

# Kansas Guardianship Program

## 2021 ANNUAL REPORT

JULY 1, 2020 to JUNE 30, 2021

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



A Report to

Governor Laura Kelly  
Honorable Marla J. Luckert, Chief Justice  
the 2022 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

**Dave Heinemann**  
Chair  
Topeka

**Paul A. Kallman**  
Vice Chair  
Scandia

**Stephen J. Atherton**  
Emporia

**Representative Barbara Ballard**  
Lawrence

**Honorable Richard B. Walker**  
Newton

**Sherrie Watkins**  
Kansas City

**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 person 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 adjudicated in need of a guardian or conservator 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 71% have served 5 years or more.”**

## The Process

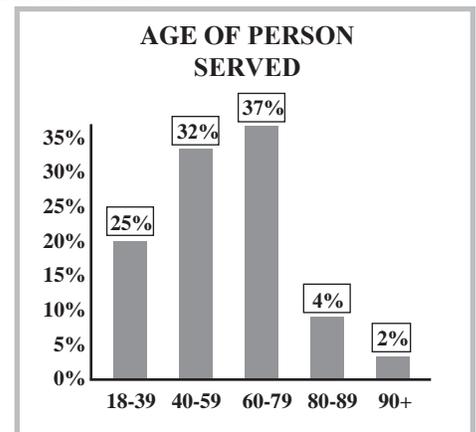
It is a significant matter to ask volunteers to accept both legal and moral responsibility for the well-being of a person unrelated and, probably, previously unknown to them. Nonetheless, the KGP requires this considerable personal commitment from the individuals who agree to become KGP volunteers.

Volunteers maintain regular contact with the person 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 person 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 an annual report on the status of the person and the finances, if appointed conservator.

Volunteers in the program are asked to make a long-term commitment to the person. For some individuals that may extend to the rest of their life or the life of the individual. 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 71% 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 individual 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 individual; requires a written monthly report of activities undertaken on behalf of the person; 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.

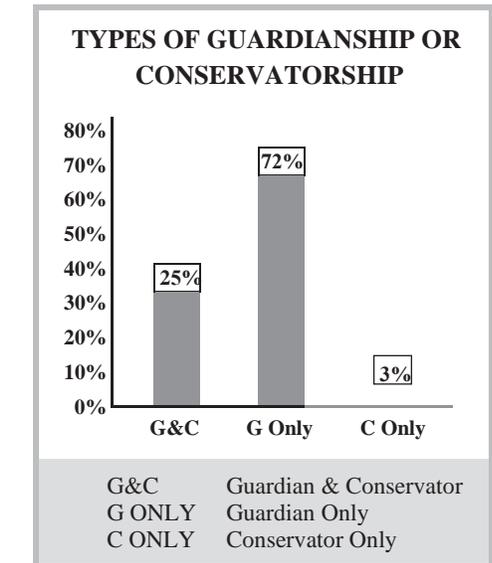


## The Achievements

Guardians and conservators provide a check and balance on the human services system. The more than 772 guardians and conservators currently volunteering with the KGP, through their legal authority, have access to group homes, nursing facilities, public institutions or residences of the persons served. 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 2021

- During fiscal year 2021, the KGP volunteers provided guardianship or conservatorship services to 1392 different individuals.
- On June 30, 2021, approximately 772 volunteers were serving in the program. Over the years, approximately 5050 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](http://www.ksgprog.org).
- The KGP website was upgraded to comply with accessibility regulations, improve access to submit documents electronically and added guardianship and conservatorship training modules.



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 1392 different individuals.”**

