

***Volunteer Guardianship
Monitoring and Assistance:
Serving the Court and the Community***

Trainer's Handbook

**ABA Commission on Law and Aging, 2011
Adapted with Permission from *Trainer's Manual*,
AARP Legal Counsel for the Elderly, 1992**

**Funded by the State Justice Institute
And the Albert and Elaine Borchard Foundation**



This set of handbooks is adapted and updated with permission by the American Bar Association Commission on Law and Aging from a three-part manual produced by Legal Counsel for the Elderly of AARP for the National Guardianship Monitoring Program, developed under a grant from the State Justice Institute. These manuals included: ***Program Coordinator's Manual – Part I; Trainer's Manual – Part II; and Trainee's Manual – Part III*** (1992).

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ABA Commission on Law and Aging (2011)

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Table of Contents

A.	<u>Introduction</u>	7
B.	<u>Training Tips</u>	8
1.	<u>Capturing Volunteer Commitment</u>	8
2.	<u>Steps in Planning a Training</u>	9
3.	<u>Inviting Community Experts to Speak</u>	10
C.	<u>Visitor Training - Day One</u>	12
1.	<u>Introduction</u>	12
2.	<u>Purposes of Training; Agenda</u>	12
3.	<u>Welcome from Judge and Court Staff</u>	13
4.	<u>Adult Guardianship Concepts</u>	14
5.	<u>Guardianship Law and Practice</u>	14
6.	<u>Learning About People Under Guardianship</u>	15
7.	<u>Who Are the Guardians?</u>	16
8.	<u>Abuse, Neglect, and Exploitation</u>	16
D.	<u>Visitor Training - Day Two</u>	18
1.	<u>Philosophy of Program</u>	18
2.	<u>Ethics; Confidentiality; Liability</u>	18
3.	<u>Orientation to Court Procedures</u>	19
4.	<u>First Steps in Handling a Case</u>	19
5.	<u>Making a Visit</u>	20
6.	<u>Writing the Volunteer Report</u>	21
7.	<u>What Happens to Your Report</u>	22
8.	<u>Communication Skills: Active Listening</u>	22
9.	<u>Introduction to Community Resources: Navigating Help for Guardians</u>	23
10.	<u>What Is This Job Really Like?</u>	24

11.	<u>Completing Forms; Confirming Schedule; Getting Started</u>	25
E.	<u>Training Curriculum for Volunteer Auditors</u>	26
1.	<u>Introductions; What You Will Learn</u>	26
2.	<u>Roles and Duties of Conservator (Guardian of Property)</u>	26
3.	<u>Demystifying the Accounting and Conservatorship File</u>	27
4.	<u>What to Look for: Common Problems in Conservator Accounting</u>	28
5.	<u>Steps in Your Review</u>	29
6.	<u>What Happens to Your Review?</u>	29
7.	<u>What Is This Job Really Like?</u>	30
8.	<u>Completing Forms; Getting Started</u>	30
9.	<u>Swearing in by Judge</u>	30
	<u>Forms and Appendices</u>	32

Preface

This trainer's handbook serves two purposes: (1) to set out steps in the development of training for volunteers in guardianship monitoring and assistance; and (2) to provide a model curriculum for volunteers. It is based closely on the 1991 *AARP Trainer's Manual* and includes updated materials and references.

This handbook, as well as the Volunteer's Handbook and the Coordinator's Handbook, is adapted and updated with permission by the American Bar Association Commission on Law and Aging from a three-part manual produced by Legal Counsel for the Elderly of AARP for the National Guardianship Monitoring Program, developed under a grant from the State Justice Institute. These manuals included: ***Program Coordinator's Manual–Part I; Trainer's Manual–Part II; and Trainee's Manual–Part III*** (1992).

