

# LUCAS COUNTY ADULT GUARDIANSHIP ASSESSMENT REPORT

*February 2020*

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## EXECUTIVE SUMMARY

In 2019, the Probate Court in Lucas County, Ohio, in collaboration with leadership from the Area Office on Aging of Northwestern Ohio (AOoA), Lucas County Board of Developmental Disabilities (LCBDD), Mental Health & Recovery Services Board of Lucas County (MHR SB), and Lucas County Department of Job & Family Services (JFS) contracted with the Scripps Gerontology Center on a study to: 1) assess the current guardianship service needs in Lucas County, 2) review the existing guardianship operations utilized in comparably-sized Ohio counties, and 3) make recommendations for the most appropriate course of action for the provision of guardianship services. Between August and December 2019, the research team utilized telephone interviews, an online survey, and focus groups to understand guardianship in Lucas County from the perspective of a diverse group of stakeholders, including guardians and individuals who serve wards and their guardians through legal, medical, and social services. In addition, the research team analyzed administrative data from Lucas County and conducted site visits with other comparably-sized Ohio counties to review their existing guardianship operations and identify promising practices.

## Findings

### Profile of Guardians in Lucas County

In Lucas County, of those who serve as guardian of the person only, or guardian of the person *and* the estate, the majority are family members (60%), followed by attorney guardians (29%). Of the remaining 11% of wards, 7% have a guardian appointed through Advocacy and Protective Services, Inc. (APSI), while 4% of wards have a guardian who is categorized as “other.”

### System Involvement of Wards in Lucas County

Individuals requiring guardianship often have complex social and medical issues and receive services from a variety of public systems (e.g., AOoA, LCBDD, MHR SB, and JFS). Data from a random sample of Lucas County wards indicated that 58% of wards were involved in multiple systems and another 36% were involved with one system. Only 6% of wards had no affiliation with a local system.

### Demand for Guardianship

Respondents reported a high demand for guardianship that has continued to increase over time. Respondents explained that a multitude of factors contribute to the growing demand such as larger numbers of individuals living with mental health and substance use disorders, longer lives of individuals with intellectual and developmental disabilities and the aging of their parents who often serve as guardian, and increases in the number of family members unable or unwilling to serve as guardians. More guardians of

all types are recommended, with professional guardians most frequently receiving endorsement.

### What's Working Well

The Lucas County Probate Court has an excellent reputation in the community and many attorneys, guardians, and individuals and agencies serving wards view the Probate Court positively and appreciate the efforts of the Court to have good relationships with a variety of constituents. Additionally, many respondents indicated that the desire to work collaboratively to improve adult guardianship in Lucas County is very positive. New regulations, which require guardians to complete initial and ongoing training as well as visiting the ward more frequently, were regarded positively by the majority of respondents.

### What's Not Working Well

The top three guardianship challenges as identified by survey respondents were:

- identifying guardians who will make decisions in the best interest of the ward
- the increased complexity of guardianship cases
- difficulty ensuring compliance with all of the responsibilities of being a guardian, including filing and reporting requirements

The challenges most frequently reported in interviews were:

- not having enough guardians (including a lack of attorney guardians)
- poor quality care, oversight, and responsiveness due to lack of personal relationships and limited contact between guardians and wards
- getting expert evaluations
- lack of funding, in particular for attorney guardians caring for multiple wards

In addition to these challenges, interview and survey respondents identified several gaps/unmet needs in guardianship services including: lack of guardians and attorneys willing to serve as guardians, lack of guardian involvement, lack of monitoring, lack of adequate funding, lack of awareness and understanding of guardianship, lack of access to supportive services, lack of professionals to conduct expert evaluations, and wards' lack of knowledge about their rights and guardianship processes.

### Funding Priorities

Nearly half (45%) of survey respondents named a professional guardian program as their first funding priority, followed by more Probate Court staff to support family/friend guardians (33%), a monitoring program to confirm the well-being of wards (8%), a volunteer guardian program (6%), and "other" (8%).

## Feedback from Guardians

Lucas County guardians were invited to share their experiences with guardianship in two focus groups, which were attended by eight guardians with various relationships to their wards. While this small number of guardians does not speak for all guardians, their insights offer a starting place for engaging more guardians in discussion about topics that affect their ability to effectively care for wards. Guardians with wards served by the developmental disabilities (DD) system reported access to more education, resources, and support than guardians of wards who are older adults or living with mental illness. Guardians expressed a need in Lucas County for more guardian support and assistance with navigating the complexities of caring for wards. Almost every guardian reported challenges with finding consistent services to ensure proper care of wards - particularly home health and home care services. Guardians related that high turnover and poor quality of direct care providers (in both home-based and facility-based services) were particularly stressful.

The guardians who participated in focus groups had a lot to share about the required trainings for guardians and provided suggestions for improving the training experience and topics that they would like to see addressed. It was clear from their comments that the guardians were not aware of the various specialized trainings offered by the Ohio Supreme Court or that they could complete those trainings on-line and receive a certificate. More, and repeated, education for guardians about their options for training is needed. The guardians were also unaware of some activities already performed by the Court in adherence to the Rules of Superintendence for the Courts of Ohio (§66.01 et seq. commonly known as Rule 66), such background checks of potential guardians, and required use of standardized annual report formats. Further education for guardians regarding what aspects of guardianship are mandated by state law vs. what the Court is able to develop and manage locally may be helpful in addressing some misunderstandings.

## County Comparisons

Information gleaned from Butler, Montgomery, Summit, and Stark counties show that Lucas County has a higher reliance on attorney guardians than other counties, and that all other comparable counties have a professional guardian program. Franklin County and Fairfield County have implemented a Guardianship Service Board (GSB) model. Professional programs, including the GSB model, tend to be heavily funded by contracts with public entities such as MH/ADAMH Boards, Boards of DD, and JFS. In addition to professional guardian programs, volunteer guardian and monitoring programs are active in all of the other comparably-sized counties, and each has at least one full-time Court Investigator or another person on staff for a structured monitoring program.

## Recommendations

Based on the findings presented, we hope the Lucas County Guardianship Exploratory Committee and other stakeholders interested in improving guardianship in Lucas County will consider the following recommendations:

### Recommendation 1: Comprehensive Guardianship Solution

An analysis of the information provided by respondents in Lucas County suggests that a comprehensive guardianship solution is required to effectively provide more oversight to diverse groups of wards. Since the top challenges mentioned involve identifying a person to serve as guardian who will make decisions in the best interest of the ward, addressing the increased complexity of cases, and ensuring that guardians comply with all aspects of their responsibilities, Lucas County should seriously consider starting a professional guardian program as the first priority. The overwhelming need for professional guardians can be met through two primary strategies: (1) a program under the auspices of a local non-profit organization that provides case management services or (2) establishing a Guardianship Service Board through a public-public collaboration.

Additionally, volunteer guardians can play an important role in meeting the need for more guardians in Lucas County. In Summit County, a volunteer guardian program complements the professional guardian program, and creates a synergy between professional and volunteer guardians. Professionals lend their expertise to help volunteer guardians navigate challenging decision-making, and professional guardian cases may be able to be transferred to volunteers after they have stabilized, creating more space in professional caseloads for complex cases. Training and support of volunteers, especially related to end-of-life, would be an essential component of this program.

### Recommendation 2: Enhanced Information, Training, and Support for Current Guardians

Lucas County Probate Court should solicit feedback from guardians regarding the currently available sources of information for guardians, including the website, guardian handbook, pamphlets, and resource guides to ensure that they are meeting the needs of guardians. The Court should also solicit feedback from guardians about specific training topics relevant to their circumstances. As the majority of guardians are family members, it will be important to support them in meaningful ways to help them successfully complete all of their responsibilities and remain willing to serve as guardians over the long-run. Information from comparison counties suggests there are different strategies to accomplish this goal, including support groups and newsletters. Three of the four comparable counties (Butler, Montgomery, Summit) have social workers as part of the Court guardianship staff. These social workers support families

by assisting them as they navigate the complex community resources and services often engaged or needed in guardianship scenarios.

### **Recommendation 3: Guardianship Monitoring Program**

The addition of a guardianship monitoring program that completes face-to-face home visits with wards and guardians has several advantages. First, the program provides an independent assessment of the well-being of the ward, and an opportunity for the Court to understand the nature of the relationship between the guardian and the ward. The monitoring program in Montgomery County strives to have someone “look into every set of eyes the Court is responsible for” on an ongoing basis (usually a visit every year or two) regardless of whether the ward has a family member, professional, or attorney guardian. Second, increased monitoring of wards and guardians allows the Probate Court to take a more proactive approach to ensure that the wards’ current needs are being met. These visits may also provide an opportunity to discuss future planning with current guardians to identify potential successor guardians. Third, if the ward is experiencing challenges, the monitoring program could be well-positioned to share information about resources available within the community. Monitoring programs often require resources for staff and volunteer participation, training, and oversight and comparable counties use a variety of strategies to address monitoring, including Court Investigators, social work student interns, and community volunteers.

## **Conclusion**

The complex nature of adult guardianship requires addressing it from multiple angles. Lucas County would benefit from a comprehensive approach to guardianship services that utilizes both professionals and volunteers to address the needs of guardians and wards. Even with the addition of these components, a continued need for attorneys to serve as guardians of the person will likely still exist. However, implementing these strategies may be an effective approach to reduce the reliance on attorney guardians.

This study provides an important description of the current state of guardianship in Lucas County, as well as stakeholder feedback in a number of areas. Priorities for change can and should be developed based on identified needs as well as existing gaps. In addition, our work in comparable counties provides a number of valuable examples to guide change in Lucas County. Although each court operates in a separate jurisdiction, the opportunity to cross county boundaries and learn from other counties’ successes is clear.

One limitation of this study is that we were unable to gather information directly from Lucas County wards due to the complexities of obtaining informed consent within the timeframe of the project. We acknowledge that wards are important stakeholders in the guardianship process and we recommend that ward input be solicited and incorporated by the Probate Court and other Lucas County guardianship service providers as planning and implementation moves forward.

## **BACKGROUND**

In May, 2019 the Guardianship Exploratory Committee announced a request for proposals to assess guardianship service needs in Lucas County. Organizations represented on the Committee included: Lucas County Probate Court, Area Office on Aging of Northwestern Ohio (AOoA), Lucas County Board of Developmental Disabilities (LCBDD), Mental Health & Recovery Services Board of Lucas County (MHRSB), and Lucas County Department of Job & Family Services (JFS). The Scripps Gerontology Center at Miami University contracted with the Committee to: 1) conduct a community assessment of current guardianship services and needs, 2) review the existing guardianship operations utilized in comparably-sized Ohio counties, and 3) make recommendations for the most appropriate course of action to pursue for the provision of guardianship services.

## **METHODS**

The research team utilized multiple data collection methods to understand guardianship in Lucas County from the perspective of a diverse group of stakeholders, including guardians and individuals who serve wards and their guardians through legal, medical, and social services. The primary methods included quantitative analysis of administrative data and an online survey, qualitative interviews with key informants, and site visits to comparable Ohio counties. Throughout the project, the Exploratory Committee engaged in monthly conference calls with the research team to provide guidance and assistance.