# The Future

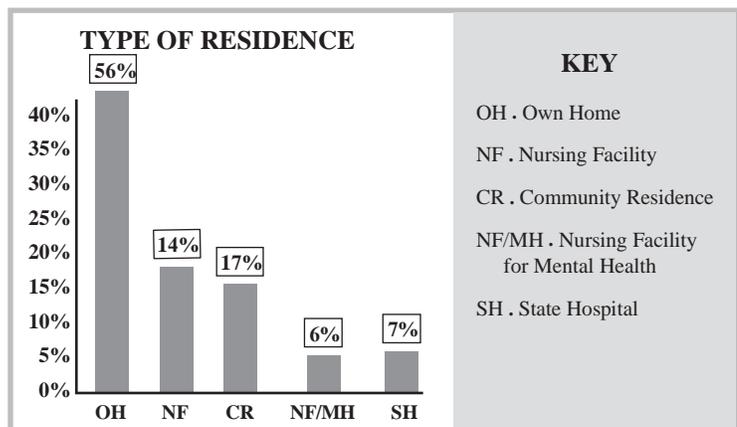
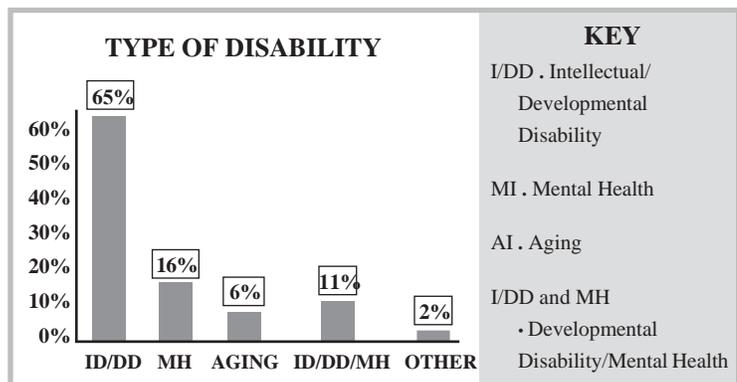
Adult protection concerns, of which guardianship plays a major part, are receiving increased attention throughout the country. Studies done on the national level point out that we are experiencing the aging of a nation. As advances in medical technology prolong life, more people are living longer, and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



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## The People

**Robert's** hopes and dreams are beginning to become a reality. For the first time, he lives in his own apartment, is learning skills to maintain this space, shop for groceries and prepare meals. He is enjoying renewed and positive family relationships after reconnecting with his grandparents and sister. He is developing new and healthy friendships in the community. Playing video games and catching up on movies round out his new independence.

Two years ago, the fulfillment of these goals seemed impossible. Home life was difficult, and Robert struggled. His disability funds were often misused by a parent to purchase street drugs. This lifestyle brought strangers into their home and an increased risk for abuse and neglect. The exploitation of funds resulted in unpaid rent and utilities leaving the family homeless for extended periods. Robert experienced daily challenges to have adequate food, lodging and safety.

Irregular school attendance limited the available services and assistance he could access. Robert received some skill training to better understand his autism and develop decision-making skills made more difficult with additional diagnoses of depression and Attention Deficit Hyperactive Disorder (ADHD). Robert had not made post-graduation plans and wanted to stay home and take care of his mother. Reports of abuse, neglect and exploitation to the Adult Protective Services Hotline resulted in an assessment that Robert would benefit from decision-making assistance of a guardian. He felt he could make his own decisions and did not welcome the idea of a guardian.

Anne was appointed by the court to provide guardianship and conservatorship supports. Building a trusting relationship was essential to serving as his guardian and conservator. Anne learned about Robert's real goals – to live independently, make his own decisions, and manage his personal funds when they shared lunches and went to coffee.

### 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.

Anne was appointed as the representative payee for the Social Security funds. She worked to pay past due bills to allow for reinstatement of utilities in the family home. There were many conversations about living independently, however, this left Robert feeling very anxious. After an extensive search, Anne was able to secure a reasonably priced apartment. Although still hesitant, with support from his extended family and guardian, Robert decided to take the leap and give apartment living a chance. In discovering new challenges through this lifestyle change, Robert is finding a good rhythm and enjoys the opportunities of safe housing, paid utilities, access to regular meals, and a spending budget.

Robert and Anne discussed the possibility of a job or volunteer activity. A conversation with a friend shared how a person with similar challenges found fulfilling employment working with elderly individuals. This resonated with Robert, and he is now seeking supported employment assistance.

Robert is thriving with multiple successes and many positive influences in his life. He talks, texts and visits in-person with his guardian regularly and their friendship is growing. Robert's guardian arranged a surprise birthday party for him where he was surrounded by loved ones – another new and wonderful experience – which would not have happened two years ago.

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!

# The Budget

## KANSAS GUARDIANSHIP PROGRAM FISCAL YEAR 2021 BUDGET

### Expenditures by Object

Salaries and Wages .....	\$646,065.00
Contractual Services .....	\$651,539.00
Commodities.....	\$10,301.00
Capital Outlay.....	\$6,812.00
Total Expenditures	\$1,314,717.00

### Expenditures by Fund

State General Fund .....	\$1,314,717.00
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FTE Positions..... 10

## Kansas Guardianship Program

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