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The authors of the three-part *Handbook on Volunteer Guardianship Monitoring and Assistance* are grateful for the excellent original model produced with great care, wisdom, and experience by Legal Counsel for the Elderly, Inc., of AARP in 1992. The primary authors of the AARP handbook were Susan Miler, Mary Twomey, and Shirley Pledger. We owe them a great debt. We thank AARP for the license agreement allowing us to update and adapt these materials.

Our advisory committee offered valuable perspectives that improved the Handbook: Naomi Karp, AARP Public Policy Institute; Dede Shelton, former Administrator of 4th District Court Boise, Idaho, Guardian Monitoring Program; Mary Twomey, Center of Excellence on Elder Abuse & Neglect, University of California; Richard Van Duizend, National Center for State Courts; Mary Joy Quinn, San Francisco Probate Court; and Hon. John Kirkendall, National College of Probate Judges.

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We recognize all of the individuals served by guardians and hope this project will contribute to their quality of life.

The ABA encourages the use of the handbook, its forms, and appendices in the development of volunteer guardianship monitoring and assistance programs in any interested court, with attribution to the ABA Commission on Law and Aging.

Erica Wood and Ellen Klem
ABA Commission on Law and Aging
2011

A. Introduction

When Legal Counsel for the Elderly, AARP, wrote the original Volunteer Guardianship Monitoring *Trainer's Manual* in 1992, they included everything the program coordinator will need to plan and execute a training. This updated *Trainer's Handbook* sets out planning steps and includes two days of sample training presentations for volunteer visitors and one day for volunteer auditors. (Volunteer records researchers will benefit by attending the training for both groups.)

There is a separate *Volunteer's Handbook* that can serve as a resource guide and refresher once they begin their assignments. The *Coordinator's Handbook* outlines the steps in developing and managing the volunteer monitoring and assistance program as a whole.

B. Training Tips

1. Capturing Volunteer Commitment

Training represents your best chance to capture the hearts of the volunteers. It is your opportunity to tell them in an organized way not only how much you need them and what they need to know, but also to set aglow the spark of interest that drew them to the program in the first place.

Your main focus should be on helping the volunteers understand the value of their work and the practical, useful things they need to know, rather than on the esoteric aspects of guardianship law or history, or the technical stages of Alzheimer's disease.

What to Focus on in Training

- Why this program is needed; what it means to people's lives;
 - Who the court staff are and how the volunteers will interact with them;
 - In what living situations they may find incapacitated adults;
 - Typical problems they may find on guardian reports and accountings;
 - Overview of their tasks and duties; and
 - Steps in handling a case.
-

An important part of the training is a *welcome from the judge and the clerk of court*, as well as other critical staff. Volunteers need to know that their work will be recognized and valued by the judge. A personal greeting from the judge will mean a lot to them. A *court tour* will help them feel more connected to the judicial system and orient them to where key things are. Aim to keep the size of the training to 15-20 people, so each volunteer can be an active participant.

Plan for lively sessions that are not just talking heads. Most adults learn best with a mix of lectures, discussions, and exercises in which they can test skills. For instance, if volunteers will be visiting people with severe communication impairments, they need to practice how they will gather information about the person in other ways besides conversation. The model training agenda suggests a variety of learning methods.

Plan to give out the *Volunteer's Handbook* at the training. Use the model *Volunteers' Handbook*, and adapt it to your state, your court, and your community.

Finally, new volunteers will have many questions. Some may be reticent to ask while others may ask too frequently, becoming disruptive. One technique is to give the volunteers an opportunity to write down their questions on cards and then group the questions by topic to address them at appropriate points in the session.

Training should be an ongoing process. In initial training, volunteers need to be oriented to the court and to the mechanics of the job. They will learn a good deal from

on-the-job experience during their first few months. Later on they will have questions about how to handle difficult cases. The more experienced volunteers want more detailed information about particular subjects, such as community services available for incapacitated persons or rules about expenditures by guardians of the property. These questions can be addressed through individual consultation with staff or by arranging for occasional speakers at volunteer meetings.