## **REVIEW OF ADMINISTRATIVE DATA**

The research team analyzed de-identified administrative data from the County's guardianship caseload of open cases between 1/1/2018 and 10/1/2019 to summarize the current composition of guardians in Lucas County by role type (relative, attorney, Advocacy and Protective Services, Inc. (APSI), or other). Additionally, a random sample of wards from Lucas County was drawn and examined to determine what proportion of the sample receives services from a single system or have multi-system involvement with any of the following entities: AOoA, LCBDD, MHRSB, and JFS. Because AOoA was not permitted to share data, JFS identified the age of the ward to approximate the number of wards who by virtue of their age (65 or above) would qualify for aging services.

## **TELEPHONE INTERVIEWS**

The research team conducted 30 telephone interviews with 32 key informants from Lucas County between October and December 2019. To aid in analysis, interviews were audio recorded and transcribed. Interviews ranged in length from about 19 to 60

minutes with an average of about 35 minutes. During the interviews, participants were asked to reflect on what is working well and not working well in regards to guardianship in Lucas County, the biggest challenges related to guardianship, the demand for guardianship, available and needed guardianship resources, and what they hope to see come from the Lucas County Guardianship Assessment. These individuals were affiliated with the following entities or organizations, presented in alphabetical order: Ability Center, Advocacy and Protective Services, Inc. (APSI), Advocates for Basic Legal Equality, Inc. (ABLE), Adult Protective Services (APS), Area Office on Aging of Northwestern Ohio (AOoA), Cherry Street Mission, Coalition of Organizations Protecting Elders (COPE), Legal Aid of Western Ohio (LAWO), Lucas County Board of Developmental Disabilities (LCBDD), Lucas County Department of Job & Family Services (JFS), Lucas County Probate Court, Lutheran Social Services of Northwest Ohio, MemoryLane Care Services, Mental Health & Recovery Services Board of Lucas County (MHRSB), Mercy St. Charles Hospital, National Alliance on Mental Illness (NAMI), Northwest Ohio Psychiatric Hospital, ProMedica Flower Hospital, Toledo Bar Association, University of Toledo Medical Center, Veterans Administration (VA), and the Zepf Center. Interviews were also conducted with attorneys in private practice.

## **COUNTY SITE VISITS**

To understand the experiences of other Ohio counties and glean guardianship best practices, the research team conducted in-person site visits to interview the Probate Court staff from Butler, Montgomery, and Summit counties, and a conference call was conducted with the Probate Court of Stark County. These four counties were selected as comparisons because they are the closest in size to Lucas County, with two counties having slightly higher total populations (Montgomery and Summit) and two counties having slightly lower total populations (Butler and Stark). The guardianship caseload size for these comparably-sized counties ranged from a low of around 1,000 (Butler County) to a high of 2,525 (Summit County). Group interviews in two additional counties were conducted in Franklin County and Fairfield County. Franklin County piloted the first the Guardianship Service Board (GSB) in Ohio and Fairfield County recently started a GSB in December 2019. These visits provided valuable information for comparison with Lucas County, suggestions for promising practices, and lessons learned.

## **FOCUS GROUPS**

To give Lucas County guardians an opportunity to share their experiences with guardianship, the research team facilitated two hour-long focus groups in December 2019. The focus groups were scheduled to coincide with the guardianship training sessions hosted by the Lucas County Probate Court. Researchers contacted all guardians registered for the training session prior to the training date to invite them to participate in the group, and information about the groups was also publicized on the

Probate Court website. A total of eight guardians participated in focus groups and their relationships to their wards were varied. Four of the participants were a parent of the ward, two participants reported guardianship of an older parent (one of these was also guardian for an adult sister), and one participant reported taking over guardianship of an uncle after his parent guardian passed away. Another participant was an attorney guardian serving multiple wards. Their years of experience as adult guardians ranged from less than one year to about 30 years, with half of the participants having 20 or more years of experience as a guardian. Participants were asked to share their reasons for becoming a guardian and to provide input on challenges experienced, helpful resources, and desired changes.

## **ONLINE SURVEY**

In November 2019, the research team launched a 13-item online survey through the survey platform Qualtrics. The survey contained questions related to guardianship challenges in Lucas County, services offered by the Probate Court, the need for guardians, gaps and unmet needs, resources needed to address gaps and unmet needs, funding priorities, and hopes for what will come from the Lucas County Guardianship Assessment.

An invitation to complete the survey was emailed to a total of (190) individuals identified through the Exploratory Committee, COPE, and other stakeholders. Individuals who participated in telephone interviews were not invited to complete the online survey. A total of 46 individuals representing stakeholders affiliated with multiple community sectors completed the online survey, for a response rate of (24%). Nearly half (47.6%) of the respondents had backgrounds in social work or social services, about a quarter (23.8%) reported a legal background, and nearly one-fifth (19.1%) reported a background in health care or medicine. Around 10% (9.5%) of respondents indicated a different background we categorized as “other” which included business, education, and criminal justice.

The respondents described above were currently employed or affiliated with a diverse array of organizations and roles in Lucas County. These included health care providers and hospitals, veteran services, attorneys in private practice, legal aid, and elder law, victim advocates, law enforcement and corrections/criminal justice, the Social Security Administration, a federal government official, APS, the Alcohol, Drug Addiction, and Mental Health Services (ADAMHS), AOoA, the Long-Term Care Ombudsman program, JFS, and other agencies or organizations that specialize in mental health, aging, and developmental disabilities (DD).

Overall, survey respondents were quite familiar with adult guardianship. On average, the respondents were “moderately” to “extremely” familiar with the topic. Many

respondents described professional interactions working directly with adult guardians or wards. Some were involved with the legal aspects of representing or filing guardianships, while others were medical, social services, DD, aging, law enforcement, or mental health service providers who address the needs of individuals in the community or institutional settings. One respondent was involved with the advisory board for the Lutheran Social Services Volunteer Guardianship program that was discontinued in Lucas County, and another reported having an adult child living with disability.

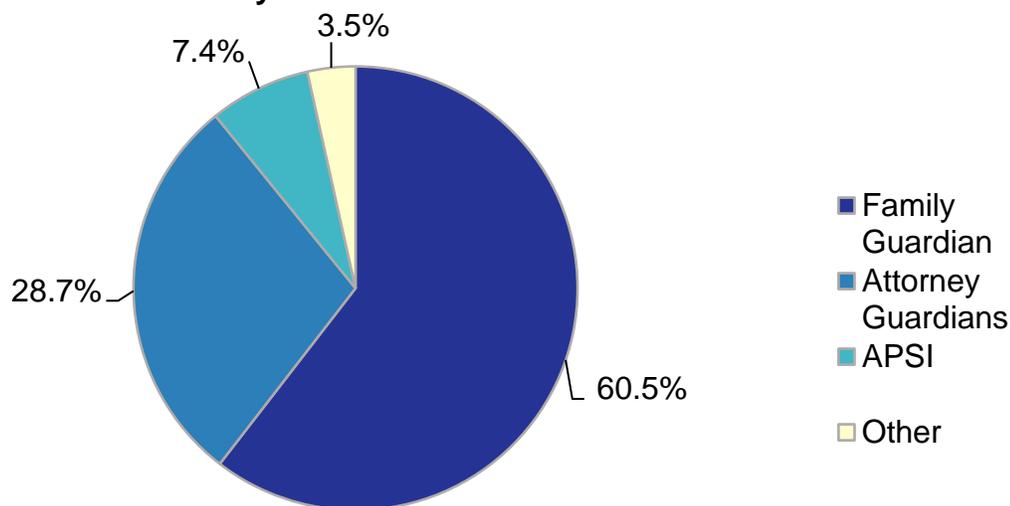
## FINDINGS

The following findings are organized by topic and incorporate information collected through administrative data, key information interviews, the online survey, and guardian focus groups. Illustrative quotes are from both interview and survey respondents.

### PROFILE OF GUARDIANS IN LUCAS COUNTY

Using administrative data from a current list of 2,350 wards in Lucas County, the research team was able to examine the composition of adult guardians by type. Figure 1 summarizes that of those who serve as guardian of the person only, or guardian of the person *and* the estate, the majority are family members (61%), followed by attorney guardians (29%). Of the remaining 11% of wards, 7% have a guardian provided through APSI, while 4% of wards have a guardian who is categorized as “other.” The “other” category represents guardians who had a personal relationship with the ward prior to the guardianship, such as friends, neighbors or significant others, as well as those who were connected with volunteer guardians from the previously operational Lutheran Social Services Guardianship Program who have stayed involved.

**Figure 1. Profile of Guardians in Lucas County for Guardian of Person Only and Guardian of Person and Estate**



N=2,350

The majority of the total guardianship caseload (84%) are guardianships for the person only. A closer examination of this guardianship type shows that the majority are family members (63%), followed by attorney guardians (25%). Additionally, APSI serves as guardian of the person for 9% and “others” serve as guardian of the person for 4%.

### **Family member guardians**

The majority of guardians in Lucas County are family members who oversee the care of relatives. The family members who come forward to serve as guardian were described as being “exceptional.” They are strong advocates for their relative under guardianship and are often responsive to fulfilling the requirements for guardians as mandated by the Probate Court. Many respondents provided feedback that family members who are willing and able to serve as guardian are ideal for the role.

### **Attorney guardians**

Nearly 500 wards in Lucas County who require a guardian of the person only are served by attorney guardians. Additionally, attorneys serve as guardian of the person *and* the estate for about 200 more wards in Lucas County. Attorney guardians who participated in an interview or responded to the survey shared how rewarding it is to help improve the lives of wards. Attorney guardians expertly navigate the legal system and processes, and develop a knowledge of community resources. They have been described as “unsung heroes” who often step in to oversee care when family members cannot. Sometimes families prefer that an attorney become guardian in more intense cases where there is a history of high family conflict, severe mental illness, or violent behaviors. For wards in Lucas County who do not have a developmental disability, attorney guardians are the only other option available if a family member or friend is not willing or able to serve as guardian.

Attorneys in private practice receive compensation from either the ward’s estate (or their family), or the Probate Court’s Indigent Guardian Fund. The Probate Court provides a small stipend for attorney guardians of indigent wards. Attorney guardians are compensated initially and then on an annual basis, although the compensation is meager and does not cover the amount of time required, especially when considering the recent statewide minimum requirements to visit the ward four times per year as stated in the Rules of Superintendence for the Courts of Ohio (§66.01 et seq. commonly known as Rule 66). One respondent described the compensation for indigent wards as an “initial payment of \$250 followed by \$150 per year thereafter...” This suggests that the attorneys, who are currently serving as guardian of the person, and specifically those serving indigent wards, are answering a call to help and doing so altruistically.

