



Administrative Office of the Courts

Office of Public Guardianship Project Charter and Interim Plan

During the 2007 legislative session, the Washington State Legislature passed Senate Bill (SB) 5320, the bill established the Office of Public Guardianship (Office) within the Administrative Office of the Courts (AOC). This document begins the blueprint for the Office.

September 2007

Office of Public Guardianship
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A. BACKGROUND

This project charter formally initiates development of the Office and authorizes the project manager to apply organizational resources to project activities. The project plan describes the steps and activities that have been and will be taken to manage project scope, and the time and funds available to accomplish project goals and objectives.

This plan is dynamic and is expected to change as program leadership obtains learns more about outstanding questions and challenges that the Office faces.

Accordingly, some of the Plan is prescriptive and provides for specific programmatic elements or activities, while other parts are more general. The best approach to some programmatic issues is clear, while time is needed to research and investigate in order to determine how to best implement other functions of the Office. As time goes by, the plan will be refined and revised based on what works and what does not.

B. PROGRAM GOALS AND OBJECTIVES

The overall goal and objective of the Office as prescribed by SB 5320 is to provide quality public guardianship services to incapacitated individuals who need them and for whom adequate services may otherwise be unavailable.

C. SCOPE

The Office will contract for guardianship services to the minimum extent necessary to provide for health or safety, or to manage financial affairs, when the legal conditions for appointment of a guardian are met. Services will be provided for persons age eighteen or older whose income does not exceed two-hundred percent of the federal poverty level as determined by the United States Department of Health and Human Services or who are receiving long-term care services through the Washington State Department of Social and Health Services (DSHS).

Initially public guardianship services will be offered in two geographical areas, one urban and one rural. The Office anticipates expanding service availability to more geographical areas after the 2009 legislative session.

D. PROGRAM CONSTRAINTS

Neither the Office nor its administrator shall petition for appointment as guardian or limited guardian of any individual.

E. Approach

The following tasks will be performed to implement SB 5320:

- Meet personally with stakeholders to discuss what are expected to be diverse visions for the Office (see stakeholder list in Appendix A).
- Review state guardianship programs (see chart of public guardianship programs in Appendix B).
- Review Washington statutes and case law and the laws of other states (see statutes and case law reviewed in Appendix C).
- Review and analyze literature on guardianship (see literature list in Appendix D).

The information and data obtained during these tasks will be examined, researched and synthesized into a comprehensive project plan that will guide the project through implementation. The Office will work to address the following issues:

Issues to address within 60-90 days

- Geographical location of pilots
- Preferred structure of contract providers of guardianship service
- Stakeholder involvement in the Office
- Interface with the Certified Professional Guardian Board
- Structure of the study performed by the Institute of Public Policy (WSIPP)
- Collection and reporting of guardianship service data elements
- Processing of complaints against public guardians
- Performance monitoring of public guardians
- Development of standardized forms and reporting instruments

Issues to address within 12 months

- The numbers and types of individuals in Washington needing public guardianship services and what is needed in terms of numbers and types of staff, services and funding to serve these individuals.
- Eligibility criteria for public guardianship services

- Development of minimum standards of practice for public guardians

Issues to address within 24 months

- Structure of the Office for effective delivery of public guardianship services. Options include:
 - Keep the Office within the Administrative Office of the Courts;
 - Restructure and/or relocating the Office, so that it is a more independent agency but still is a part of state government; or
 - Establish the Office as an independent structure, outside of government, perhaps as a quasi-state agency or nonprofit entity.
- Providing services that might reduce the need for guardianship services through the Office
- Affordable legal assistance to petition for guardianships.

F. ORGANIZATION

Resource	Role	Focus
Supreme Court	Project Champion	Appoint Administrator Project Oversight / Timeline / Barriers
Butch Stussy	Project Administrator	Establish and Administer Public Guardianship Program Hire Project Manager Project Oversight / Timeline / Barriers
Dirk Marler	Project Supervisor	Project Oversight / Timeline / Barriers Approve Charter / Work Plan
Shirley Bondon	Project Manager	Develop/ Plan/ Project Resource Management Identify & Deliver on Project Plan
Subject Matter Experts and other Stakeholders	Project Team Member	Summarize and analyze results of complaints against the Office and/or Public Guardians Review the activities of the Office Make recommendations to the Supreme Court, CPGB and the legislature

G. PROJECT SUCCESS MEASURES

The following project success measures will be used to monitor the effectiveness of the project:

- Positive impact to the practice of guardianship
- No negative impact to the practice of guardianship
- Create a model that is cost efficient and scalable to growth

H. PROJECT RISKS

Risk	Plans to Mitigate	Contingencies
Failure to maintain support of stakeholders		

I. PROJECT BUDGET

The Office is presently funded by state general funds. Public guardianship service contracts are dependent upon legislative appropriation. Statute provides the Office with the authority to oversee the use of state funding.

J. TIMELINE FOR OFFICE ACTIVITIES

Below is a timeline for documenting past, current and anticipated future activities of the Office of Public Guardianship. Specified activities and dates are subject to revision.

April, 2007

- Senate Bill 5320 passed

July, 2007

- Office of Public Guardian Act (SB 5320) becomes law

August, 2007

- Shirley Bondon hired as Manager of the Office

September, 2007

- Development of draft Project Plan initiated
- Begin formal and informal outreach to agencies, groups and individuals

October, 2007

- Manager of Office to attend training conference
- Continue formal and informal outreach

November, 2007

- Begin drafting Request for Proposal (RFP) for Public Guardianship Services
- Review and draft guiding principles and standards of practice and begin development of policies and procedures
- Develop initial procedures for referral to Office, which may include assessment tool/process for determining need for public guardian
- Continue formal and informal outreach

December, 2007

- Disseminate draft Plan to stakeholders and public for review and input
- Begin to revise Plan based on public input
- Draft Statement of Work for Washington State Institute of Public Policy (WSIPP)
- Continue formal and informal outreach

January, 2008

- Complete final draft of Plan and disseminate to stakeholders and public
- Finalize and Post RFP
- Finalize Statement of Work for WSIPP
- Develop initial informational materials about Office
- Continue formal and informal outreach