2. Steps in Planning a Training

Here is a list of key steps to plan the volunteer training:

- Review this *Trainer's Handbook*, as well as the *Volunteer's Handbook*.
- Make necessary adaptations in the handbooks.
- Recruit community volunteers or make arrangements for volunteer students from a university. See Identifying and Recruiting Volunteers, in the *Coordinator's Handbook*.
- Set training dates. Be sure that not too much time elapses between the recruitment and the training program, as enthused volunteers will want to begin right away!
- Arrange for training space in the courthouse. Hold the training in the courtroom or in a court location in close proximity to where volunteers will work. This will familiarize them with the places and people they need to know to do their job.
- Plan the training agenda and speakers. See model agenda in this handbook.
- Contact speakers. See letters of invitation at [Appendix DD, Speaker Letter for Training](#).
- E-mail the selected volunteers inviting them to the training.
- Compile packet of handouts or be sure all needed forms and materials are in the *Volunteer's Handbook*.
- Prepare training evaluation sheet. See model evaluation at [Appendix D, Training Evaluation](#).
- Be prepared! Ensure sufficient chairs, tables, temperature controls, name tags, paper and pens, and cards for questions. Check the acoustics and electrical outlets. If needed, arrange of equipment for power point, flip charts and easels, as well as a computer to demonstrate databases. Provide for coffee and snacks. Have ready copies of court forms, as well as directions on where to park and where to eat nearby. Order lunches if

the training will last past noon and set up computers and projectors in advance.

Necessary Court Forms for Training

- Database screen
- Sample guardianship file
- State guardianship statute
- Guardianship petition
- Guardian report form—one blank and one sample filled out
- Conservator inventory and accounting forms—one blank and one sample filled out
- Organizational chart of court
- Order appointing guardian
- Order appointing visitor
- Petition for post-appointment intervention
- Volunteer contract
- Training evaluation form
- Any court forms for required signature by volunteers—confidentiality requirement, workplace policies, any waivers of liability, proof of automobile insurance, mileage or parking reimbursement forms

3. Inviting Community Experts to Speak

The coordinator will be planning, facilitating, and directing the training, but will need a variety of speakers from the court and community. Some of these speakers also can be tapped for presentations at regular follow-up sessions later. Suggestions for speakers and topics include:

- The judge, magistrate, court staff, or an elder law attorney can present basics on adult guardianship law and practice.
- Invite the director of the local Area Agency on Aging, the local long-term care ombudsman, and local adult protective services staff.
- A gerontologist or geriatrician can present on the aging process.
- Mental health agencies and social service programs will give the volunteers specifics about resources that guardians might need.

- Also be sure to invite a current volunteer if the program is already established or a volunteer from a nearby program, if possible. Volunteers from distant guardianship assistance and monitoring programs could even be connected by phone or computer.

Contact the speakers a month or two before the training to check dates and discuss the basic framework of their presentation. Offer guidance about the outline of their topic to ensure they will be on the right track. See sample letter to a speaker at [Appendix DD, Speaker Letter for Training](#).

Check with speakers a few days before the training to confirm they will attend, that they know the location of the training, and that they understand the purpose and limits of their presentations. See the Training Timetable at [Appendix EE, Training Timetable](#).

C. Visitor Training - Day One

The following training outlines will help the coordinator structure the training presentations. The goal is the most important element of the each section. Modify the materials, exercises, and outlines to meet the individual needs of your court.

At a site where both volunteer visitors and auditors are being trained, the auditors could go through both days of visitor training, as well as an additional day of auditor training. Experiencing visitor training will familiarize the volunteer auditors with the important issues involved in guardianship and give a context for their auditing work. The volunteer records researchers may benefit by going to most or all of the visitor and auditor training—or may choose only introductory sessions followed by individual instruction from key court staff on updating records.