Many respondents described a reduced availability of attorney guardians who are willing to take on new cases. Currently, a handful of attorneys in Lucas County have high

guardianship caseloads, and there was widespread agreement that more guardians are needed. With more guardians available to serve, attorney guardians may have more time to spend building a personal relationship with wards. One attorney guardian called this situation a crisis to be addressed and explained,

*“They just need more guardians. I’m guardian for [a lot of] people... It’s just, no offense, scary. I don’t want to be the guardian for [so many] people, but they don’t have anybody else in place. I’m getting phone calls on a weekly basis if not more... if they could find more guardians it would be very helpful.”*

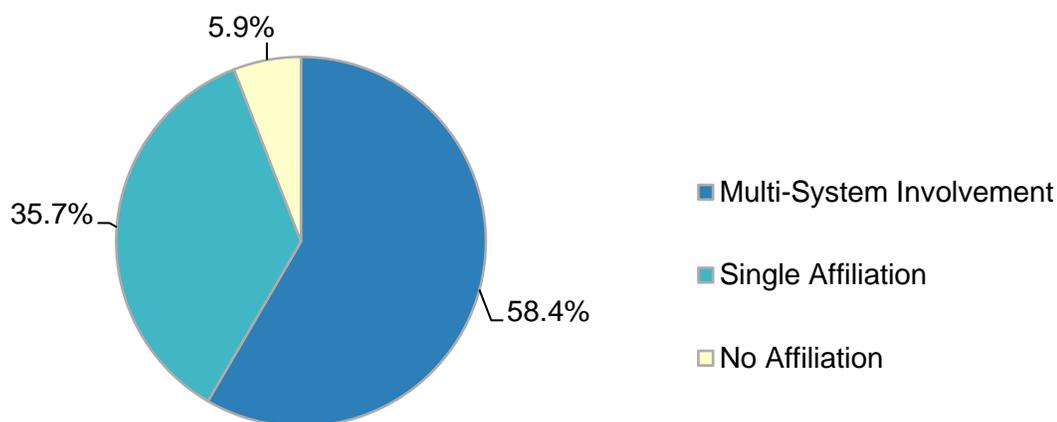
### **Advocacy & Protective Services, Inc. (APSI)**

This statewide non-profit organization provides protective services, including guardianship of the person, emergency guardianship, and limited guardianship exclusively to persons with DD. Their mission advocates for “outcomes that promote dignity, respect and enhanced quality of life for individual persons with developmental disabilities.”<sup>1</sup> In Lucas County, APSI guardians serve 173 wards.

### **SYSTEM INVOLVEMENT OF WARDS IN LUCAS COUNTY**

Individuals requiring guardianship often have complex social and medical issues and receive services from a variety of local systems (e.g., AOoA, LCBDD, MHSRB, and JFS). As funding structures for new or enhanced guardianship services are considered, an understanding of the system involvement of wards will be helpful. The research team analyzed a random sample of Lucas County wards and found that 58% of wards were involved in multiple systems and another 36% were involved with one system. Only 6% of wards had no affiliation with a local system. (See Figure 2). Most often, wards interacted with the following combinations of systems: LCBDD and JFS, JFS and MHSRB, and the combination of all three systems (LCBDD, JFS, and MHSRB).

**Figure 2. System Involvement from Random Sample of Wards**



N=238

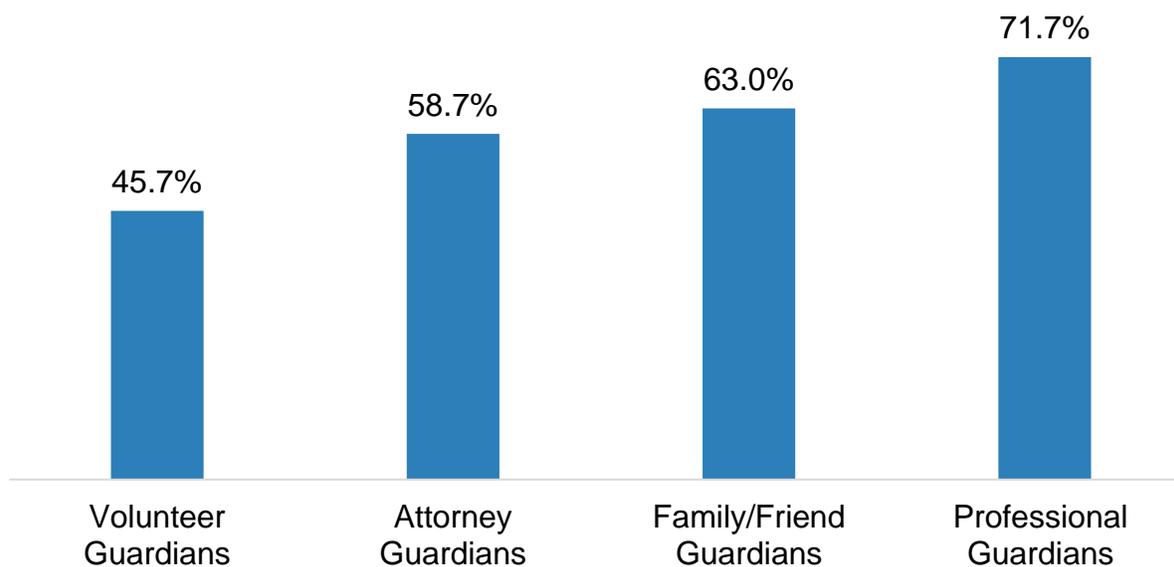
## DEMAND FOR GUARDIANSHIP

Interview respondents were asked to describe the demand for guardianship in Lucas County. Respondents reported a high demand for guardianship that has continued to increase over time. Respondents explained that a multitude of factors contribute to the growing demand, such as larger numbers of individuals living with mental health and substance use disorders, longer lives of individuals with intellectual and developmental disabilities and the aging of their parents who often serve as guardians, and increases in the number of family members unable or unwilling to serve as guardians.

Respondents felt that these factors have contributed to more reliance on and higher caseloads for attorney guardians.

The online survey asked respondents to determine if there is a need for more guardians within different types of guardian categories, including professional guardians such as social workers providing case management, family/friend guardians, attorney guardians, or volunteer guardians. Figure 3 demonstrates that more guardians of all types are recommended, with professional guardians most frequently receiving endorsement from survey respondents.

**Figure 3. Lucas County's Need for Guardians by Type**



N=46

## **COMMUNITY PERCEPTIONS ABOUT WHAT'S WORKING WELL AND NOT WORKING WELL IN LUCAS COUNTY**

Both interview and survey respondents provided information about what's working well and not working well in Lucas County in relation to adult guardianship.

### **What's working well**

#### *Probate Court is responsive, knowledgeable, and helpful*

The Lucas County Probate Court has an excellent reputation in the community. It is widely acknowledged that many attorneys, guardians, individuals and agencies serving wards view the Probate Court positively and appreciate the efforts on behalf of the Court to have good relationships with a variety of constituents. Providers mentioned that it is easy to communicate with the Probate Court, and they appreciate the ability to lookup information on the Probate Court website, and the smooth referral process. Similarly, attorneys agree that the Probate Court is easy to work with, highly involved, and concerned about wards. Some attorneys also mentioned that it is helpful that the forms and rules are uniform and that the paperwork is straightforward and handled efficiently. Additionally, respondents described a high value on the community outreach activities provided by the Probate Court, such as community education. These activities raise awareness of adult guardianship and educate families, service professionals, and the general public about what guardianship is, why it may be needed, and the availability of other less-restrictive alternatives.

#### *Community collaboration around the issue of adult guardianship*

Many respondents indicated that the desire to collaborate to improve adult guardianship in Lucas County is very positive. The Probate Court was applauded for being open to new ideas and options, and for "working well" with community partners. Two notable examples of this good rapport between the Probate Court and other organizations in the community are the Guardianship Exploratory Committee comprised of leadership from the Probate Court and public agencies, and COPE. Community collaboration is occurring and highly valued among a diverse group of legal, public, and private organizations in Lucas County.

#### *Additional oversight and training for guardians required by new regulations*

New regulations, which require guardians to complete initial and ongoing training as well as visiting the ward more frequently, were regarded positively by the majority of respondents. They believe it is a good idea to ensure that guardians are prepared for their role and have the knowledge they need to be effective decision-makers. Plus, individuals working as service providers or advocacy organizations support the idea of

more regular in-person visits to build a more personal relationship between the guardian and ward and to ensure more consistent oversight. On the other hand, attorney guardians did not consider these new regulations to be working well, as they shared that meeting the visiting requirement is a struggle due to limited time, and especially when considering the low compensation for indigent wards.

### *APSI system*

A few respondents view the APSI model for professional guardians to be ideal, so that wards in need of guardians are matched with professional guardians who are well-prepared for the role and already have specialized knowledge of their needs and challenges. APSI is a statewide organization of professional guardians who are advocates for people with developmental disabilities. Medical and social service providers mentioned that these professional guardians are often very responsive and follow a streamlined process. However, this resource is only available to individuals who have a developmental disability.

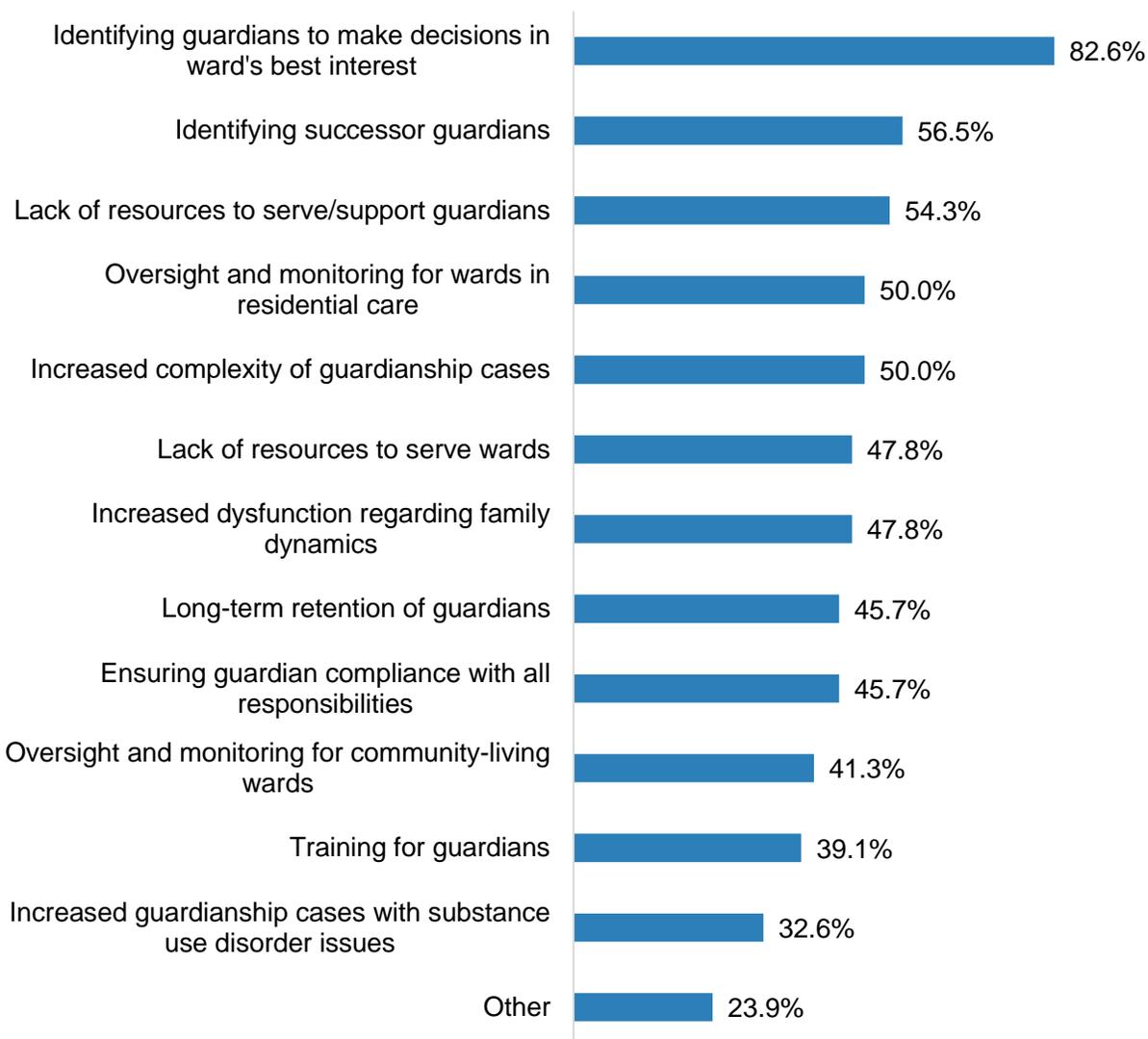
### **What's not working well**

To identify what is not working well in relation to guardianship in Lucas County, we examined the challenges, unmet need/gaps, and needed resources reported by interview and online survey respondents.