February, 2008

- Complete initial policies, procedures and standards of practice
- Evaluate Response to RFP
- Award contracts
- Continue formal and informal outreach

March, 2008

- Draft eligibility criteria
- Continue formal and informal outreach

April, 2008

- Continue development and refinement of policies, procedures and standards of practice
- Identify and initiate process for comparing different models for providing guardianship services (contractually and/or with volunteers)
- Begin to explore and develop strategies for:
 - Long-term funding of Office
 - Use of less restrictive alternatives
 - Educating Bar and Judiciary about guardianship and due process issues
 - Educating incapacitated individuals and alleged incapacitated individuals about rights and due process
 - Educating concerned individuals about guardianship, including filing of guardianship petitions, legal resources and less restrictive alternatives
 - Developing comprehensive data base and information on need for guardianship and corresponding services
 - Continue formal and informal outreach

May, 2008

- Continue formal and informal outreach

June, 2008

- Review and audit guardianship contracts
- Begin to review options for long-term structure of Office
- Continue formal and informal outreach

October, 2008

- Review and audit guardianship contracts
- Initiate formal review of existing policies and procedures
- Continue formal and informal outreach

January, 2009

- Complete review of guardianship contracts, draft and negotiate new contracts
- Continue formal and informal outreach

February, 2009

- Award new contracts
- Continue formal and informal outreach

April, 2009

- Complete review and revision of policies and procedures
- Continue formal and informal outreach

July, 2009

- Obtain independent evaluation of Office and contracts
- Continue formal and informal outreach

September, 2009

- Continue formal and informal outreach

October, 2009

- Development of recommendations for:
 - A long-term structure of the Office
 - A long-term strategy for providing services throughout Washington
- Continue formal and informal outreach

November, 2009

- Begin implementation of :
 - A long-term structure for the Office
 - A long-term strategy for providing services throughout Washington
- Continue formal and informal outreach

K. CONCLUSION

This Plan is a blueprint for developing and building a long-needed state public guardianship system. It remains a work-in-progress. In order for the Plan to be fully-developed, it needs the input of the many different individuals, groups and agencies who are concerned about and who are familiar with the needs of Washingtonians who are incapacitated.

APPENDICES

APPENDIX A

Organization	Contact	Scheduled Meeting Date	Concerns, Outcome
Legislature	Senator Rosa Franklin	August 31, 2007	
SCJA Probate & Guardianship	Committee	September 8, 2007	Model Forms, Judicial Training, Law Review, Legislation Review
Disability Rights Washington	David Lord	September 13, 2007	Advisory Committee Duties Individuals with Disabilities Law Review Alternatives Professional Guardians
DSHS	Kathy Leitch	September 20, 2007	GALs
Making the Case for Justice: Investigation & Prevention of Crimes Against Elders and Vulnerable Adults Sponsored by - King County Prosecutor's Office DSHS Disability Rights WA AARP King County VAWA Stop Grant DD Council Long-term Care Ombudsman Program Attorney General's Office	Betty Schwieterman, Disability Rights WA Kevin Harper Detective Dawn Cortez AAG Rose Floyd Long term care Ombudsman Michael Bagley AAG Glory Haga Long term care Ombudsman Jeff Qaley Snohomish County APS Lisa Malpass DSHS Legal Benefits Advisor Ed Niegel	September 26 & 27, 2007 Bellevue, WA	Pilot locations Professional Guardians

Organization	Contact	Scheduled Meeting Date	Concerns, Outcome
	<p>AAG</p> <p>Det. Kirk Kimberly Spokane Police Dept.</p> <p>Jennifer Boharski AAG</p> <p>Kris Fredrickson Clinical Social Worker</p> <p>Cathy Hoover AAG</p>		
Developmental Disabilities Council ARC of Washington	Donna Patrick Sue Elliott	September 28, 2007	Professional Guardians Alternatives Pilots Advisory Committee
Washington Association of Housing and Services for the Aging	Julie Petersen	September 28, 2007	
	Winsor Schmidt	October 1, 2007	WSIPP Study
Washington State Institute of Public Policy	Mason Burley	October 8, 2007	Study RFP
Loren Miller Bar Assn.		October 8, 2007	Fees
ATJ Impediments Committee		October 15, 2007	
Long-term Care Ombudsman	Louise Ryan Karen Hausrath, Vicki Elting Jeff Crollard.	October 17, 2007	RFP GALs VA

Organization	Contact	Scheduled Meeting Date	Concerns, Outcome
Spokane Stakeholders	Lisa Malpass, DSHS Theresa Brauner DSHS/HCS Prof. Larry Weiser Gonzaga School of Law Lance Morehouse The ARC of Spokane Lynn Mounsey AAG	October 23, 2007	
Spokane Stakeholders	Pat Stickel DSHS Sheri Ellis DSHS,APS	October 24, 2007	
WSBA Elder Law Section	Barbara Byram Chair	October 31, 2007	Data
Advisory Council on Aging & Disability	Marcy Kubbs	November 9, 2007	
Self Determination and Independent Living (DDD) Developmental Disabilities Council		November 15, 2007	
	Claudia Donnelly	November 15, 2007	
WSBA/Elder Law Section	Peter Greenfield	November 29,2007	
WSBA Elder Law Section		December 7, 2007	
Commission on Hispanic Affairs	Uriel Iñiguez	January 8, 2008	Attend community meetings
Commission on African American Affairs	Rosalund Jenkins	January 8, 2008	E-mail to churches and other contacts
Governor's Office on Indian Affairs	Craig Bill	January 10, 2008	More contacts
Washington Association of Area Agencies on Aging		January 10, 2008	

