

LUCAS COUNTY ADULT GUARDIANSHIP ASSESSMENT

Amy Restorick Roberts, Jennifer Heston-Mullins,
& Elisabeth E. Fulton

February 2020

BACKGROUND

In May, 2019 the Guardianship Exploratory Committee announced a request for proposals to assess adult 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 (MHR SB), 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 for the provision of guardianship services.

METHODS

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. Throughout the project, the Exploratory Committee engaged in monthly conference calls with the research team to provide guidance and assistance.

58%

of wards are involved
in multiple public
systems

Community
collaboration around
the issue of
guardianship is

strong

72%

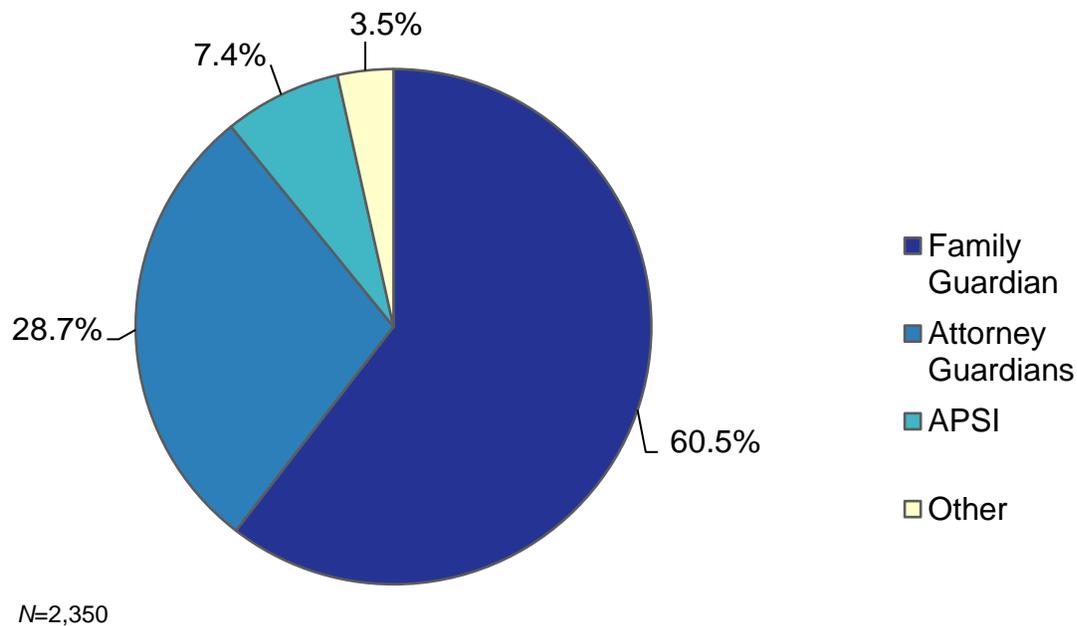
of survey respondents
perceive a need for
professional guardians

FINDINGS

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 the statewide non-profit organization Advocacy and Protective Services, Inc. (APSI)¹, 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.

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



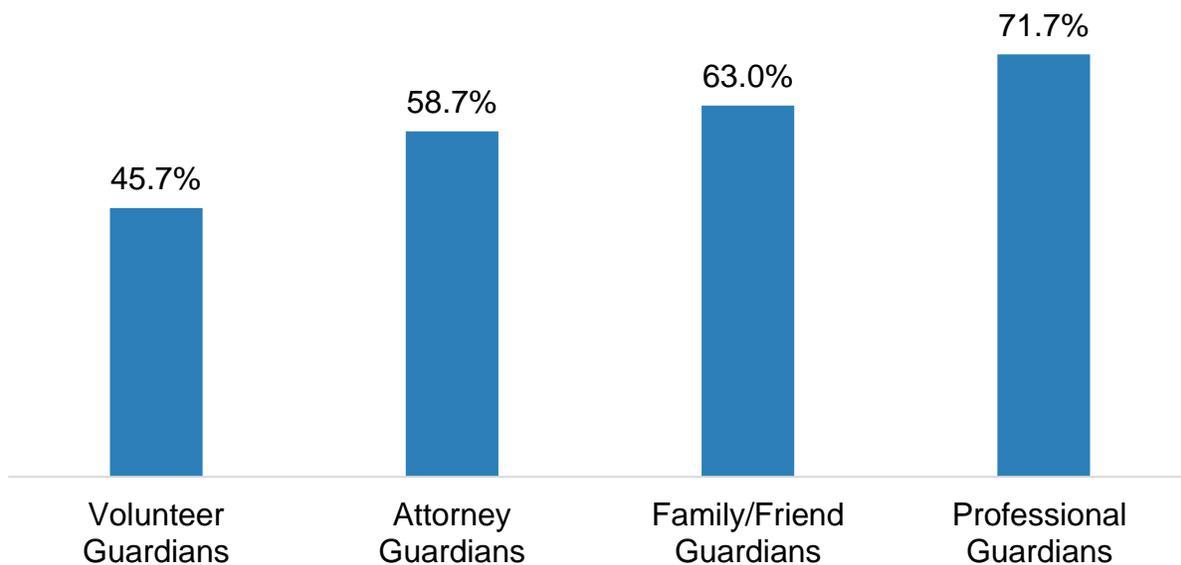
SYSTEM INVOLVEMENT OF WARDS IN LUCAS COUNTY