### *Guardianship challenges*

Both interview and survey respondents were asked to report their challenges related to adult guardianship in Lucas County. Survey respondents were provided with a list of challenges identified through key informant interviews and asked to indicate whether they felt Lucas County is experiencing any of those challenges. Figure 4 shows the guardianship challenges reported by survey respondents. The most frequently endorsed challenge was identifying guardians to make decisions in the ward's best interest. At least half of the respondents also recognized the challenge of identifying successor guardians to serve when the current guardian is no longer available, a lack of resources to serve and support guardians in their role, oversight and monitoring for wards in nursing homes/residential care facilities/adult care facilities, and the increased complexity of guardianship cases.

**Figure 4. Challenges of Adult Guardianship in Lucas County:  
Online Survey Responses**



N=46

### *Top Three Challenges in Adult Guardianship*

Survey respondents were then asked to prioritize the top three challenges in adult guardianship in Lucas County from the list of options provided. The most frequently indicated top challenges were:

- identifying guardians who will make decisions in the best interest of the ward
- increased complexity of guardianship cases
- difficulty with ensuring compliance with all of the responsibilities of being a guardian, including filing and reporting requirements

Interview respondents reported similar challenges. The challenges most frequently reported in interviews were:

- not having enough guardians (including a lack of attorney guardians)
- poor quality care, oversight, and responsiveness due to lack of personal relationships and limited contact between guardians and wards
- getting expert evaluations
- lack of funding, in particular for attorney guardians caring for multiple indigent wards

In addition to the response categories provided, online respondents identified other specific challenges through written-in comments. Many of these comments described concerns about the cost to file for guardianship and a lack of funds for attorneys to provide guardianship services for the indigent. The Probate Court waives the fees for persons living in poverty who fill out the paperwork and meet qualifications for being indigent, but the amount attorney guardians receive for ongoing service to indigent wards is minimal.

Some of the comments reflected the position of the respondent in his or her professional role. For example, one person described the difficulty of reaching guardians after hours or during weekends, which is especially important for hospitals who require guardians to make decisions at all times. Another comment described general frustration with getting guardians to stay in touch with their wards, noting that it is difficult to consistently coordinate and communicate with guardians. These comments suggest a lack of awareness about how to involve the Probate Court in addressing problematic behavior of a guardian. An attorney shared that the increased paperwork from recent changes in guardianship law have created duplicative requirements with governmental or social service agencies, requiring that two sets of paperwork have to be filed.

Some specific suggestions were also shared, again reflecting various levels of understanding of state statutes governing guardianship and current practices and activities of the Probate Court. One respondent suggested dispensing with expert evaluations indefinitely in cases where it is inappropriate. Another recommended providing training for non-psychiatric hospital professionals about guardianship. Another described how improvements are needed at the systems level to help individuals qualify for Medicaid, explaining that cases referred by JFS often lack important information such as a social services evaluation, list of next of kin, and a list of financial institutions where the proposed ward had accounts or financial assets; making it more challenging to qualify for Medicaid and for the non-attorney guardians to do their job effectively.

### *Gaps/unmet needs*

Both interview and survey respondents were asked if they perceived any gaps or unmet needs in guardianship services. For those who perceived gaps or unmet needs, a variety of topics were shared.

#### *Lack of guardians*

Shortages of guardians were described in a variety of ways. Family member guardians may have difficulty identifying who would be willing to serve as a potential successor guardian. When family are not available or appropriate to serve as guardians, options to find other guardians are very limited, especially if a potential ward is indigent. One respondent described how he or she must call a list of attorneys and beg someone to take a case for a low-income ward who cannot pay for legal fees, and wait for returned phone calls, before anything can move forward with the guardianship. Medical providers shared that people to serve as an emergency guardian are difficult to find. And, the statewide organization that provides professional guardians for individuals with developmental disabilities (APSI) currently has a waiting list and a growing caseload.

Respondents further indicated that guardians are needed who have the ability to develop a personal and ongoing relationship with wards. The need for guardians who can be readily available and responsive to wards and to service providers was reiterated by multiple respondents.

*“I work with adult residential group homes and if a resident is assigned an attorney as guardian, normally this just consists of financial overview. I like the idea of having other professionals who may be more hands on and have the time to do guardianship so that the individual is given more one-on-one time, and building a relationship with their guardian.”*

*“Attorneys [are] not always available or directly involved with the care of the wards especially regarding discharge and housing arrangements. Few participate in treatment planning or see patients while hospitalized.”*

#### *Lack of attorneys willing to serve as guardians*

Concerns were expressed about the increased need for attorney guardians to serve at-risk wards, such as clients involved with Adult Protective Services. Service providers shared that they reach out to the same group of attorneys who are known to be willing to serve as guardian over and over again. There was recognition that compensation for guardians through the Indigent Guardianship Fund is very low, which may decrease attorneys' ability to respond to crises or visit wards.

*“We have very few attorney guardians and they are overwhelmed. Sadly, they are stepping in when family is NOT a good option and we are desperate to find them. We need a fund to support these guardians...”*

### *Lack of guardian involvement*

Difficulty dealing with guardians who at times may not communicate well or engage in decision-making in a timely manner was described. One respondent shared, “Some wards need more help than what they are getting.” Some expressed that some attorney guardians are spread too thin and are not very involved with their wards. However, these comments are not limited to attorney guardians, which suggests that guardians of all types may not be keeping up with or being as responsive to wards as desired. One person explained that wards are not seeing their guardians on a regular basis, which is a problem when many wards need their guardian to be involved in day-to-day care, not just “someone to sign paperwork.” Guardians who live out of the area can also be challenging to engage in their responsibilities.

*“We really need to find folks that will be guardians for individuals that will make decisions that are best for the individual. It will be important to have guardians that see their wards also.”*

The feedback respondents provided in this area suggests a lack of awareness about how to involve the Probate Court in addressing problematic behavior of a guardian.

### *Lack of monitoring*

Concerns regarding oversight of the wards were also described, and suggestions call for additional monitoring to ensure that all guardians are fulfilling their responsibilities. A better understanding about what challenges wards are facing and how guardians are helping them is needed to ensure the well-being of the ward. These comments suggest that the Court may improve oversight by implementing a monitoring program to visit wards and guardians, as well as holding the guardians accountable for achieving the goals described in the annual plan to improve the quality of life of the ward.

*“Need for better INDEPENDENT monitors of living conditions for community-based wards. Increased family frictions can only be knowledgeably addressed by the Court with independent non-partisan information... the Lucas County APS caseload is only getting larger.”*

### *Lack of adequate funding*

An overarching theme was the need for more funding. Respondents reported the need for funding in several aspects of guardianship, often in relation to guardianship expenses for taking on cases for indigent wards (filing fees, attorney fees, care services). The need for funding to support the hiring of professional guardians was also frequently reported. Respondents expressed concern that many families and agencies lack the financial resources to pay for the cost of guardianship, and seemed unaware of the resources available through the Court for indigent guardianship cases (i.e., Indigent Guardianship Fund.), which does cover filing fees.

### *Lack of awareness and understanding of guardianship*

Many identified the need for education and training resources. In particular, respondents felt that education is needed for the general public, the medical community (hospitals, VA), family members, and for wards (to help them understand their rights).

### *Lack of access to supportive community services*

Respondents acknowledged the complexity of factors that often characterize guardianship situations and expressed the need for more community resources to support at-risk individuals, wards, and guardians, such as: services for housing, mental health, emergency placement options, and transportation. Some explained how guardians have difficulty with identifying available supports within the community and navigating systems. Guardians may also have to endure a lengthy waiting period to get the support their ward needs. Information to make this process easier for guardians would be beneficial.

### *Lack of professionals to conduct expert evaluations*

Finding willing and available professionals to conduct expert evaluations was difficult at times, even within health systems. An attorney guardian explained that because many potential wards do not have a consistent relationship with a physician, it is hard to find a professional willing to complete an expert evaluation and on top of this, to convince the prospective ward to go to the appointment.

### *Wards' lack of knowledge about their rights and guardianship processes*

Some relayed concerns about how potential wards are informed of their rights and urged that strategies of supportive decision-making should be better explored as an alternative to adult guardianship. These respondents expressed concern about wards' understanding of their rights and guardianship processes (e.g., scheduling status conferences, the complaint process, motions to terminate or change guardians.) Respondents also stated that information about adult guardianship should be made available to people who are not connected with formal services, and accessible to individuals who speak languages other than English. Concerns were also expressed by respondents about waiving expert evaluations for wards with substance use disorders and serious mental illness.

*"...the way in which guardianship can be removed is far more complex and complicated than the initial placement. This puts wards at a disadvantage if they have improved cognitively, etc. and no longer need a guardian.... Basically, I feel as if an unmet need is adequate representation and advocacy for wards."*

Some respondents discussed specific informational resources needed for wards and the community, including making pro se resources available.

*“The Court currently provides many resources to guardians, but lacks any resources for wards. For example, the Court’s website has all the forms that a guardian may need, but no forms for a ward, like an informal complaint/comment or motion to have the guardianship reviewed. To address this issue, the Court should include materials on its website and in its office for wards...”*

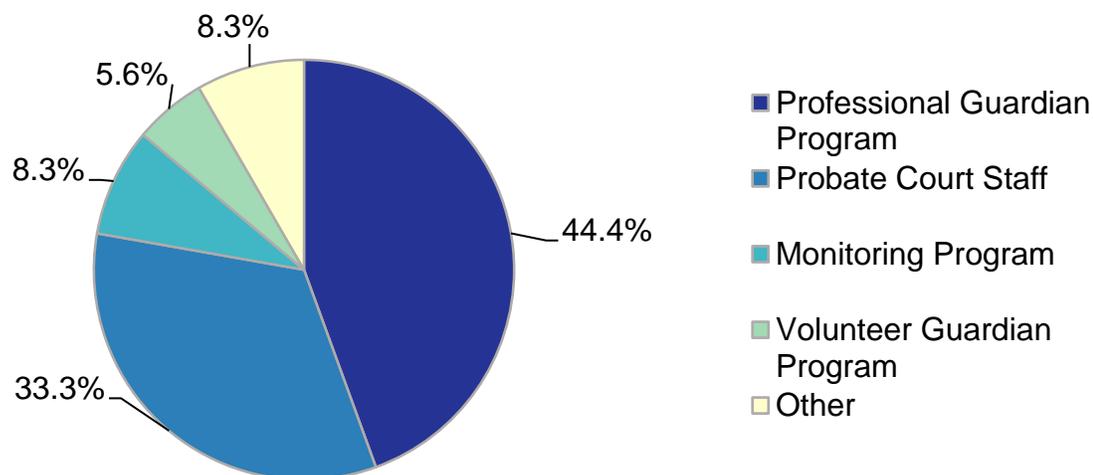
## **AWARENESS OF SERVICES PROVIDED BY PROBATE COURT**

The online survey asked respondents to indicate which services the Lucas County Probate Court offers to help meet the needs of guardians. Respondents were most often aware of the following activities, including: (a) scheduling formal hearings; (b) scheduling status conferences, hearings, and pre-trials to work out a problem; (c) providing a handbook that covers Frequently Asked Questions in adult guardianship; (d) explaining how to file paperwork; and (e) mediation. Those who responded to this question were less aware that the Probate Court engaged in other activities such as providing guardian training or being available to answer questions. A significant portion of respondents wrote in comments explaining that they had difficulty with answering this question, noting that, “Some of these may be available, I just don’t know about them. I rely on our attorney,” or “I have no idea.”