Organizations	Contact	Scheduled Meeting Date	Concerns, Outcomes
Greater Seattle Urban League	Lorie Metcalf and James Kelly	February 6, 2008	
Washington State Council on Aging	Susan Shepherd	February 26, 2008	
VA Taskforce - Olympia		May 2, 2008	
The Patient Alone – Boston		5/5-5/8/2008	
VA Taskforce – Seattle		May 9, 2008	
	Marla Elliott	May 12, 2008	Pro bono legal services for Guardianship services
Value		May 22, 2008	Guardianship Panel
Developmental Disabilities Council		June 4, 2008	Conference call
Pierce Co. Superior Court	Judge Larkin/Pierce Co	June 6, 2008	
WA. Assoc. of Public Guardians	Valley View Library	June 9, 2008	
OPG – Clallam Co. Superior Court	NW Justice/Court Facilitator	June 11, 2008	
Developmental Disabilities Council		June 12, 2008	
APS Region 6		June 25, 2008	
Developmental Disabilities Council	Telephone Conference	July 9, 2008	

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APPENDIX B State Public Guardianship Programs

State	Contact	Model & Umbrella Office	Mini Profiles	Resources & Forms
Alabama	Alabama Administrative Office of the Courts. 1.866.954.9411	County Model	Probate judge appoints a county conservator or the sheriff serves.	
Alaska	James Parker, Supervisor: 907.269.3545 Alaska Dept. of Administration. Office of Public Guardianship 907.269.3500 Email: Family.Guardian@alaska.gov Website: http://state.ak.us/admin/opa/pub_guard.shtml	Independent State Office	Office of Public Advocacy in Department of Administration provides public guardianship services. Bylaws: Title 14, Chapter 5, Article 3	
Arizona		County Model	County boards of supervisors appoint public fiduciaries in all counties. If compensation by the ward or petitioner is not feasible, the court shall determine and pay reasonable compensation for services rendered by an investigator, accountant, lawyer, physician, guardian or temporary guardian appointed in a guardianship proceeding.	
Arkansas	Arkansas Legal Services 501.376.3423 Website: http://courts.state.ar.us/opinions/opinions.html	Within Social Service Agency	APS may serve as legal "custodian." Structure: File petition with district court.	Forms: Available at the two law schools and at the district courts.

<p>California</p>	<p>Professional Fiduciary Association of California. 1.866.886.7322 Email: pfac@amgroup.us Website: www.pfac-pro.org</p>	<p>County Model Umbrella Office: Administrative Office of the Courts is the staff agency of the Judicial Council, to which the Probate Conservatorship Task Force reports.</p>	<p>County boards of supervisors create county offices of public guardian. Structure: The Public Guardian-Conservator-Administrator provides mandated conservatorship and estate administration services as specified by the Probate Code and Welfare and Institution's Code. The organization of these services varies among counties. The Public Guardian, Public Conservator, and/or Public Administrator are personally responsible for these functions, which are delegated within the department. The services of the Public Guardian may be provided through a separate county department, an elected official, or incorporated into a larger department such as health or human services. Public Conservator services are oftentimes provided by the Public Guardian, but the responsibilities may be shared with mental health departments. The Public Administrator may be an elected official, a separate department, or housed within another county department such as sheriff-coroner, treasurer, or public guardian-conservator. Job Description: The Public Guardian-Conservator serves as conservator of a person and/or estate of individuals needing protective intervention. The two types of conservatorship, Lanterman-Petris-Short (LPS) and probate, can only be established by order of the superior court. As probate conservator, Public Guardians are involved in all aspects of their clients' lives, including financial management, housing, medical care, placement, and advocacy. As LPS conservator, Public Conservators are responsible for directing the mental health treatment and placement of their clients. Referrals for probate conservatorship usually come from another community agency, institution, or physician. Referrals for LPS conservatorship can only come from a psychiatrist who is affiliated with a Short-Doyle hospital.</p> <p>The Public Administrator is responsible for administering the estate of a county resident who dies without a will or family in California. Estate administration may include marshaling all assets, selling real or personal property, performing heir searches, and overseeing the distribution of the estate. The activities are supervised by the superior court. The Public Administrator may also supervise the county's indigent burial program. Advisory Committee: Monitored by the Probate Division of the Superior Court of California; Probate Conservatorship Task Force makes recommendations and reports to the Judicial Council of the Office of the Courts Administrator. Bylaws: Authorized by California Statute.</p>	<p>Resources: http://www.courtinfo.ca.gov/selfhelp/forms/; http://www.courtinfo.ca.gov/selfhelp/lowcost/; http://www.courtinfo.ca.gov/selfhelp/seniors/; http://www.courtinfo.ca.gov/selfhelp/family/guardianship/ Forms: available at this website http://www.courtinfo.ca.gov/cgi-bin/forms.cgi; or by individual county.</p>
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Colorado	Cyndi Hauber, 720.921.7821 Website: www.courts.state .co.us/chs/court/f orms/probate/pro bate.htm	Within Social Service Agency Umbrella Office.	County departments of social services (APS) provide public guardianship. Advisory Committee: Committee to establish Best Business Practices, convert forms. §15-14-301, C.R.S.	Resources: In process of developing a manual that will identify FAQs, common terms, responsibilities, sample forms, blank forms, and a section to maintain their personal information. Forms: Available on website; in process of converting them from Colorado Probate Code to Judicial Department Forms; file forms with either a district court of the Denver Probate Court.
Connecticut	Barbara Roy 860.297.4307 Website: www.jud.ct.gov/p robate	Within Social Service Agency Umbrella Office: Probate Courts.	Commissioner of social services authorized to serve as conservator of last resort. C.G.S.§17a-238; C.G.S.§45a-132a; C.G.S.§45a-598	Resources: Guardianship of Persons with Mental Retardation pamphlet available online. Forms: Clerks have forms; forms are mostly standard and are available online with instructions.
Delaware	Gail Ford, Deputy Public Guardian: 302.659.6880 The Office of Public Guardian does not currently have a website, but is in the planning stages of one. As resources, we frequently view the NGA website and their links as well as the Court of Chancery and State of Delaware websites (to view the governing laws and court rules).	Court Model Umbrella Office: Delaware's Office of Public Guardian (OPG) is a State agency under the Delaware Judiciary. The OPG is considered a non- judicial social service agency housed under the Court of Chancery. Adult guardianship matters are heard in the Court of Chancery. Although the Chancellor of the Court of Chancery appoints the Public Guardian, there is no direct supervision or oversight.	Office of Public Guardian in the court system provides public guardianship services. Structure: The Public Guardian serves at the pleasure of the Chancellor and is considered the administrative head of the agency. In addition to the Public Guardian, there is a Deputy Public Guardian, three Sr. Guardian Case Managers, a Financial Case Manager and an Administrative Officer. This small staff of seven full-time employees manages 220+/- guardianships throughout the entire State of Delaware.	Resources: None. Forms: The agency creates many of its own forms and utilizes templates located in the shared network drive. The Court of Chancery has also provided the agency with forms such as the Physician's Affidavit and the Preliminary Order. The agency purchased the sample form book from the National Guardianship Association and has found it very useful in developing new forms and updating old ones.