1. Introduction of Participants

Goal: To put people at ease, to help build cohesiveness, and to learn people's names

Presenter: Program coordinator

Time: 15 minutes

Materials: Name tags

Ask participants to tell:

- their name;
- a little bit about themselves; and
- why they decided to volunteer with the program.

2. Purposes of Training; Agenda

Goal: To give volunteers a sense of what to expect in the training, what they will know at the end, and how this relates to what they can expect to experience on the job.

Presenter: Program coordinator

Time: 15 minutes

Materials: Copies of the agenda

Outline the purposes of the volunteer training

- Introduce volunteers to the field of guardianship and guardianship monitoring;

- Impart knowledge that will empower volunteers to do the job;
- Define and clarify their role;
- Give an opportunity for them to get to know one another; and
- Provide an opportunity to ask questions and to learn where to get information in the future.

Review the agenda and discuss the major areas to be covered

- Guardianship law and process;
- Typical physical and mental conditions affecting individuals under guardianship;
- Court case files—how to find them, how to read them, what information to get from them;
- The visit—how to get started, how to fill out the reporting form, how to listen and problem solve, how to best communicate with the guardian and the incapacitated person;
- How to make recommendations to the court; and
- Ethics and confidentiality—the volunteer role and its limits.

Housekeeping

- Cover details, such as the location of restrooms and soda machines, times for breaks and lunch, parking, and any other items that will orient the volunteers to the courthouse and the day's schedule.

3. Welcome from Judge and Court Staff

Goal: To give volunteers a sense of where they fit in the “big picture” of the probate court and its role in guardianship monitoring; to reinforce the court’s commitment to the volunteer program; and to meet the judge(s).

Presenter: Judge, clerk of court, and court staff

Time: 15 minutes

Materials: None

Ask the judge, clerk, and court staff to address:

- Why the court is interested in monitoring guardianships;
- How the court currently monitors guardianships;
- How the judge sees the volunteers' role in expanding the court's ability to monitor guardianships;
- How the court will respond to a volunteer's findings;
- The need to fully identify the problems for the judge. Volunteers should not feel they are in any way "criticizing" the judge by finding problems, and should understand this is the heart of the program, and the judge expects a thorough review; and
- Introduction to courtroom etiquette and decorum.

4. Adult Guardianship Concepts

Goal: To provide background on the guardianship concept, the purpose of a guardianship, and the philosophical underpinnings of a guardianship monitoring program.

Presenter: Program coordinator

Time: 45 minutes

Materials: "What is Guardianship" in the *Volunteer's Handbook*. Also, refer to resources such as the National Guardianship Association at www.guardianship.org.

The program coordinator should cover the following:

- Surrogate decision-making;
- Protection versus autonomy;
- Last resort; use of least restrictive alternative; guardianship as "last resort";
- Limited guardianship; and
- Court responsibility for oversight.

5. Guardianship Law and Practice

Goal: To explain the definition of guardianship and the fundamentals of the guardianship process.

Presenter: Judge, hearing officer, magistrate, court staff, and/or attorney experienced in guardianship law and practice

Time: 1 hour

Materials: Copy of the state's guardianship statute and a sample case file showing the steps in the progression of a typical case. (Note: Preserve confidentiality by marking out names.) "Introduction to Guardianship;" and "How a Guardianship is Imposed" (Appendix DD) in the *Volunteer's Handbook*.

The presenter should cover the following:

- Definition of guardianship under state law;
- State standards for imposing a guardianship;
- The due process rights of a person during and after the proceeding;
- Types of guardianship—emergency versus permanent; guardianship of the person and of property; limited and plenary guardianship;
- The duties and powers of the guardian;
- Court guardianship monitoring procedures;
- Enforcement powers of the court;
- Recent trends in guardianship law, e.g., any recent statutory changes; and
- Review of the sample guardianship case file.

6. Learning About People Under Guardianship

Goal: To help the volunteers understand the medical conditions and functional abilities of people under guardianship.