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

Online survey 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. As shown in Figure 2 below, more guardians of all types are recommended, with professional guardians most frequently receiving endorsement.

Figure 2. Lucas County's Need for Guardians by Type



N=46

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

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 3 shows the guardianship challenges reported by survey respondents.

**Figure 3. Challenges of Adult Guardianship in Lucas County:
Online Survey Responses**



N=46

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
- the increased complexity of guardianship cases
- difficulty 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:

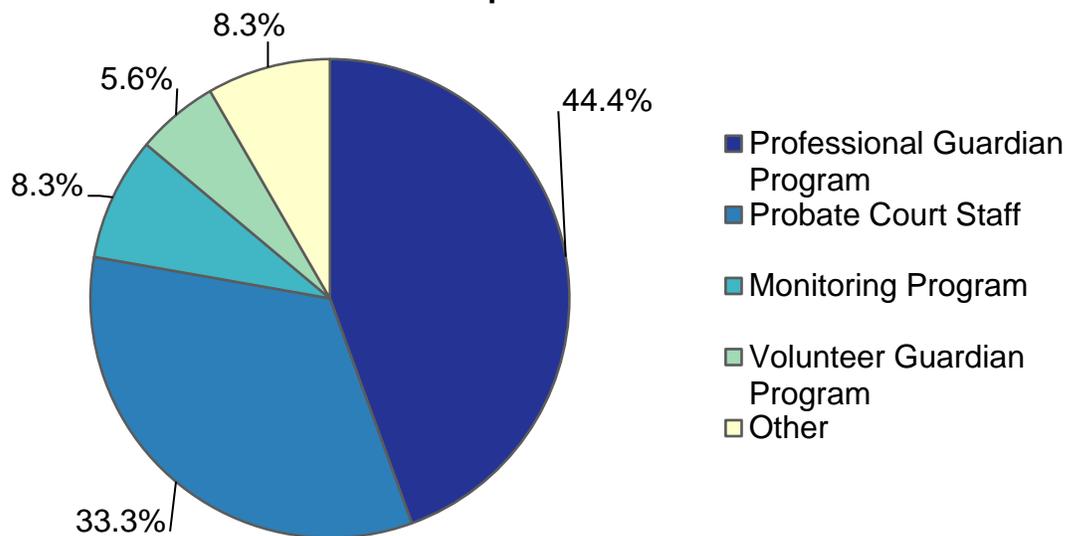
- not having enough guardians (including a lack of attorney guardians)
- poor quality care, oversight, and responsiveness due to lack of personal relationships and limited contact between guardians and wards
- getting expert evaluations
- lack of funding, in particular for attorney guardians caring for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

In addition to 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%).

Figure 4. First Priority for Funding Identified by Survey Respondents



N=36

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 expressed a need in Lucas County for more guardian support and assistance with navigating the complexities of caring for wards. 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. More, and repeated, education for guardians about their options for training is needed. 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 also be helpful in addressing 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, Board 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, while professional guardian cases may 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.

ACKNOWLEDGEMENTS

This study was equally funded by the partners of the Lucas County Guardianship Exploratory Committee. The Committee was instrumental to the completion of this assessment and we gratefully acknowledge their support.



JUDGE JACK R. PUFFENBERGER



ENDNOTES

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



To download the full report, scan the QR code with your mobile device or go to:
<https://bit.ly/32pzFRM>



100 Bishop Circle, Upham Hall 396, Oxford, OH 45056
MiamiOH.edu/ScrippsAging.org | 513.529.2914 | Scripps@MiamiOH.edu