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Florida	Michelle Hollister, Executive Director. 850.414.2381 Email: hollisterm@elderaffairs.org Website: http://elderaffairs.state.fl.us/english/public.html	Within Social Service Agency Umbrella Office: State of Florida Department of Elder Affairs	Statewide Public Guardianship Office in Department of Elder Affairs coordinates local programs. Structure: Within department, does not provide services, contract with providers. Job Description: Required to be an attorney, license state professional guardians, designate state public guardians (who are under contract); education and initial training through NGS.	Resources: Public Guardian for low income, trainings for guardians (all the same). Forms: Form on website.
Georgia	Cherie Tipton 404.657.0217 Website: http://aging.dhr.georgia.gov/portal/site	Within Social Service Agency. Umbrella Office: Department of Human Resources, Division of Aging Services (DAS).	County departments of family and children's services (APS) provide public guardianship services. To become a public guardian, an individual must attend 20 hours of training provided by DAS and obtain a criminal background check, a credit history and a bond. This information is forwarded to the probate court judge in the county or counties where the applicant wishes to serve. When approved by the probate court judge, the individual is then designated as a public guardian. Formerly, when there was no one to serve as guardian for someone, the County Department of Family and Children Services Director was appointed as the Guardian and delegated the duties of Guardian to an Adult Protective Services Caseworker. However, Adult Protective Services is primarily responsible for the investigation of abuse, neglect and exploitation of vulnerable adults eighteen (18) years of age and older who are imminently at-risk of harm and not in a protected environment. On July 1, 2004, Adult Protective Services relocated to the Georgia Department of Human Resources Division of Aging Services and was no longer a part of the Department's Division of Family and Children Services. Consequently, during the 2005 legislative session, the law was changed to reflect that the County DFCS Director would no longer serve as guardian of last resort. Now if the Probate Court cannot find a guardian from the order of preferences outlined in the law; nor any friend, relative or any other individual as provided, including a volunteer of the Court; if the County Guardian is not available; and there is no Public Guardian available, then as a last resort, the Department of Human Resources may be appointed by the court as guardian. Advisory Committee: None. Bylaws: None.	Free legal service to senior citizens--hotline, help them challenge guardianships; public guardians are required by law to complete training program; trainings also available for other individuals who may be appointed guardian of an incapacitated individual. Forms available @ http://www.gaprobate.org/

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Hawaii	Moir Chen 808.548.0006 Website: http://hawaii.gov/health/disability-services/neurotrauma/key-services-legal.html#publicg	State of Hawaii funds office, located in judiciary, only do court appointed guardianship for those without; no state licensing option, they're social workers, hired by judiciary as guardians. Court Model Umbrella Office: Statewide Judiciary.	Two programs, Large & Small: Office of Public Guardian in court system provides public guardianship services. One serves wards with estates less than \$10,000. Structure: Statutorily created, part of judiciary. Job Description: Director manages office, supervises 11 guardians, one accountant, one clerk typist, all referrals come from court, public or private sector, manage intakes and supervise all cases. Advisory Committee: Part of judiciary. Bylaws: Chapter 5551A HRS, 560:5-301-310--available on Hawaii state legislature website.	Resources: For anyone who meets qualifications, last resort after family members, friends, etc. are ruled out; last line, appointed regardless of means or no means to support ward. Forms: Courts website. Each circuit has its own form, Oahu's is online--pro se, file petition, goes through courts--state laws say they can petition, but national standard says it's conflict of interest so state doesn't do it.
Idaho	Idaho Guardian & Fiduciary Association Affiliate Liaison: Wil Hansen PO Box 956 Boise, ID 83701 208.433.3920 Fax: 208.433.3930 Email: wilcrs@qwest.net Website: www.healthandwelfare.idaho.gov	County Model Umbrella Office: Department of Health and Welfare.	In some counties, board of county commissioners has created board of community guardians to serve, through largely volunteer programs. Structure: Idaho Code 66-405	Resources: Family Supports Program (DHW). Forms: Forms may be obtained at the Law Library in the Supreme Court Building, 451 W. State Street, Boise, Idaho 83720, or call your local Department of Health and Welfare, Developmental Disabilities Program, ACCESS Office.