Presenters: Community health and disability and mental health professionals—for example, from local mental health agency, disability organizations, brain injury association, Alzheimer's Association. You will need more than one speaker. The session could be organized as a panel or as separate consecutive speakers.

Time: One and a half hours

Materials: "Glossary of Medical Terms," "Who You'll See," and "Medications" in the *Volunteer's Handbook*.

Presenters should cover the following:

- dementia;
- mental illness;

- intellectual disabilities;
- head injuries and strokes;
- chemical dependency;
- functional abilities;
- reversible or temporary conditions;
- capacity assessment; and
- medication.

7. Who Are the Guardians?

Goal: To provide information about the types of guardians.

Presenter: Program coordinator; at least two different kinds of guardians describing their roles

Time: One-half hour

Materials: None

The coordinator and/or guardians should cover the following:

- The types of guardians, i.e., family, friends, public guardians, private non-profit and for-profit agencies, and individual professionals;
- The differences between the types of guardians, e.g., some courts perceive family guardians as needing more assistance;
- Any state law preference for appointment; and if applicable, state required certification for private professional guardians.
- Have the volunteers divide into two groups for informal questions and discussion with each of the guardians. This will not only allow for more intensive interaction, but will also give the volunteers a break from lecture.

8. Abuse, Neglect, and Exploitation

Goal: To familiarize volunteers with the signs of elder or vulnerable adult abuse, neglect, and exploitation, and the steps to take if any are suspected.

Presenter: A professional from the Adult Protective Services program

Time: One and a half hours

Materials: "Indicators of Abuse Assessment"; flyer or information about local APS program

The presenter should cover the following:

- The mandate of Adult Protective Services;
- Types of abuse and neglect; see <http://www.ncea.aoa.gov/>.
- The indicators of abuse, exploitation, and neglect;
- When and how to report to Adult Protective Services and when to report to the police;
- Types of Adult Protective Services interventions; and
- The volunteer's responsibility to inform program coordinator of any signs of abuse, neglect, or exploitation. Program's protocol on contacting APS. Should the volunteer alert the coordinator, who in turn calls APS?

D. Visitor Training - Day Two

You will need a second round of introductions to begin day two. Make sure the volunteers all have a chance to tell a little about themselves.

1. Philosophy of Program

Goal: To inform volunteers about the objectives and philosophy of the guardianship monitoring and assistance program

Presenter: Program coordinator

Time: 15 minutes

Materials: None

The program coordinator should cover:

- The increase in guardianships and the escalating need for effective court monitoring;
- How the program will respond to this need:
 - Program will maximize resources to successfully intervene for those at risk; and assist guardians—without substantially increasing staff and budget.
 - While managing a volunteer program has some cost to the court, volunteers provide an enormous value, bring a new perspective and energy to the court's work, and often have skills and experience that paid staff does not have.

2. Ethics; Confidentiality; Liability

Goal: To help volunteers identify and empathize with the situation of people under guardianship; to set guidelines for behavior between volunteers and people under guardianship; and to explain legal protections afforded volunteers under state law.

Presenter: Program coordinator

Time: 30 minutes

Materials: "Confidentiality/Conflict of Interest" in the *Volunteer's Handbook*.

The presenter should cover the following:

- Ethical foundation for treating individuals under guardianship with respect and dignity. Avoid stereotyping and assessments based on labels.
- Privacy and confidentiality

- DO discuss cases with the program coordinator.
- DON'T discuss cases with anyone outside the court.
- During meetings with other volunteers, DON'T use names and identifying information.
- DON'T remove public records from the court office.
- DON'T accept cases in which you know the parties.
- Risk of exploitation
 - DO avoid all activity that could place you in a position of actual conflict of interest or the appearance of conflict of interest.
 - DON'T become involved with the parties in an ongoing way, e.g., giving them money, revealing home phone numbers. If a party to the case tries to establish an ongoing relationship, contact the coordinator.
 - DON'T accept loans or gifts from guardian or individual under guardianship.
- Volunteer liability
 - Protection for volunteers under federal and state law; and
 - If the program is providing private liability insurance, explain the provisions and limitations. For more information on liability, see the *Program Coordinator's Handbook*, section II (A)(6).