## **FUNDING PRIORITIES**

To address the need for more guardians, we also asked survey respondents to offer their suggestions about how funding for adult guardianship in Lucas County should be prioritized. Respondents were able to choose one priority from the following options: (a) Probate Court staff to provide support to family/friend guardians (e.g., support groups, explaining paperwork); (b) professional guardian program (e.g., social workers providing case management); (c) volunteer guardian program, (d) a monitoring program; or (e) “other.” As Figure 5 shows, nearly half (44%) of respondents named a professional guardian program (e.g., social workers providing case management) as their first funding priority, followed by Probate Court staff to provide support to family/friend guardians (33%), monitoring program to confirm the well-being of wards (8%), volunteer guardian program (6%), and “other” (8%). In the comments section, one respondent recommended that Lucas County invest in planning efforts to ensure the availability of successor guardians and talk with current family member guardians (especially aging guardian caregivers) about potential transitions.

**Figure 5. First Priority for Funding Identified by Survey Respondents**



N=36

Three respondents prioritized the “other” category as their first choice. The first respondent explained that the highest priority should be given to providing wards with independent legal counsel and resources for filing/court costs. Relatedly, an attorney respondent commented that it may be more cost effective to engage lawyers to do this work by adding more funding to the Indigent Guardianship Fund rather than paying for case management services with taxpayer dollars through a Guardianship Service Board. The second respondent described a need for supported decision-making as a viable alternative to adult guardianship. Finally, the third respondent emphasized adequate representation for wards, case management, and advocates to assist in determining the least restrictive options for wards.

## FEEDBACK FROM GUARDIANS

The eight guardians who participated in focus groups provided valuable feedback about their experience with guardianship in Lucas County. While this small number of guardians does not speak for all guardians, their insights offer a starting place for engaging more guardians in discussion about topics that affect their ability to effectively care for wards. The majority of these guardians were related to their wards, and half were a parent of their ward. Their reasons for becoming guardians centered on making sure that the ward is well-cared for and that their needs are met. Some guardians talked about their desire to be an advocate for their wards and make sure that their rights are respected. As one parent guardian related, “I’m his eyes and ears, and I guess, voice.” Parent guardians pointed out that although the word “incompetent” is the legal language used in guardianship, it is difficult to hear in relation to their child and that professionals should be sensitive to this.

## Resources identified by guardians

When asked about what resources they have found to be helpful, some guardians stated that the Probate Court is easy to work with and that they appreciated a magistrate sitting down with them and talking them through the process. Some guardians stated that the Court's willingness to consider adult wards "indigent" based on their own income helps families who are struggling financially. Other guardians reported that financial benefits for home care and other services are very helpful when they are available.

Guardians with wards who receive services through the DD system reported access to more education, resources, and support than guardians of wards who are older adults or living with mental illness. They reported finding resources through day programs, a booklet published by the Ohio Developmental Disabilities Council called, "Guardianship in Ohio,"<sup>2</sup> and through other parents. Parent guardians reported that prior to 2012, the Family Information Network (a peer group for families of individuals with disabilities) was instrumental in educating families about guardianship, helping them network with and get support from other families, and learn about available resources. However, this group and several other parent groups are no longer in existence due to lack of funding. Parent guardians worried that families new to the DD system no longer have these important peer networks and are less informed and equipped to be guardians.

## Challenges identified by guardians

Guardians also described some of the challenges they face. Almost every guardian reported challenges with finding consistent services to ensure proper care of wards - particularly home health and home care services. Guardians related that high turnover and poor quality of direct care providers (in both home-based and facility-based services) were particularly stressful. Guardians of older adult wards and wards with mental illness talked about the difficulty of knowing what services are available in the community and navigating eligibility requirements and processes. Communication challenges with systems and service providers "forgetting" that a guardian is involved and needs to be consulted were reported. They attributed this to system/provider lack of understanding about guardianship as well as employee turnover.

## Guardian training feedback

Under Rule 66, guardians are required to complete a six-hour fundamentals course and three hours of continuing education annually. To help guardians meet this requirement, the Ohio Supreme Court has approved several trainings relevant to different populations such as DD, mental health, and older adults. These trainings consist of video-recorded presentations and are accessible to guardians through the Ohio Supreme Court website. In order to accommodate guardians who do not have easy access to

technology, the Lucas County Probate Court regularly hosts sessions where the Ohio Supreme Court video-recorded presentations are shown to a group. The Court advertises their hosted training sessions on the Court's website and in the local newspaper (The Blade).

The guardians who participated in focus groups had a lot to share about the required trainings and provided suggestions for improving the training experience and topics that they would like to see addressed.

### *Guardian suggestions for improving training*

- The explanation/reasoning for training needs to be continually reiterated.
- Create specialized training for different populations (DD, mental health, older adults) so that guardians can choose what applies to their situation.
- Trainings need to be meaningful and not just "checking the box" (on the part of the Court or the guardians). The idea is that people will learn something that they can use, not just to fulfill a requirement.
- Rather than sit in a room for three hours and watch a video, make the video available online and figure out a way to track attendance. Or, have live presenters and consider utilizing both a professional and family member/guardian to lead each training.
- Make the training more concise. Mental health training could have been abbreviated, there was too much detail and information.
- Better advertising for training. It's hard to find information about the trainings. Consider an email reminder system about upcoming trainings. Also consider more communication with guardians who are not internet savvy.
- Post both the registration time and actual start time for trainings so guardians can plan accordingly.
- Guardians should be part of planning trainings and deciding topics.
- Direct service providers also need training in adult guardianship.
- It's hard for some guardians (older parents/guardians, non-drivers, those who work) to get out to trainings and some may not have access to internet/computer.

### *Training topics that would be helpful*

- Guardianship itself - what does being a guardian entail? Difference between guardianship of person and estate.
- Alternatives to guardianship - not everyone needs guardianship.
- Rights of guardians vs. rights of wards (case scenarios or discussion of circumstances where rights/preferences conflict and what can be done).
- How to work with courts and law enforcement to ensure the rights of guardians and wards and keep other entities accountable.

- “What happens when I die?” Issues/processes for successor guardianship, co-guardianship, power of attorney for a guardianship between parents.
- Residency issues - clarification on the residency requirements for guardians. Do they have to reside in the same county as the ward? The same state? What happens when a guardian has to move?

It was clear from their comments that these guardians were not aware of the various specialized trainings offered by the Ohio Supreme Court or that they could complete those trainings on-line and receive a certificate. More, and repeated, education for guardians about their options for training is needed.

### **Guardian desired changes**

Guardians shared some general changes they would like to see in regards to guardianship in Lucas County.

- Better communication with guardians regarding training and required activities.
- If a guardian doesn't meet a requirement (e.g., submit an annual report), try to reach them multiple ways, not just by mail.
- Provide a specific due date for annual reports. The notification only says, “Your annual report will be due soon.” The due date is not provided.
- Less cumbersome annual report.
- Fewer attorney guardians and limit on allowed caseloads.
- Better oversight and monitoring of vulnerable wards with no family.
- Is there a possibility for a guardian ad litem for adults like they have for children? Does APSI provides this?
- There should be background checks for all guardians, including family guardians.

The guardians were also unaware of some activities already performed by the Court in adherence to Rule 66 such as background checks of potential guardians, and required use of standardized annual report formats. Further education for guardians regarding what aspects of guardianship are mandated by state law vs. what the Court is able to develop and manage locally may be helpful in addressing some guardian misunderstandings.

The guardians repeatedly emphasized that trying to care for their ward (at home or in a facility), maintain employment, and fulfill the requirements of guardianship is difficult and stressful. This aligns with the feedback from interview and survey respondents about the challenges of guardianship. There is a clear need in Lucas County for more guardian support and assistance with navigating the complexities of caring for wards.

## COUNTY COMPARISONS

Information gained from site visits with Butler, Montgomery, and Summit counties, and a telephone conference call with Stark County is summarized in Tables 1-4. A review of this comparative information, along with what was learned from site visits with Franklin and Fairfield counties due to their utilization of a GSB model (see Appendix A), yields several important conclusions.

### **Lucas County has a higher reliance on attorney guardians than other counties.**

In terms of the profile of guardian type for all guardianships, Summit County has a lower reliance on attorney guardians (19%) than Lucas County (29%). Additionally, Butler County and Stark County rarely appoint attorney guardians of the person only. Butler County reported fewer than 50 guardianships with attorney guardians of the person only. All guardians in Stark County are required to visit the ward monthly, and most attorneys decline serving as guardian unless they can commit to the time necessary to make visits. The small number of attorneys in Lucas County willing to serve as guardian contributes to very high caseloads for attorneys who are willing to serve as a guardian. One person reported being a guardian for over 200 wards.

### **All other comparable counties have a professional guardian program.**

The need to serve indigent wards and high intensity cases for guardian of the person only is most commonly addressed through non-profit professional guardian programs in Butler, Montgomery, Stark, and Summit counties. However, other models are emerging. As the second county in the state to implement a GSB, Fairfield County will follow the structure and protocols developed by Franklin County.

### **Professional guardian programs, either as part of a non-profit organization or the public GSB model, tend to be heavily funded by contracts with public entities (e.g., MH/ADAMH, DD, and JFS).**

Additional funding is contributed through contracts with APS, the Probate Court, local tax levies, nursing homes, hospitals, private pay clients, donations, and United Way. However, each county is different in identifying funding sources.

### **Depending on the funding available, professional guardian programs within non-profit organizations can be county-specific or may expand to serve multiple counties.**

Professional guardian services are provided by Coleman Professional Services in Stark County, and they also have contracts with three other probate courts. LifeSpan in Butler County has contracts with two other counties (Warren and Hamilton), and provides services through funding from the Board of Developmental Disabilities in Warren and Hamilton counties, respectively. Life Essentials in Montgomery County also provides service to Greene County.

**Professional guardian programs within non-profit organizations can engage in fundraising.**

Some counties have been successful with ensuring the financial stability of the professional guardian program through having the flexibility to raise money from the community-at-large. For example, Coleman Professional Services in Stark County and Life Essentials in Montgomery County both receive funding from United Way.

**The staffing levels of professional guardian programs must be adequate.**

These programs are designed to meet the community's need for guardianship services for challenging high intensity cases, 24 hours per day/seven days per week. Therefore, it is important to adequately staff the program to support a reasonable caseload (at least three to four full-time staff). In many cases, a team leader manages the other staff, and provides training and support. The Life Essentials professional program employs four full-time guardians, including the Program Director, who carries a caseload of 22, while the other guardians have caseloads of 35-38. In Franklin County's GSB, a social worker is responsible for about 40 cases.