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Illinois	Office of State Guardian 708.338.7500 Website: http://gac.state.il.us/osg/osgcont.html	Independent State Office/County Model. Guardians are appointed by the circuit court. Umbrella Office: Illinois Guardianship and Advocacy Commission (GAC), executive state agency; Office of State Guardian (OSG--public guardianship agency) is a division of the GAC.	Office of State Guardian in Illinois Guardianship and Advocacy Commission provides services through regional offices to individuals with estates under \$25,000. Office of Public Guardianship provides services to individuals with estates \$25,000 and over through county offices. Structure: Guardians are appointed by the circuit court. Job Description: The Commission's Office of State Guardian serves as "guardian of last resort" for individuals with disabilities when no other person is available to serve. Most of its wards are indigent or have limited assets. The Office of State Guardian also assists the court, as the court directs, in guardianship proceedings. In addition, the Office of State Guardian counsels and assists families or others willing to become guardians, with the goal of locating non-public guardians and structuring alternatives to guardianship. The other two divisions of the Commission are the Legal Advocacy Service (LAS) and the Human Rights Authority (HRA). The LAS provides legal advice and representation to eligible persons with disabilities of all ages to enforce their rights under mental health and related laws. The HRA also serves persons with disabilities of all ages by investigating complaints of alleged rights violations by service providers. Advisory Committee: Advisory Board. Bylaws: Section 11a of the Illinois Probate Act, 755 ILCS 5/1-1 et seq.; each county circuit court may also have its own practices or rules; in Cook County, the rules are found in Part 12 of the general rules of practice for the Circuit Court of Cook County. If there are written rules in other courts, they can be obtained from the Probate Court Clerk.	Resources: None. Forms: On Website.
Indiana	Department of Health 317.233.1325 Website: http://www.in.gov/isdh/18934.htm	Within Social Service Agency	Division of Disability, Aging and Rehabilitative Services in Family and Social Services Administration contracts with regional non-profit providers. Structure: APS has 4 individuals who assume responsibility of person, only for endangered; FSSA handles low income. Advisory Committee: Probate Court.	
Iowa	Nicki Stajcar 515-725-3320	Model: No Public Guardian. Within Social Service Agency. Umbrella Office: Department of Elder Affairs.	Department of Human Services authorized to create county volunteer guardianship programs, but only one exists. An additional county has created its own public guardianship program. Structure: Iowa does not have public guardians; however, some counties hire a person who acts as a conservator or guardian for wards who have no other option; just received a grant from the Administration on Aging to assist a DEA Task Force in laying the foundation for a substitute decision-making program or department.	

Kansas		Independent State Office. Kansas Department on Aging.	Kansas Guardianship Program is a statewide volunteer-based public guardianship program. Bylaws: 59-3050. Name and citation of act. The act shall be known and may be cited as the act for obtaining a guardian or a conservator, or both. History: L. 2002, ch. 114, § 1; July 1.	
Kentucky	Website: http://chfs.ky.gov/dcbs/dpp/STATE+GUARDIANSHIP.htm	Within Social Service Agency. Umbrella Office: Department for Community Based Services: Public Guardianship Program.	Families and Adult Consultative Services Branch in Division of Protection and Permanency, Department for Community Based Services coordinates public guardianship services through offices in state service regions. Structure: Any adult 18 or over that is disabled, by court order, if no family member or willing party, state is last resort, regions have field staff. Bylaws: KRS 311.	Resources: Trainings for public guardians, in process of training private guardians and starting Kentucky association with NGA. Forms: Obtained through clerk's office at district courts, as well as Administrative Office of the Courts.
Louisiana	Greg Mullowney, Executive Director. 504.453.5495 Email: greg@laguardianship.org Website: http://www.laguardianship.org/index.html	Within Social Service Agency	Private not for profit organization provides guardianship for 35 older adults, 90 MRDD, older adults' services paid by Governor's office of Elder Affairs. Structure: Louisiana Guardian Services, Inc., contracts with the Louisiana Department of Health & Hospitals' Office for Citizens with Developmental Disabilities and with the Governor's Office for Disability Affairs.	Resources: Advocacy Center may provide legal assistance to individuals wishing to overturn their guardianship or gain a different guardian. Forms: Probate Court Forms.
Maine	Karen Elliot 800.262.2232 Website: http://www.maine.gov/dhhs/beas/qabook.htm#how	Within Social Service Agency. Umbrella Office: Office of Elder Services/Office of Adults with Cognitive and Physical Disabilities	Department of Behavioral and Developmental Services provide guardianship for individuals with mental retardation; and Department of Human Services provides guardianship services for others. Structure: The Department of Health and Human Services acts as public guardian and conservator through the Office of Elder Services for all individuals except those with mental retardation and/or autism. For individuals with mental retardation and/or autism, the Office of Adults with Cognitive and Physical Disabilities acts as public guardian and conservator. Maine Revised Statutes Annotated, Title 18-A and indicate the section of the Code on which the answer is based. For example, the citation (5-101) refers to Title 18-A, Article V, Section 101 of the Probate Code. In most cases, these will be directly linked to the Maine Revised Statutes citation on the State's website, where you can view and download the full text.	Resources: Adult Guardianship & Conservatorship Booklet. Forms: Petition and papers must be filed in the Probate Court where the allegedly incapacitated person lives.

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Maryland	Priscilla Campbell 410.767.1088 Website: www.mdoa.state.md.us/	Within Social Service Agency. Umbrella Office: Maryland Department of Aging; Guardian Program.	Maryland Department of Aging Coordinates guardianship services for elderly individuals throughout the area agencies on aging. APS provides guardianship services for others. Job Description: Program Manager, oversees program from state level to make sure policies are followed, 19 jurisdictions that work directly with families, etc. Guardians are appointed from these, each has its own agency; provides technical support to guardians, guardians provide to families and wards. Advisory Committee: Office acts as board; no advisory board; review board at local level. Bylaws: Annotated Code of Maryland; Estates and Trusts Article §§ 13-704 thru 13-710 (Guardian of Disabled Persons); Maryland Rules of Procedure; Title 10 (Guardians and Other Fiduciaries); Code of Maryland Regulations (COMAR); COMAR 07.06.14.11 (Guardianship Procedures).	Resources: Trainings for case managers, jurisdictions; quarterly meetings. Forms: Available from jurisdictions.
Massachusetts	Website: http://www.mass.gov/courts/index.html	Within Social Service Agency. Umbrella Office: Within the probate/family court; district court has limited jurisdiction.	Executive Office of Elder Affairs administers a protective services guardianship program for elders who have been abused, neglected or exploited, through contracts with non-profit agencies. Structure: Office of the Chief Administrative Justice oversees, more or less, coordination, trainings (in conjunction with the Bar Association, National Guardianship, etc.) and development of committees. Job Description: Some cases require legal counsel (committee for public counsel services, like public defender, but separate entity); supreme judicial court has a mental health legal advisors committee, but are appointed by SJC, they put on trainings, etc. and are a committee of SJC. Advisory Committee: Committees from the Office of the Chief Administrative Justice, people from the field.	Resources: Massachusetts Guardianship Organization, affiliated with national guardianship; work with them on healthcare, HIPAA, etc.; trainings for attorneys handling guardianship; lexis-nexis: guardianship and conservatorship in Massachusetts; are going to develop manual. Forms: http://www.mass.gov/courts/courtsandjudges/courts/plymouthprobmain.html