3. Orientation to Court Procedures

Goal: To orient the volunteers to the court building and court staff

Presenter: Program coordinator; court staff

Time: 30 minutes (If more time can be afforded, build in opportunity for volunteers to observe a guardianship hearing)

Materials: Map and organizational chart of the court

The program coordinator should:

- Review the organizational chart of court staff, pointing out and describing jobs of the staff with whom the volunteers will have contact; and
- Lead the volunteers on a tour of the court, paying special attention to the courtroom, the room where the files are kept, the program coordinator's office, the space assigned to volunteers, and the access to computers.

4. First Steps in Handling a Case

Goal: To outline the steps in case review.

Presenter: Program coordinator

Time: 45 minutes

Materials: Computer with access to database; sample files; “Steps in Handling a Volunteer Court Visitor Case” in the *Volunteer’s Handbook*; and “Sample Tips for Volunteer Review of Guardianship Case File,” Appendix W(1) in the *Coordinator’s Handbook*. The “Tips” should be adapted to your court files.

The program coordinator should cover:

- how the court keeps track of cases;
- volunteers’ access to case records;
- a detailed step-by-step description of how to find cases or case information in the database and/or case files;
- the process for assignment of cases to volunteers; court order appointing volunteer;
- how to read the case file closely; key documents to look for; and
- what to do when questions arise.

5. Making a Visit

Goal: To explain to volunteers how visits should be conducted.

Presenter: Program coordinator

Time: One hour

Materials: “Steps in Handling a Volunteer Court Visitor Case”; “Interview Questions and Strategy”; “Case Scenarios” [Appendix FF, Case Scenarios](#); Blank volunteer report forms [Appendix J, Volunteer Report Form](#); sample letter to guardian [Appendix U, Letter to Guardian](#); and “Interview Questions and Strategy “ in the *Volunteer’s Handbook*.

The presenter should cover:

- placing a phone call or sending a letter to inform the guardian of the program and set up an appointment;

- reading over case files and reviewing information about medical condition, relevant impairments, and living situation;
- what to bring on the visit—a copy of the court order, blank report form(s);
- What to do if a guardian or incapacitated person refuses a visit;
- what to look for on the visit;
- the interviewing process (see “Interview Questions and Strategy” in the *Volunteer’s Handbook*;
- communications tips; and
- speaking with others—such as caregivers, facility staff, and friends.

Have the volunteers break into small groups and give them a visit scenario. Have them role play the visitor, guardian, incapacitated person, and caregiver. Have the person playing the visitor fill out the report form, either as he or she asks questions, or afterwards, whichever method the coordinator advises. Volunteers can take turns playing the visitor, using the same or different scenarios. After the interview, have the group look at the visitor’s form and make suggestions and comments.

Alternatively, the program coordinator can play the visitor and have the volunteers fill in the report form. Discuss their questions and concerns.

6. Writing the Volunteer Report

Goal: To provide volunteers with the information they need to write their report.

Presenter: Program coordinator

Time: 30 minutes

Materials: Report form; sample completed report form [Appendix X, Completed Volunteer Report Form](#); [Appendix Y, Completed DC Student Visitor Report Form](#).

The presenter should cover:

- The purposes of the report form—(1) to help structure the volunteers' observations and interactions during the visits; (2) to give information to the court; (3) to provide research data about incapacitated persons for whom the court is responsible; and (4) to provide data about how the project is working.
- The information on the report form, including the definitions of care levels and recommendations for the court;

- Information that is not on the blank report form, but that should be included –comments for the notes section; and
- Writing style for submitting a report to the court, e.g., professional, factual, and grammatically correct; length and amount of detail expected; examples of critical things to include, as well as unnecessary things that should not be included.
- Process the coordinator will use to review the report and provide feedback to the volunteer.