**Comparably-sized counties have Court Investigators responsible for visiting and supporting guardians.**

Court Investigators in Butler, Montgomery, Stark, and Summit counties provide supportive services to guardians and wards (e.g., support groups, newsletters, recognize and thank guardians), lead monitoring efforts, and serve as a liaison to professional guardian programs in regard to challenging cases. In at least three of these counties, Court Investigators have an educational background in social work, and are licensed at the bachelor's or master's level.

**All other comparably-sized counties have a volunteer guardian program.**

The volunteer guardian programs recruit volunteers to serve as guardians of the person for wards living in nursing homes, group homes, and other stable guardianship cases with no family conflict. Some of these programs are small, with four to 14 volunteers (Montgomery and Butler, respectively), whereas others are larger with 70-116 volunteers (Stark and Summit). Volunteer programs can be provided by a different non-profit organization (as is the case in Stark County), while in other counties, the volunteer and professional guardian programs are provided by the same non-profit organization. In Summit County, for example, the volunteer program complements the professional guardian program and receives about 28% of the overall budget. Additionally, central Ohio provides an example of a regional model for volunteer guardians. Fairfield County utilizes about 10 volunteer guardians through the Central Ohio Area Agency on Aging's Volunteer Guardian Program. This program serves nursing home residents in five counties in the central Ohio region.

**Monitoring programs are active in all comparably-sized counties.**

Most of these programs are managed by Court Investigators or social workers on staff within the Probate Court, who conduct face-to-face visits with guardians and wards to confirm their well-being. In Butler County, the Community Care Connections Program managed by the Court Investigator completes home visits with wards and guardians, completing nearly 2,000 visits to date. She also recruits student interns from local universities in social work, gerontology, and related fields to conduct home visits, which provides an additional 1,200 hours per year of contribution. In Montgomery County, the Probate Partners program enhances oversight for guardianship through utilizing social work student interns to visit wards in long-term care facilities. As another model, the Stark County Court Angel Program utilizes staff and volunteer visitors to confirm the well-being of wards living in the community and residential settings. These four comparably-sized counties use different tools to organize visits and track information, ranging from a paper copy of the form (Stark), to Excel spreadsheets available on a shared drive (Montgomery and Summit), to a software program designed by the information technology staff (Butler).

**Table 1. County and Probate Court Descriptive Information (including Lucas County)**

	<b>Lucas</b>	<b>Butler</b>	<b>Montgomery</b>	<b>Stark</b>	<b>Summit</b>
<b>Population of County</b> (OhioDemographics.com)	429,899	382,378	532,331	371,574	541,918
<b>Number of adults under guardianship</b>	Approximately 2,100	1,155	1,891	1,900	2,525
<b>Number or description of who serves as guardian</b>	1,225. Profile of guardians: 60% Family, 29% Attorney, 7% APSI, and 4% Other. Some attorneys carry high guardianship caseload, one person is currently responsible for over 200 wards.	Most guardians of the person are family members. Attorneys usually serve as guardian of estate or dual guardian of person and estate (less than 50 attorneys serve as guardians of person only). APSI provides guardians for 50 wards.	1,485	All guardians are required to visit ward every month. Attorneys are appointed as guardian of the estate and very rarely serve as guardian of the person (due to lack of time to make visits).	Profile of guardians are: 57% Family, 19% Attorney, 13% Unknown*, 6% Volunteer, 5% APSI, and 1% Friend.
<b>Number of new guardianships (2018)</b>	225	117	313	209	427
<b>Overview of Court Staff involved in Guardianship in Addition to Judge</b>	3 Magistrates and 3 contracted/part-time Court Investigators.	2 Magistrates and 1 Court Investigator. Court Investigator is masters-level social worker and manages monitoring program.	4 Magistrates, 1 Director of Guardianship (masters-level social worker), 2 social workers, and 1 Court Investigator.	1 Court Investigator, 1 full-time Court Angel recruiter, 1 part-time Court Angel researcher, and 1 part-time Court Angel staff visitor. The bailiff completes Court Angel visits and follow up investigations. 2 Magistrates and 1 Staff Attorney assist with guardianship training, guardianship appointment hearings, and general guardian inquiries.	5 Magistrates, 3.5 Court Investigators (all licensed social workers). Every case is assigned to a Magistrate and Court Investigator.

Note. Court Statistics retrieved from <http://www.supremecourt.ohio.gov/JCS/courtSvcS/dashboards/default.asp>.

\* Summit County "unknown" category captures when guardian has not been appointed yet, the case is very old and requires manually looking through the case for information, or other rulings that are not complete.

**Table 2. Professional Guardian Programs**

	<b>Butler</b>	<b>Montgomery</b>	<b>Stark</b>	<b>Summit</b>
<b>Provider</b>	LifeSpan Program of Community First Solutions	Life Essentials (will be going under the umbrella of Catholic Social Services in the near future)	Coleman Professional Services	Volunteer Guardian Program (Professional Component)
<b>Funding</b>	Overall budget is \$700,000. Multi-county, non-profit program contracts with other counties such as Warren County and Hamilton County. 75% of program funding comes from cost-based contracts with Butler County Mental Health (MH) Board and Butler, Warren, and Hamilton County DD Boards. 10-11% of program revenue comes from donations requested from nursing homes, suggested donation amount is calculated based on the number of people in the facility. 8% of program revenue is provided by private pay. Individuals are charged an hourly rate for services. Small contract with APS provides an hourly rate for services. Cost of dual MH and DD wards are divided equally between systems.	Approximately \$600,000 annual budget - Probate Court indigent fund (\$50,000), United Way (\$45,000 - for persons under age 60), Greater Dayton Hospital Association (\$250,000 - unrestricted funds), ADAMHS Board (\$101,000 - for persons with serious mental illness), County Human Services Levy (\$100,000 - for frail elderly over age 60). Each funder has different negotiated rates for guardianship services based on acuity.	Cost-basis contracts are held with stakeholders such as MH Board and DD Board provide funds, contract pays cost for services provided. Additional funding provided by United Way (1/12th allocation). Contracts with nursing homes and hospitals for referral, assessment or placement. Nursing homes and hospitals are charged an hourly fee (\$77 per hour face to face). United Way provides a stipend for services provided to others outside of those systems.	Utilized special project funds to start out. About 72% of the program's budget is spent on professional guardians. Utilizes funds from probate court, including the indigent guardian fund. Stakeholders such as ADAMH Board, DD Board, JFS (public guardian office) provide funding.
<b>Where are referrals accepted from?</b>	Referrals from partners such as MH Board, DD Board, nursing homes, and APS. Attorneys, family members, or hospitals can make a referrals online.	Referrals must come from a professional organization or entity. APS does make referrals, but they do not provide funding. Referrals from the DD community are referred to APSI.	Every entity that holds a contract as well as some outside of those systems.	Majority of referrals come from nursing homes or hospitals.
<b>Services provided</b>	Provides staff guardians. Provides guardians for about 20% of the guardianships in Butler County, plus guardian training, guardianship education, and pursues least restrictive alternatives if possible. Guardians for emergency/limited guardianships also as determined necessary by Butler County Probate Court. Provides follow up with client every month from referral until application is processed in Probate Court.	Guardian of person only. If an individual has an estate, they refer to Dayton Bar Association. Will not accept individuals with a history of violent crime or active addiction. Current wait list of 15 people. Program also serves Greene County (about 12 wards) and is in conversations with another county.	Staff guardians for high intensity cases.	Staff guardians for high intensity cases.

**Table 2. Professional Guardian Programs (Continued)**

	<b>Butler</b>	<b>Montgomery</b>	<b>Stark</b>	<b>Summit</b>
<b>Staffing levels and professional background of staff</b>	1 guardianship team lead/manager, 1 administrative assistant, 6 staff guardians, and 1 volunteer coordinator. Staff guardians have backgrounds in social work, mental health, medical training, and developmental disability. Manager is a National Master Guardian, and after a year, all staff guardians are nationally certified. Team lead offers support to team through care conferences.	4 full-time guardians (3 LSWs including Program Director, 1 with Psych/DD background). Program Director is nationally certified and carries caseload of 22. Other guardians carry caseloads of 35-38. The CHUMS (mental health program offered by Life Essentials) coordinator has a SW undergrad, but is not licensed. CHUMS Coordinator carries a guardianship caseload of 8 - typically older adult, stable in placement.	4 full-time staff guardians, 1 part-time staff guardian. Maximum caseload is 35. Must have a bachelor's degree, with some experience in case management, healthcare or social service background. Supervisor is backup if guardian cannot be reached.	1 Director, 2 attorneys full-time, 1 half-time social worker (mental health specialist), 1 quarter-time social worker, 1 quarter-time nurse on contract. Attorneys may take 42-44 cases; social workers take 21-22 cases.
<b>Populations served by this program</b>	DD, MH, nursing home residents, hospital patients.	Adults of all ages living in the community and in facilities (except DD population), MH, hospital patients.	Individuals living in the community, DD, MH.	Adults 60+, DD, MH, guardian of person only.
<b>Other information /Organizational history</b>	Initially developed to be a volunteer program, but as the demand grew, it turned into a staff guardianship program. Funding was acquired from community members, nursing homes, hospitals, etc. Referral fees have been implemented more recently, with some guidance from the court. Originally housed in non-profit organization, which allowed for the solicitation of money and the stability of funding for the program.	Stand-alone professional guardianship service, moving under the umbrella of Catholic Social Services (CSS) to provide services in other counties. Nursing homes currently have "no skin in the game", but this may happen under CSS.	Stark County Social Services is run through Coleman and they have guardianship through 3 other county's probate courts. Expansion to multi-county system is dependent upon funding. Each individual staff guardian is named as guardian and must be reachable 24/7. If ward needs surgery or signed consent, the guardian must be available to sign or approve procedure. Crisis hotline in the community is also provided by Coleman.	Health department is the fiscal agent because it was only one of the county agencies that could set up a fund for side projects and distribute funds.