Michigan	Michigan Guardianship Association. Website: www.michiganguardianship.org/about-us/	Within Social Service Agency. Umbrella Office: Michigan Guardianship Association.	Michigan Department of Human Services provides funding for guardianship for APS clients. In addition, some counties have county-funded public guardianship programs. Structure: Michigan does not have a statewide public guardian program. There is an available public guardian for many jurisdictions in Michigan. Most of the public guardians are part of community organizations. Several organizations are free-standing guardian programs. A couple of programs are affiliated with the probate court in that particular area. Advisory Committee: Association is governed by a board of directors who carry out its mission: focusing on five committees: Conference & Education, Legislation, Membership, Audit & Nominating and Communications. Bylaws: Main Revised Statutes Annotated, Title 18-A and indicate the section of the Code on which the answer is based. For example, the citation (5-101) refers to Title 18-A, Article V, Section 101 of the Probate Code. In most cases, these will be directly linked to the Main Revised Statutes citation on the State's website, where you can view and download the full text.	Resources: Publishes a quarterly newsletter to provide members with upcoming workshops/conferences, association business and a variety of relevant feature articles; provides education and training featuring topics of immediate concern to practitioners and is offered through presentation by expert speakers, round table discussions, debates and networking; distributes an instructional DVD on guardianship and conservatorship; offers the Registered Guardian review course and examination for the NGA at least once a year; provides members with a membership certificate and membership list on an annual basis that provides names, addresses and phone numbers of fellow MGA members, valuable for networking, communicating and seeking assistance with services from other areas of the state. Forms: http://www.courts.michigan.gov/SCAO/courtforms/probate/gpindex.htm#guard
Minnesota		Within Social Service Agency. Umbrella Office: Probate courts.	Minnesota Department of Human Services has Public Guardianship Office	
Mississippi		Court Model	Chancery Court may appoint clerk of court to serve.	

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Missouri	Missouri Association of Public Administrators President: Martha Pollard Lafayette Co. Public Admin. PO Box 275 Concordia, MO 64020 660.463.7573 Fax: 660.463.6024 mapollard@centurytel.net	Within Social Service Agency	Elected county public administrators provide guardianship services. Though it appears a county model, we determined that many public administrators are housed in the court house and receive county monies rather than a fee for service, yet they may have both public wards and their own private wards (for whom they do extract fees).	
Montana	Billie Cooper, Office of Aging 406.444.7781	Within Social Service Agency	APS provides guardianship services. Advisory Committee: None. Bylaws: None.	
Nebraska		None	None	
Nevada		County Model	County boards of commissioners have established county public guardianship programs in some counties, housed as independent agencies or in public administrator's office or district attorney's office.	
New Hampshire	Christy Fleury 603.224.8041	Within Social Service Agency. Umbrella Office: Processed in probate court; Court determines the incapacitation of an individual; Petition is notarized and filed in the county probate court in which the proposed ward resides.	Office of Public Guardian is a free-standing non-profit corporation to provide public guardianship services through contract with Department of Health and Human Services. RSA 464-A is the New Hampshire Statute that covers guardianship procedures and RSA 547-B is the New Hampshire statute that describes public guardianship programs.	Resources: None. Forms: http://www.courts.state.nh.us/probate/pcforms/forms.htm#guardianship

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New Jersey	Guardianship Association of New Jersey, Inc. 1.877.GUARD NJ Email: info@ganji.org Website: www.ganji.org	Within Social Service Agency. Umbrella Office: Office of Public Guardian for Elderly Adults.	Office of Public Guardian for Elderly Adults in Department of Health and Senior Services provides guardianship services for elders. Structure: The OPG becomes involved in a case when the court assigns one to it because there are no other willing, responsible or appropriate family members or friends to serve as guardian for the incapacitated person (private-pay guardians can be found on this site: http://www.njsba.com/lawyer_referral/); The OPG employs Care Managers who interview clients, families, friends, and other professionals, as well as review medical and social service files to create an individual care plan.; The Office of the Public Guardian may be appointed by a Superior Court judge as an older adult's conservator if the court believes the individual requires assistance with managing his or her financial or proprietary affairs. Such cases are rare and usually of short duration.	
New Mexico		Independent State Office. Umbrella Office: For people who can't afford it; Office of the Guardian provide guardians free of charge, mainly social workers, have formed agency of sorts, court decides if they're appropriate or not, encouraged or mandated to take that test at some point.	Office of Guardianship in Developmental Disabilities Planning Council coordinates guardianship services through contract with guardianship service providers. Structure: Senior Citizens Law Office, wrote statute when they rewrote the laws; network of Office of the Guardian, social workers, and meet once a month, each judicial district has their own quirks.	Resources: Working on making more resources available, agency that doesn't exist anymore used to have trainings- -mainly for family members. Forms: Senior Citizens Law Office.
New York		Within Social Service Agency	New York City has three community guardian programs that serve indigent persons who reside in the community. Additionally, some funding for serving indigent persons available from local departments of social services.	

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North Carolina	North Carolina Guardianship Association C/o The ARC of North Carolina James Harris, President 4200 Six Forks Rd., Ste. 100 Raleigh, NC 27609 919.782.4632 Phone 919.782.4482 FAX Email: james.harris@ncmail.net Website: http://www.nc-guardian.org/	County Model	Clerk appoints public agent without conflict of interest.	
North Dakota	Guardianship Association of North Dakota, Inc. (GAND) Bill Chaussee, RG, President Phone: 701.222.6600 Email: bchaus@btinet.net Website: http://www.guardianship.org/affiliates.htm	County Model		
Ohio		Within Social Service Agency	Department of Mental Retardation and Developmental Disabilities contracts with guardianship providers.	

