any minimum period of time and the deadline for registering. Some states have same-day in-person registration.

If they are registered to vote in a jurisdiction different than where they are currently living, help them apply for an absentee or mail-in ballot. This can be done online with the state's department of elections website.

Be sure to take a valid ID to the polling place, if voting in person. The address on the voter registration must match the address on the identification card they will use at the time of voting.



Do they need help with voting?

Talk with the person about the various options available to vote. One option is to help them apply for an absentee or mail-in ballot on the state's department of elections website or with the county clerk. Laws vary by state, so be sure to check who is eligible and the process. This site has links to all the states' voting information: www.eac.gov/voters/register-and-vote-in-your-state.

If voting absentee, be sure they request and return the absentee ballot as soon as possible. The state elections website has the deadlines for requesting absentee ballots and for returning the completed ballot.

If they wish to vote in person, either early, if available, or on Election Day, make sure they will have transportation to the polling place. They may also have options to vote curbside or by appointment to avoid lines or crowds.

Ensure that they use a face covering and are able to socially distance while at the polling place.

Provide voter information from non-partisan organizations like the League of Women Voters (www.vote411.org), AARP (www.aarp.org/politics-society/government-elections/) or voteamerica.com.

Olmstead v. L.C.

The United States Department of Justice, Civil Rights Division, has provided new information regarding Americans with Disabilities Act and Olmstead v. L.C. The information discusses Olmstead and “informed choices.”

OVERVIEW OF THE OLMSTEAD DECISION AND HOME AND COMMUNITY BASED SERVICES IN KANSAS

History of Olmstead v. L.C. Implementation in the State of Kansas

Prior to the 1960s, children and adults with disabilities in Kansas, as well as other states, were either in institutional settings, or in their homes without the services necessary to become as independent as possible. Beginning in the 1850s, Kansas began building institutions to house those with mental health disabilities, and later those with intellectual and developmental disabilities. Living conditions in these institutions were often substandard.

As a result of the passage of Federal and State laws, Kansas began moving away from institutionalization and toward community integration. Initially, people with disabilities were moved to smaller settings closer to their communities, such as intermediate care and nursing facilities. As these were still institutional settings, there was still a push for individuals to live in their own homes with support. Federal authority to fund Home and Community Based Services (HCBS) versus institutional settings, as well as the passage of the Americans with Disabilities Act in 1990 and the Supreme Court’s “Olmstead decision” in 1999, resulted in a major and positive impact on the lives of youth and adults with disabilities.

In 1982, nine years before the passage of the Americans with Disabilities Act of 1990 and its subsequent protections for individuals with disabilities, and 17 years before the Supreme Court’s 1999 Olmstead decision, Kansas Medicaid received approval for its first HCBS waiver for people with disabilities and the elderly. Throughout the 1990s and into 2000, Kansas received approval for seven HCBS waivers to provide services that would meet the needs of youth and adults with different disabilities. At the same time, Kansas began closing its institutions, maintaining several for specific populations with specific needs. As of December 2019, 24,453 youth and adults with disabilities were receiving HCBS services.

KDADS is responsible for overseeing the seven HCBS Waiver programs, which includes insuring compliance with the Centers for Medicare and Medicaid Services (CMS) requirements for home and community-based settings. KDADS is also responsible for individuals in institutional settings, i.e., the remaining state institutions, intermediate care facilities and nursing facilities, as well as addressing advocate concerns about these facilities and their residents.

Finally, while considerable progress has been made in moving people from institutions and other isolating settings to community settings, employment of youth and adults with disabilities lags their peers without disabilities. The Kansas Department of Health and Environment (KDHE) Division of Health Care Finance (DHCF), the Medicaid oversight agency, manages two employment incentive programs, Working Healthy and Work Opportunities Reward Kansans (WORK). DHCF also has approval to implement a supported employment pilot program in their 1115 Demonstration Waiver.

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KGP MISSION

To assure that adults who are without family or financial resources and who are identified by Adult Protective Services with Department for Children and Families (DCF) or Kansas Department for Aging and Disability Services (KDADS) as in need of a court appointed guardian and/or conservator will have available a qualified, trained and caring volunteer to serve as their legally appointed guardian and/or conservator.

Updates on Social Security Appointments—SSA, NOTICE dated October 22, 2020

Due to the COVID-19 pandemic, you can only enter our offices if you have an appointment.

Generally, we will schedule an in-person appointment in dire need situations. Dire need exists when you:

- Are without food or shelter, including utilities or are without medical care or coverage and need to apply for or reinstate benefits.
- Currently receive benefits and have an urgent need for payment to meet expenses for food, shelter, or medical treatment, and you cannot receive the payment electronically.

If you believe you qualify for an in-person appointment, call your local office. You can look up the phone number for your local office by accessing our [office locator](#). Please note that appointments may not be immediately available, depending on local health and safety conditions and staffing.

Photo by [Roman Kraft](#)