**Table 3. Volunteer Guardianship Activities by County**

	<b>Butler</b>	<b>Montgomery</b>	<b>Stark</b>	<b>Summit</b>
<b>Provider</b>	LifeSpan	Life Essentials “Guardian Angels”	Guardian Support Services	Volunteer Guardian Program (Volunteer Component)
<b>Funding</b>	Probate Court and county provide a small grant (less than 1% of LifeSpan’s budget).	Operates within the professional program’s budget.	Private donations, nursing home partnership (nominal fee monthly \$77 per month, per ward, paid by the nursing home). If the ward has the means, and guardian of estate, they will invoice \$77 to estate. Sometimes there are hospital referrals, occasionally they will pay for a guardianship for a significant period of time.	Utilized special project funds to start out. 28% of budget is devoted to the volunteer component. Utilizes funds from Probate Court, including the indigent guardian fund. Stakeholders such as ADAMH Board, DD Board, JFS (public guardian office) provide funding.
<b>Number of volunteers</b>	14 volunteers.	4 volunteers have 1 ward each. At highest, there were 7-8 volunteers.	About 70 volunteers.	116 volunteers.
<b>Staff</b>	1 part-time volunteer coordinator.	Most volunteers are mature women with a professional background.	Full-time director. 1 part-time assistant, and 1 paid volunteer guardian (a nurse 15 hours/week).	1 Director of Volunteer Guardian Program, and 1 paid volunteer for more complex cases.
<b>Populations served by this program</b>	Residents of nursing homes and other stable guardianship cases	Volunteers are matched with wards who are medically stable and stable in placement.	Residents of nursing homes.	Indigent cases, residents of long-term care facilities, or group homes.
<b>Activities Involved</b>	Serves about 15 wards. Volunteers serve as friendly visitors for about 6 months to get to know ward before transitioning into volunteer guardian role.	Guardian of person only.	Serves 140 wards. "Friends and Family" program assists families in obtaining guardianship for loved ones. GSS trains all guardians of person plus guardians receive multiple handbooks. Guardian Oversight Council is an advisory board consisting of individuals who had experience with guardianship of family members.	Volunteers take stable cases in nursing homes or group homes. Sometimes cases are referred to attorneys when there is family acrimony or an estate to manage.
<b>Other information/Or ganizational history</b>	Hard to recruit volunteer guardians.	Recruitment is very difficult. Volunteers have difficulty dealing with end-of-life issues - illness and death of ward are very hard on them. If a ward dies, the volunteer usually quits and does not take on another ward.	Elder law attorney developed program in 2005. Volunteers are retirees willing to serve as guardian for 1-2 wards. Court requires monthly visits by guardians.	Staff guardians are named individually and contacted for consent. Professionals lend support to volunteers when needed, and conversely volunteers can take cases that have stabilized from the professionals.

**Table 4. Monitoring Activities by Court**

	<b>Butler</b>	<b>Montgomery</b>	<b>Stark</b>	<b>Summit</b>
<b>Program Name</b>	Community Care Connections Program	Probate Partners	Court Angel Program	Senior Visitor Program
<b>Program Description</b>	Chief Court Investigator on staff in Probate Court conducts face-to-face visits with guardians and wards to confirm well-being and connect guardians with resources. Gives opportunity for future planning (successor guardians). This program also helps to problem-solve if community resources are needed to provide respite for guardians.	Student interns visit wards in long term care facilities to provide more guardianship oversight. Students are assigned to a specific facility, visit everyone under guardianship in that facility, and complete a report based on their observations which becomes part of the individual's file. Visits are unannounced. Guardians have to complete a report and a plan every year and these are used to inform the wellness visits. If a ward is known to be violent, students do not conduct wellness visits and instead follow up by phone.	Volunteer-based monitoring program by a Probate Court in Ohio. The program exists to confirm the well-being of wards in both the community and residential facilities, and to provide support to guardians. The program aims to protect wards from abuse, neglect, and exploitation. The Court Angel program utilizes volunteers, named Court Angels, to monitor wards. Volunteers are ideal for visiting wards because of the Probate Court's limited resources.	The Senior Visitor Program helps to monitor the care and circumstances of wards residing in long-term care facilities. Volunteers provide support to the guardian and oversight for the ward. The program exists because attorneys had a difficult time visiting because of their large caseloads. Volunteers visit to alert attorney guardian if they saw issues. Up to 50 volunteers have been involved. Wards received 2 visits per year. Program continues to function to serve people who are indigent and in nursing homes.
<b>Funding</b>	Probate Court	County Budget	Grant funding and Probate Court	Probate Court - Special Project Funds, and other funds from Probate Court (Indigent Guardianship Fund).
<b>Managed by</b>	Probate Court	Probate Court	Probate Court	Volunteer Guardian Program
<b>Staffing</b>	Chief Court Investigator (full-time social worker with master's degree). Student interns in social work, family science, and gerontology conduct home visits with wards and provide an extra 1,200 hours per year of contribution.	Social work students completing their externships (field practicums). Started in 2016 with 6 undergrad and grad students. In 2019, there were 2 students (found that 6 students were too much).	1 full time recruiter, 1 part time researcher, and 1 part time staff visitor. Now in the process of hiring a full time recruiter with a human services background. Currently have 1 part-time researcher who has a degree in sociology and 1 part-time court employed visitor who is a retired police officer and prior Court Bailiff.	Currently staffed by clerical person.
<b>Populations served by this program (adults 60+, DD, MH, serves only guardian of the person)</b>	All. Close to 2,000 visits completed. Goal of the program is to complete face-to-face visits with every ward and guardian to determine what is going on (improvements, challenges, need for resources).	Individuals in long term care facilities. 600 wards have been seen so far through the program. Complaint visits take precedence over wellness visits.	All	Individuals in nursing homes who are indigent.

## **RECOMMENDATIONS FOR LUCAS COUNTY**

Throughout the process of gathering information for this assessment, the research team consistently heard a resounding need for more guardians in Lucas County and learned about the complexity of oversight in adult guardianship. Adult guardianship is unique because caring for a person who cannot make decisions for themselves involves interactions with multiple systems within the community, including legal, social services, and health care. Based on the findings presented, we hope the Lucas County Guardianship Exploratory Committee and other stakeholders interested in improving guardianship in Lucas County will seriously consider the following recommendations.

### **RECOMMENDATION 1: COMPREHENSIVE GUARDIANSHIP SOLUTION**

An analysis of the information provided by respondents in Lucas County suggests that a comprehensive guardianship solution is required, comprised of both professional and volunteer guardian components.

#### **Professional guardians**

Since the top challenges mentioned involve identifying a person to serve as guardian who will make decisions in the best interest of the ward, addressing the increased complexity of cases, and ensuring that guardians comply with all aspects of their responsibilities, we recommend as the first priority that Lucas County seriously consider starting a professional guardian program.

The overwhelming need for professional guardians can be met through two primary strategies: (1) a program under the auspices of a local non-profit organization that provides case management services, as seen in Butler County (see Appendix B for a description of LifeSpan's professional program), or (2) establishing a Guardianship Service Board through a public-public collaboration, as piloted in Franklin County and recently started in Fairfield County (see Appendices C and D for information about Fairfield County's GSB). With either model, it is essential to engage multiple agencies to provide funding and strong community support. It will also be important to engage hospitals and nursing homes in the process to consider how providing guardianship services can be mutually beneficial.

#### **Volunteer guardians**

Similar-sized and larger counties have a Volunteer Guardian program, either under the auspices of the Probate Court or as part of a non-profit organization. Volunteer guardians can play an important role in meeting the need for guardians in Lucas County. In Summit County, a volunteer guardian program complements the professional guardian program and creates a synergy between professional and volunteer guardians. Professionals lend their expertise to help volunteer guardians navigate

challenging decision-making, while professional cases may be transferred to volunteers after they have stabilized, creating more space in professional caseloads for complex cases. Many of these programs shared that it is difficult to find people willing to serve as guardians, in part due to lack of general awareness about adult guardianship, as well as the need for more guardians. Programs must be adequately resourced to consistently work toward recruiting and retaining volunteer guardians. Training and support of volunteers, especially related to end-of-life, would be an essential component of this program.

## **RECOMMENDATION 2: ENHANCED INFORMATION, TRAINING, AND SUPPORT FOR CURRENT GUARDIANS**

Lucas County Probate Court should solicit feedback from guardians regarding the currently available sources of information for guardians, including the website, guardian handbook, pamphlets, and resource guides to ensure that they are meeting the needs of guardians. In addition, the Court should pursue development of the training topics suggested by guardians in our focus groups and also seek feedback from a larger number of guardians about specific training topics relevant to their circumstances. In addition to the videos provided by the Ohio Supreme Court, Summit County has developed educational videos that cover general information (e.g., a Magistrate explains what “Guardian of the Person” means) as well as scenario-based videos, such as a video where the Probate Judge answers questions about guardianship from parents of adult children with disabilities. These videos were produced by the Probate Court, however other counties partner with non-profit organizations to develop training. In Butler County, LifeSpan offers an array of specialized trainings.

As the majority of guardians are family members, it will be important to support them in meaningful ways in order to help them successfully complete all of their responsibilities and remain willing to serve as guardians over the long-run. We learned that different counties use different strategies to accomplish this goal. Montgomery County provides a monthly support group and semi-annual newsletter for guardians, while Summit County connects every guardian with a Magistrate and Court Investigator. Court Investigators or social workers within the Court are commonly involved in supporting family guardians by assisting them as they navigate the complex community resources and services often engaged or needed in guardianship scenarios.

## **RECOMMENDATION 3: GUARDIANSHIP MONITORING PROGRAM**

Guardianship monitoring programs function as an additional layer of oversight. There are several advantages of a monitoring program to complete face-to-face home visits with wards and guardians. First, the program provides an independent assessment of the well-being of the ward, and an opportunity for the Court to understand the nature of

the relationship between the guardian and the ward. The monitoring program in Montgomery County strives to have someone “look into every set of eyes the Court is responsible for” on an ongoing basis (usually a visit every year or two) regardless of whether the ward has a family member, professional, or attorney guardian. Second, increased monitoring of wards and guardians allows the Probate Court to take a more proactive approach to ensure that the wards’ current needs are being met. These visits may also provide an opportunity to discuss future planning with current guardians to identify potential successor guardians. Third, if the ward is experiencing challenges, the monitoring program could be well-positioned to share information about resources available within the community

Monitoring programs often require resources for staff and volunteer participation, training, and oversight. Comparably-sized counties use a variety of strategies to address monitoring, including community volunteers, Court Investigators, and social work student interns. In Stark County, the Court Angel Program utilizes volunteers from the community and staff to assess the well-being of wards through home visits with guardians and wards.<sup>3</sup> Court Angel staff assist guardians who need more support or referrals to community resources. The Community Care Connections Program in Butler County uses their Court Investigator to conduct home visits with all of their wards, with the assistance of bachelor’s and master’s level students from a nearby university. Similarly, Montgomery County utilizes social work interns who receive training and build assessment skills, while extending resources for the program and serving as the “eyes and ears” of the Court. As Judge McCollum from Montgomery County said, “It’s a win-win.”

## CONCLUSION

The complex nature of adult guardianship requires addressing it from multiple angles. Lucas County would benefit from a comprehensive approach to guardianship services that utilizes both professionals and volunteers to address the needs of guardians and wards. Even with the addition of these components, a continued need for attorneys to serve as guardians of the person will still exist. However, a comprehensive guardianship program may be an effective strategy to reduce the reliance on attorney guardians and increase responsiveness to wards.

This study provides an important description of the current state of guardianship in Lucas County, as well as stakeholder feedback in a number of areas. Priorities for change can and should be developed based on identified needs as well as existing gaps. In addition, our work in comparable counties provides a number of valuable examples to guide change in Lucas County. Although each court operates in a separate jurisdiction, the opportunity to cross county boundaries and learn from other counties’ successes is clear.

One limitation of this study is that we were unable to gather information directly from Lucas County wards due to the complexities of obtaining informed consent within the timeframe of the project. We acknowledge that wards are important stakeholders in the guardianship process and we recommend that ward input be solicited and incorporated by the Probate Court and other Lucas County guardianship service providers as planning and implementation moves forward.