Oklahoma		Within Social Service Agency	An Office of Public Guardian was established within the Department of Human Services, to be activated when public guardianship pilot program is funded, expanded and evaluated.	
Oregon	Guardian/Conservator Association of Oregon (GCA) Portland, OR 97280-1064 Email: gcaadmin@comcast.net	County Model	County boards of commissioners have created county public guardianship programs in a few regions of the state.	
Pennsylvania	Area Agency on Aging 866.286.3636	Within Social Service Agency	In some regions, area agencies on aging are assigned by judges to provide guardianship services; and in some regions private guardianship support agencies exist, as authorized by statute.	
Rhode Island	Department of Elderly Affairs 401.462.3000	Within Social Service Agency	Pilot public guardianship program is operated by Meals on Wheels of Rhode Island, Inc. through contract with the Department of Elderly Affairs.	
South Carolina		Within Social Service Agency	Statute allows director of Mental institution to serve as guardian of last resort.	
South Dakota	Website: http://doh.sd.gov/default.aspx	Within Social Service Agency. Umbrella Office: Department of Human Services: DD adults; the Department of Social Services: for people in nursing homes; Department Secretary and Department Attorney oversee, as well, and appointment is done by Circuit Courts.	Department of Social Services and Department of Human Services coordinate guardianship services. Structure: A family member or other interested individual may petition for the appointment of guardian/conservator for a protected person. However, when a relative or other appropriate person is not qualified and willing to act in this capacity, the South Dakota Department of Human Services and the Department of Social Services are authorized to act as guardian/conservator for persons under their care.; Department Secretary takes role as guardian, Secretary's successor or appointee--contract with individuals in specific areas, called volunteers, small stipend, requirements for visitation, affidavit stating Dept. Sec. has granted them authority to act on his behalf--also, certain parameters that they must approach DHS for, i.e. surgery, DNR. Job Description: First, a petition for the appointment of guardianship/conservatorship outlining the need for the appointment and the type of appointment requested is filed in the appropriate county. A statement of financial resources and a report from a physician, psychologist, or psychiatrist describing the person's level of impairment, ability to appear at the hearing, and need for protection is also filed. The court then conducts a hearing and determines whether a guardianship/conservatorship is appropriate, and if so, whether a full or limited appointment is most appropriate. Advisory Committee: None. Bylaws: State law provides parameters: SDCL29A-5-110 (full text available on website).	Resources: Guardianship Program provides guardianship and/or conservatorship service through court appointment for adults with developmental disabilities who are receiving services or financial assistance from the department and who have no other individual or entity qualified and/or willing to serve in this capacity; Establishment Program assists families or friends of DD adults by paying legal costs up to \$500 associated with establishing a guardianship and/or conservatorship. Forms: forms, contracts, accounting records, etc. available at: http://dhs.sd.gov/gdn/default.aspx

Tennessee	Jeanne E. Caudill, LCSW .615.741.2056 x. 131 Email: jeanne.caudill@state.tn.us Website: http://www.state.tn.us/comaging/guardianship.html	Within Social Service Agency. Umbrella Office: Tennessee Commission on Aging and Disability: Public Guardianship for the Elderly Program.	Commission on Aging and Disability coordinates guardianship services housed at the regional area agencies on aging. Structure: The primary purpose of the program is to provide conservatorship services to persons, 60 years of age and older, who are unable to manage their own affairs, and who have no family member, friend, bank or corporation willing and able to act on their behalf. This service is available in all 95 counties of the state, through district public conservators located at the nine Tennessee area agencies on aging and disability. District public conservators help clients by providing assistance which enables them to remain in the least restrictive environment, while preserving personal dignity. The program is a public sector program with some fees generated by way of the court awarding fees to the program by use of a sliding scale fee, whenever the resources of a client indicate this to be appropriate. In no instance does a client who meets SSI low-income standards pay a fee. The Tennessee Commission on Aging and Disability adopted a suggested sliding fee scale for guidance in those instances when a fee is awarded. Coordinator of program, oversees it all--job description in Tennessee state statute: 34-7-101; Duties: 34-7-103. Advisory Committee: 9 area agencies house district public guardian-conservatorship. Bylaws: Rules governing guardianship can be found at this site: http://state.tn.us/sos/rules/0030/0030.htm	Resources: http://www.state.tn.us/comaging/otherres.html ; NGA has standards and rules that they hold guardians to, and a new policy was approved, but are revising it again. Forms: Available at Area Agencies.
Texas	Katie Bond 512.463.1625 Website: http://courts.state.tx.us/gcb/gcbhome.asp	Within Social Service Agency. Umbrella Office: Director retired, currently is none; Office of Court Administration.	At time of survey, APS provided guardianship services but 2005 legislation transferred the function to Department of Aging and Disability Services (DADS) under certain circumstances. Structure: Created by State Legislature as a Judicial Entity.	Resources. Applicants must pass both the National Guardianship Foundation's Registered Guardian examination, as well as an examination on Texas guardianship law. Forms: NGF administers tests and provides training materials.
Utah	D. L. Russell 801.538.8255 Email: dlrussell@utah.gov Website: http://www.opg.utah.gov/	Within Social Service Agency. Umbrella Office: Office of Public Guardian, an agency of the Department of Human Services.	The Office of Public Guardian in the Department of Human Services provides guardianship services. Structure: Law requires the court to grant a limited guardianship unless a full guardianship is necessary; limited guardianship authorizes the guardian to make only certain decisions, such as medical decisions; if full guardianship is necessary, the court may authorize the guardian to make almost all decisions for the incapacitated person; if the incapacitated person needs someone to make important financial or estate planning decisions, the court may appoint a conservator; the court may appoint a guardian or a conservator or both. Description: See folder attachments. Advisory Committee: Board of Directors approves policy for the entire office.	Resources: Trainings by request, for all groups, from parent groups to adult protective services, hospitals. Forms: designed so they have to petition through an attorney; office doesn't give them out, attorneys have them; work with an agency that has assisted guardianship program, so people go through that avenue.

