



Practical Applications of the Updated Standards of Practice

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Introductions

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Agenda

- Creation and Purpose of the Standards of Practice
- Review of Standards 4 & 7
- Practical Skill Implementation of a Case Including:
 - Assessment/Development of Guardianship Plan
 - Problems Encountered with Challenging Friends or Family
- Review of Standards 8 & 21
- Practical Skill Implementation of a Case Including:
 - Assessing the Need for Ongoing Guardianship
- Involving Your Team
- Final Tips & Takeaways

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Standards of Practice: Creation and Purpose



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Visitation/ Right to Association (Standard 4 & 7)

NGA Standard 4: Guardian's Relationship with Persons Family & Friends

- Promote social interactions, consistent with person's goals, needs & preferences
- Take reasonable steps to restrict contact with another person who poses a risk, significant financial, physical or psychological harm. Notifying the court.
- Resolving conflicts
- Seeking Court Instructions

NGA Standard 7: Decision Making

- Ask the person
- Best Interest
- Supported Decision Making

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Assessment/Development of Guardianship Plan



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Assessment/Development of Guardianship Plan

Case Study

Paula is an 88-year-old woman for whom guardianship was just appointed. She resides in her own home with some home care. She has moderate dementia and some minor age-related health conditions. Although she had previously executed Powers of Attorney naming two of her children, there was significant conflict among her children after her husband passed away. The children have exhibited violence against each other in their mother's home. She was financially exploited by one of her children, and another was using drugs in her house. Consequently, the court appointed a professional guardian to oversee her healthcare and residential needs. A separate professional conservator was assigned to oversee her assets.

Paula wishes to remain in her own home with care. She continues to desire a relationship with all her children.

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Assessment/Guardianship Plan Process of Development

Incorporation of Standards within the assessment and planning tools:

- Person-Centered
- Focus on Support Decision Making Principles whenever possible to do so
- The guardian's authority should be balanced with the person's own abilities to make decisions for themselves
- The person's wishes and preferences should be sought and included in the care planning process whenever possible.
- Ongoing evaluation of the continued need for protection should be built into the plan.

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Specific Concerns for Paula

Visitation Concerns should be part of her Assessment/Plan

- Paula wishes to see her children
- There are known concerns related to violence, substance abuse, and financial exploitation
- The Guardian shall encourage and support the person in maintaining contact with their family and friends unless harmful
- The Guardian shall not interfere with established relationships unless necessary to prevent harm
- The Standards clearly outlines the circumstances by which restrictions can be implemented (individual state laws may also apply)

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Specific Concerns for Paula

Paula wishes to remain at home

- Assessment and Planning should focus on the specific details of her home environment, her functional abilities, and her need for care
- The above factors should be addressed with appropriate services and support, keeping in mind Paula's wish to remain at home
- Paula should be included in these discussions to the extent that she is able to participate.

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Problems Encountered with Challenging Friends or Family



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Case Study: "The Honeymooners"



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Case Study: "The Honeymooners"

Marital and Family Dysfunction

- Contested Guardianship
 - Children from prior marriages
 - Solution- third party, not spouse as Guardian (or any children)
- History of Domestic Violence (prior to Guardianship)
 - This is the status quo!?!
 - TBI, dementia contributing to ongoing marital discourse
- What do we do??
 - The Attorney- advocate for the Protected Person
 - The Family – interpersonal feelings towards each other, step siblings, accusations and the MONEY!!
 - The Facility – Duty to protect, Resident Rights – right to share a room with your spouse
 - Everyone has an opinion....AND whose really matters???

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Supported Decision Making

The Protected Person

- I want to live with my spouse!!
- I can't stand to be in the same room as my spouse!!
- Seeking Court Instructions vs mediation
- Resolving Conflict
 - Facility arranged for Protected Person (and finances permitted) to have his own room and did not restrict access to his spouse.
 - Staff recognize when spouses were in conflict and calmly separating them, when possible.
 - No one promotes or denies the access, self determination for both parties.
 - Family petitioning for Guardianship
 - Family Guardian appointed, removing Protected Person from facility
 - Restricting visitation and contact totally with spouse

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Assessing the Need for Ongoing Guardianship



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Limitation/Restoration/Termination (Standard 8 & 21)

NGA Standard - Least Restrictive Alternative

- Be familiar with the available options to meet the varied needs of the individual
- Know the person's goals, needs and preferences.
- Consider assessments of the person's needs as determined by specialists.
- Make individualized decisions.
- Petition the court to restore rights when assessments determine appropriate.

NGA Standard 21 – Termination and Limitation of Guardianship

- Limited guardianship is preferred over plenary
- Guardian shall assist the person to regain capacity
- Seek termination or limited guardian if:
 - Regain capacity
 - Less Restrictive alternatives exist
 - No longer benefits the person
 - The guardian shall not interfere with the person's wishes to seek restoration
- The person is entitled to advocacy

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Case Study: Dave

Dave is a 67 y.o. male, who has had a guardian for approximately 8 years. He was diagnosed with early onset dementia at age 58, had a history of substance abuse and Type I diabetes. His first guardian was his spouse, but when she filed for divorce, the court appointed a public guardian.

- After securing income, guardian works on maintaining housing.
- The guardian has worked on his management of diabetes.
- The guardian supports with full management of his estate.
- The guardian has worked to provide money management opportunities but frequently is a victim of fraud and scams.
- Dave,
 - continues to use substances legally,
 - schedules and attends his medical appointments on his own,
 - continues to have significant cognitive difficulties,
 - does not like the boundaries his guardian places on him,
 - has a friend who has supported him socially.
- Dave's friend
 - has loaned him money in the past,
 - often reinforces the relationship with the guardian as being unhelpful to Dave.
- Dave would like this guardianship terminated and would like his friend to be his POA.

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Case Study: Dave

Incorporation of Standards in Considering Termination of guardianship

- Case Manager is aware of the resources to help mitigate placement disruption, trying different types of living situations.
- Understands the individual desires to live independently and has supported him with transportation, spending cards, accommodating his pet, and putting tools in place to help the individual manage his own diabetes.
- Case manager seeks supervision and consultation with others to make decisions that balance the risk to the individual vs. his autonomy.
- Advocates for limited guardianship and less restrictive alternative instead of plenary guardianship.
- Communicates opinion to court and legal advocate while not objecting to a petition to terminate guardianship.

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Ideas for Involving Your Team



Consultation group

- Review Standards of Practice
- Present Case Studies
- Brainstorm Additional Resources
- Develop Additional Interventions
- Capitalize on the Diversity of Staff

Have a Standard of the Month

Educate Courts, Attorneys, and Stakeholder on the Standards

Include the court as part of the team!

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Ideas For Improving Your Practice

01

Incorporate Standards into your Assessment, Guardianship Plan, Monthly Assessments, Annual Reports and Family Questionnaires.

02

Keep the individual goals, needs and preferences at the center of decision making.

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Continue to assess whether a guardianship is still needed, if there are less restrictive alternatives, and if it is effective.

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If in doubt, reach out to courts, other practitioners, or the community of guardians in the NGA.

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