<b>Appendix A: Fairfield and Franklin County Guardianship Service Boards</b>		
	<b>Fairfield GSB</b>	<b>Franklin GSB</b>
<b>Population</b> (OhioDemographics.com)	155,782	1,310,300
<b># of persons under guardianship</b>	562 (328 indigent) - now have more indigent than non-indigent (this is a change over the last 5 years). 215 wards have non-attorney guardians and 113 have an attorney guardian.	4,000
<b>Provider</b>	GSB launched in December 2019. There is an Advisory Board (3 volunteer members made up of a Probate Court Appointment, an ADAMH Board appointment, and a DD appointment by statute). Currently there is an attorney appointed by the Judge, the ADAMH Board Director, and DD Board Director. The Judge is an ex-officio member. The Advisory Board is the hire/fire/policy-making entity.	GSB created in 2014 as Judge Montgomery wanted to transition current guardianship system from an attorney-based system to a social services based system to visit clients regularly, prepare care plans, advocate for clients, and engage and educate family members and other supports to improve the clients' quality of life.
<b>Funding</b>	\$44,000 contracts with funding partners such as hospitals, ADAMH Board, Board of DD, Meals on Wheels. \$47,000 provided in court-appointed fees from indigent guardianship fund. Levies help agencies provide the money (ADAMH Board Levy, DD Levy, and Meals on Wheels levy). Fairfield County (JFS through APS) is providing guardian health benefits, location (building), and IT support.	Use a county wide mental health fund that anyone can contribute to. BDD and MH each contributed \$500,000. Funding from JFS based on a percentage. Hospitals are charged \$7,000 per case. For example, Ohio Health gets 10 cases per year and pays \$70,000.
<b>Where are referrals accepted from?</b>	Only from funding partners. (If a nursing home calls that is not a funding partner, they will make a referral to APS and if the person meets APS criteria, APS will make a referral to the GSB because they are a funding partner.) Hospitals used to call APS when people were "languishing in the beds" because they had no decision makers, but the Judge created a referral form/process that allows hospitals to call the Court directly and the Court will reach out to attorneys to help with filing. Will be delineating where referral came from to track which partners have "skin in the game" and demonstrate the usefulness to each partner.	A gatekeeper at Probate Court manages referral process. Referrals from funding partners are prioritized (the GSB is "contractually obligated" with duty to serve funding partners first). Practically, only funding partners receive guardianship services. Some attorneys know about GSB, but family members generally do not. Families have not resigned as guardian because of the availability of professional guardians through the GSB.

**Appendix A: Fairfield and Franklin County Guardianship Service Boards (Continued)**

	<b>Fairfield GSB</b>	<b>Franklin GSB</b>
<b>Services provided</b>	Serves as guardian of person only with capacity for 100 wards. Currently serves 50 wards. Anticipate that 50 more wards will be transferred from attorney guardians to the GSB by April 2020.	Current capacity for around 300 wards. In Franklin County, an estimated 800-2,000 more people could need a guardian. Must prioritize waitlist according to funding entities.
<b>Managed independently from probate court?</b>	Yes - the fund is a probate fund, but the GSB is an individual board with no hire/fire through the Judge. It's an individual "bubble" on the Court's "Table of Organization." Because GSB employees are County employees, the Board doesn't have to handle Human Resource issues.	Yes - GSB is an individual board, a public-public collaboration with no hire/fire through the Judge.
<b>Staffing levels and professional background of staff (social workers, nurses, attorneys, etc.)</b>	2 Case Managers (about 40 cases each) and 1 Coordinator/Case Manager (about 20 cases). Originally requested only 2 case managers and funding partners felt this was too conservative and agreed to fund 3. The Coordinator is a social worker, and Case Managers hold college degrees, but are not necessarily social workers.	17 employees with social work backgrounds (most are licensed social workers), 2 paralegals. Caseload around 40 clients per staff guardian. 2 team leads that each carry 20 clients, and a staff of 5-6 social workers within each team report to a team lead. GSB reports needing more staff and needing more funding to meet the need for guardians in the community.
<b>Populations Served</b>	DD, MH, nursing home residents, hospital patients. Payees are needed to handle wards' money.	DD, MH, nursing home residents, hospital patients, director deals with guardianship of estate.
<b>Other info/Organizational History</b>	Program works to support family guardians as well. Using units of service as a tangible way to measure how much effort is being utilized/how much service wards are receiving (tracking billable hours/contact hours from attorneys and GSB case workers).	First GSB model in Ohio where Board serves as guardian. Duty to serve funders. Works to support employees and prevent burnout. Helpful for GSB to be located near Court to get things done quickly.

## **Appendix B. Butler County's Non-profit Guardianship Program**

Butler County initially developed a volunteer guardian program in 1996. However, within a short time the need for a staff guardian program intensified to serve a larger population of wards with needs greater than what would be appropriate for a volunteer to oversee. Therefore, the volunteer and staff guardian program developed alongside each other. The initial volunteer program was funded with \$25,000 from the Mental Health (MH) Board, \$25,000 from the DD Board, and \$10,000 from the Probate Court to provide for the salary and benefits of a volunteer coordinator. Additional funding from the community was necessary to add the staff guardian component to the program (e.g., a golf outing raised \$40,000). Financial contributors included hospitals, nursing homes, and other entities who serve individuals under guardianship.

Professional guardian services are now provided by LifeSpan, a program run through a local non-profit organization, Community First Solutions. Currently, LifeSpan provides professional guardianship services 24 hours a day, seven days a week. In addition to Butler County, a contract for services in Warren County began in 2007, and a new contract with Hamilton County was just initiated. One of the driving forces that led the DD boards in other counties to contract with LifeSpan was the long APSI waitlist and the desire to have a local guardian to coordinate wrap-around services and day-to-day case management for wards.

LifeSpan's overall guardianship program budget is around \$700,000. The majority (75%) of program funding comes from the Mental Health Board of Butler County, and three Boards of Developmental Disability (from Butler, Warren, and Hamilton counties, respectively).

LifeSpan provides contracted services based on the intensity of the level of services provided (1=less than 90 minutes/month; 2=90-200 minutes/month; 3=over 200 minutes/month). This allows for an accurate reflection of the time commitment involved when crises arise. The cost of dual clients from the mental health and DD systems are divided equally (50%/50% split).

Donations are requested from long-term care facilities, which provide 10-11% of program revenue. Nursing homes are sent a letter asking for a suggested donation amount that is calculated based on the number of people in the facility. Previously nursing homes were invoiced for a certain amount based on the number of wards in their facility, but this practice changed to a donation model so that staff guardians are unaware of which nursing homes provide donations to the program.

Program revenue is also generated from individuals' private pay (about 8% of program revenue), as individuals are charged an hourly rate for guardianship services or administrative assistance at the rate allowable by Social Security for a payee to do things such as selling a house, finding a group home, etc. Nursing homes and hospitals

are charged a small application fee to cover assessment, facilitating attorney involvement, and searching for next of kin. LifeSpan also has a small contract with APS through which guardians are paid an hourly rate to provide services at the time APS makes a referral until one month after guardianship is granted. LifeSpan has a standing agreement with the Probate Court to respond to requests for emergency guardians when critical issues arise, such as hospital medical decisions.

The Probate Court staff, including the Chief Court Investigator, Magistrates, and Judge from Probate Court correspond with staff guardians from LifeSpan on a regular basis. In Butler County, the full-time Court Investigator serves as the primary liaison between the Court and LifeSpan. LifeSpan follows the national practice standards set by the National Guardianship Association for quality in guardianship services for individuals<sup>4</sup> and agencies<sup>5</sup> and recommends this as a gold standard. LifeSpan also encourages all staff guardians to pursue the guardianship certification through the Center for Guardianship Certification after one year of employment. LifeSpan's program trains and supports staff guardians so they can effectively fulfill all of their responsibilities as guardian and engage in person-centered decision-making on behalf of the wards they serve. The team lead offers support to other staff guardians through care conferences, supported decision-making, mediating family conflict, ethical consultation, and backup for being on call and covering cases when needed (staff guardians are individually appointed to serve as guardian). For any new program, the manager of LifeSpan's guardian program recommends hiring enough staff to be able to be responsive 24 hours per day, every day of the week, which means at least three to four staff guardians.

### **Appendix C. Starting a Guardianship Service Board in Fairfield County**

Fairfield County has recently launched a GSB, a public collaboration model for professional guardian services. Similar to Lucas County, Fairfield County experienced an increased need for guardians for indigent wards and a long waitlist from APSI for persons with developmental disability.

After counties were permitted to replicate the model piloted by Franklin County, the Fairfield County Probate Court engaged in discussions with community stakeholders, and consulted with attorney guardians, about pursuing a public model of professional guardian services. The GSB in Fairfield County will hire one coordinator with a background in social work to serve as the team lead and also manage 20 cases. The program has hired two full-time case managers with college degrees in social work or related fields who will be assigned a caseload of 40 wards each. Initial funding for the GSB is provided from contracts with funding partners (hospitals, ADAMH Board, Board of Developmental Disabilities, Meals on Wheels, and court-appointed fees from the Indigent Guardianship Fund). Levies enhanced the ability of the agencies to fund the GSB. The county (through JFS and APS) is providing GSB staff with health benefits, office space, and information technology support. Only funding partners can make direct referrals to the GSB.

Prior to the launch of the GSB, the Court conducted meetings with attorneys to review their caseloads and consider available options to pare down the number of guardianship cases through alternative arrangements, including the termination of guardianship if appropriate. If a ward has been placed in a far-away county and likely to remain there, the Court will consider transferring the guardianship. In cases where guardians cannot be effective due to the ward's substance use disorder, serious mental illness, or choice to remain homeless, the Court is considering the use of "civil commitments" and reliance on the criminal justice system and probation officers to open guardianship spots to others who would accept the help.

A binder of GSB planning and program information from Fairfield County accompanies this report. (See Appendix D for a table of binder contents.)

**Appendix D. Fairfield County Guardianship Service Board Binder Contents**

- Implementation Timeline
- Table of Organization
- Calendar Year Budgets (2019, 2020)
- Resolution to Establish Guardianship Services Fund
- Contract Approval Resolution
- Resolution Authorizing Staff Decision-Making Tree
- Letter to Prospective Funding Partners
- Funding Partner Contract
- Contract with City of Columbus/Central Ohio Area Agency on Aging
- Sample Invoices
- Staff Job Descriptions
- Guardian Transfer Meeting Outline
- Criteria of Eligibility for GSB Guardian
- Guardianship Referral Form
- New Client Checklist
- Guardians' Annual Report Checklist
- GSB Marketing Materials

## ENDNOTES

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<sup>1</sup> Advocacy and Protective Services, Inc. (n.d.) *Our mission*. Retrieved from <https://apsiohio.org/>

<sup>2</sup> Phillips, L. K., & Root, W. K. (2017). *Guardianship in Ohio*. Columbus, OH: Ohio Developmental Disabilities Council. Available at <https://ddc.ohio.gov/Resource-Library/Publications/Publications-Listed-by-Topic/Guardianship-Estate-Planning/Guardianship-in-Ohio>

<sup>3</sup> Roberts, A. R., & Daily, A. J. (2018). *Stark County Court Angel Program: An Evaluation Report*. Oxford, OH: Scripps Gerontology Center. Available at <https://www.miamioh.edu/cas/academics/centers/scripps/research/publications/2019/01/stark-county-court-angel-program.html>

<sup>4</sup> National Guardianship Association. (2013). *Standards of practice*. Retrieved from <https://www.guardianship.org/standards/>

<sup>5</sup> National Guardianship Association. (2016). *Standards for agencies and programs providing guardianship services*. Retrieved from <https://www.guardianship.org/standards/>