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Vermont	Gail Falk, Director 802.241.2648 Email: gail.falk@dail.s tate.vt.us Website: http://www.dad .state.vt.us/DS website/guardi anship/guard- office-of- public.html	Within Social Service Agency. Umbrella Office: Developmental Disability Services: Office of Public Guardian	The Office of Public Guardian in the Division of Advocacy and Independent Living provides guardianship services. Structure: Types of Guardianship: 1. Private: Family Member, Friend, Attorney, etc. appointed by Probate Court to act as Guardian; 2. Public Guardian for People Over 60 with Mental Disabilities: 1 of 25 Full Time Public Guardians will be provided by the Office of Public Guardianship, under the authority of the Court; 3. Public Guardian for Adults with Developmental Disabilities: 1 of 25 Full Time Public Guardians will be provided by the Office of Public Guardianship, under the authority of the Court; 4. Voluntary: Available to adults who do not suffer from mental illness or retardation; process is handled by Probate Court.	Resources: None. Forms: Probate Court Office or online at: http://www.dad.state.vt.us/D Swebsite/guardianship/guard -adult- private.html#howtopetition
Virginia	Virginia Guardianship Association: 804.828.9622, Virginia Department for the Aging: 804.662.9333 Website: http://www.dad .state.vt.us/DS website/index.s html	Within Social Service Agency		
Washington	Shirley Bondon, Manager Office of Public Guardianship 360.705.5302 Email: shirley.bondon @courts.wa.go v Website: http://www.cou rts.wa.gov/prog rams_orgs/gua rdian/	Court Model Umbrella Office: Administrative Office of the Courts.	The state Medicaid plan includes an allowance for guardianship services by professional guardians. Advisory Committee: Certified Professional Guardian Board. Bylaws: Rules and Regulations: www.courts.wa.gov/committee/?fa=committee.home&committee_id=177	Resources: Trainings and continuing education. Forms: Online.

West Virginia	304.558.0684	Within Social Service Agency	Department of Health and Human Services personnel in district offices provide guardianship services. Conservator of last resort I the local sheriff.	
Wisconsin	Gerard Gierl, JD, MSSW Client Rights Office, Division of Disability and Elder Services Department of Health and Family Services 608.266.3102 Wisconsin Guardianship Association Nina Ritzinger, President P.O. Box 600 Eau Claire, WI 54702 715. 834.2771 715. 834.1123 ninar@lephillips_cdc.org Email: gierlgj@dhfs.state.wi.us Website: http://dhfs.wisconsin.gov/clientrights/guardianship.htm	Within Social Service Agency (Volunteer & Corporate Guardian)County Model. Job Description: Not available. Umbrella Office: Department of Health and Family Services. Each county is responsible for ensuring that guardianship is established as part of their protective services role. Services include client evaluation, referral to Probate Court and case management.	Some counties pay individuals or state-approved corporate guardians to serve. Structure: Selection of a guardian of the person and/or estate: There is court preference for appointing a relative or an individual rather than corporate guardian since the relative or individual may know the client's preferences better. (§ 54.15(5) and (7), Wis. Stats.) The court must consider, but is not bound by opinions or wishes of the family, and must appoint a guardian based on "best interests." (§ 54.15(1), Wis. Stats.) Requirements and responsibilities of volunteer & corporate guardians are defined in § 54.15(7) and § 54.15(9), Wis. Stats. The Department monitors corporate guardians pursuant to HFS 85, Wis. Admin. Code (exit DHFS - scroll down to HFS 85). Advisory Committee: None. Bylaws: Guardianship laws that have been recently revised, changed, or created can be found here: http://cwag.org/legal/guardian-support/?Id=141 ; (statutes can be read in full by placing the annotation in the search feature at this site: http://www.legis.state.wi.us/rsb/stats.html)	Resources: "Guardianship Hotline": 800-488-2596 ext. 314; Guardianship of Adults: A Decision-Making Guide (http://dhfs.wisconsin.gov/aging/guardianship/index.htm) Forms: http://www.wicourts.gov/circuit/cform.jsp?FormName=&FormNumber=&beg_date=&end_date=&StatuteCite=&Category=17
Wyoming	Sue Mydland 307.635.8422 Website: In progress.	Model: None. Umbrella Office: Wyoming Guardianship Corporation (private, non-profit); done through private attorneys	Mini Profile: None available: Structure: Provide education or act as guardian of last resort; appointed by courts. Job Description: Director. Advisory Committee: Because there is no governmental body providing this service, there is no advisory board, but more of an informal community of lawyers, etc. who handle guardianship issues and work together to serve the unmet needs of the community. Bylaws: None.	Resources: Legal advice, referrals. Forms: Only available through Wyoming Legal Services and/or Attorneys' offices.

<p>Washington, D.C.</p>	<p>Legal Counsel for the Elderly 202.434.220 Office on Aging 202.879.7820 Website: http://www.dccourts.gov/dccourts/superior/probate/brochure3.jsp</p>	<p>Model: None. Umbrella Office: The DC Office on Aging is the State and Area Agency on Aging designated by the Mayor of the District of Columbia to plan, develop and implement programs and services for residents 60 years of age and older. We fund a senior service network of providers (Office on Aging Senior Service Network) consisting of 21 community- based nonprofit organizations (including four universities) that operate 36 programs for senior citizens.</p>	<p>Resources: The D.C. Office on Aging Information and Assistance Unit at 202.724.5626 can help you find resources to assist an elderly person who is a risk, or refer to you to a social service agency that can assess the needs for a guardianship or conservatorship. Guardians and conservators may call the American Association of Retired Persons at 202.434.2277 for additional resources to assist them in carrying out their responsibilities. If you are concerned about a mentally retarded adult, you may call the D.C. Department of Human Services, Bureau of Case Management, at 202.673.7657 for assistance and referral, or Adult Protective Services at 202.541.3916. Forms: Petitions, Court Forms and additional information are available at the Probate Division of D.C. Superior Court, located in Room 5000 on the 5th Floor at 500 Indiana Ave, NW, or on this website: http://www.dccourts.gov/dccourts/superior/probate/forms.jsp</p>

APPENDIX C Statutes

Chapter 11.88 RCW	Guardianship-appointment, qualification and removal
Chapter 11.92 RCW	Guardianship-powers and duties of guardian
WAC 388-79	Guardianship fees for clients of the department
62A-14-101 through 62A-14-112	Office of Public Guardian Act, Utah

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