7. What Happens to Your Report

Goal: To provide information about the process for submitting a report to the court and about the court's response.

Presenter: Judge and program coordinator

Time: 30 minutes

Materials: List of potential court responses (see "How the Court Responds to Problems," in the *Volunteer's Handbook*); example of a court order for intervention in a guardianship case.

The presenters should cover:

- Examples of possible court action—for instance, appointment of a co-guardian, removal of guardian, order for show cause bringing guardian into court, termination of guardianship, change in scope of court order, letter directing guardian to take specified actions.
- How the volunteer will know what court actions were taken.

8. Communication Skills: Active Listening

Goal: To give the volunteers an idea about how to approach the people involved in a guardianship case.

Presenter: Program coordinator

Time: 30 minutes

Materials: "Do's and Don'ts of Good Communication" and "Communicating With and About People with Disabilities" in the *Volunteer Handbook*; additional summaries such as "Seven Barriers to Great Communication" at <http://hodu.com/barriers.shtml>.

The presenter should cover:

- Definition of active listening, keys to good communication;

- Why active listening is important to the volunteer's job—it enables the volunteers to look beyond just the facts to messages that may be hidden underneath;
- Importance of asking guardian, physician, or evaluator about specific tips for communication with the individual at hand;
- Barriers to effective communication—
 - volunteer's attitude, demeanor, and body language;
 - environment—poor lighting or acoustics, lack of privacy;
 - communication impairments—hearing and vision loss, listening devices, and accommodations;
 - insufficient time;
 - interruptions; and
 - resistant guardians or facility staff.

9. Introduction to Community Resources: Navigating Help for Guardians

Goal: To provide volunteers with information about community resources so they can assist guardians.

Presenter: Speakers from community—for example, Area Agency on Aging, legal services, adult protective services

Time: One hour

Materials: Brochures or other materials from relevant community resources

The presenters should cover:

- Agency on Aging; aging network under the Older Americans Act
- Adult protective services
- Disability agencies and organizations
 - The Arc
 - Centers for independent living
 - Local disability commission
 - Mental health agency
 - State Protection and Advocacy Agency

- Social Security field office
- Medicaid
- Veterans' resources
- Legal services; bar association resources
- Geriatric care managers
- Non-profit and for-profit service agencies, including, for example, home care agencies, funeral homes, hearing aid dealers, and more
- Local public and para-transit options
- Long-term care residential facilities

10. What Is This Job Really Like?

Goal: To give the new volunteers an opportunity to ask questions directly of experienced court volunteers.

Presenter: Program coordinator; if the program already is established, a panel of veteran volunteers (or volunteers from a nearby court program)

Time: 45 minutes

Materials: 3" x 5" index cards, easel, flip-chart paper, and post-it pads

For new programs:

Encourage new volunteers to ask questions about the job. Because new volunteers may be reluctant to ask questions out loud, ask them to write down their questions or concerns anonymously—either on an index card or post-it pad to be returned to the program coordinator or placed on a flip chart.

For established programs:

Invite a group of three or four experienced court volunteers to speak to the new volunteers. Ask them to think back to their first training session and some of the questions they asked or wanted to ask. Veteran volunteers should also be prepared to discuss:

- why they became involved in the program;
- their best and worst experiences; and
- how they interact with the program coordinator.

11. Completing Forms; Confirming Schedule; Getting Started

Goal: To show volunteers how to complete additional forms, i.e., time sheets, reimbursement forms, etc.; familiarize volunteers with the schedule and get them scheduled for work.

Presenter: Program coordinator

Time: 15 minutes

Materials: Sample time sheet, sample reimbursement form, and sample schedule sheet, if available. [Appendix R, DC Student Schedule Form](#); [Appendix S, Volunteer Time Sheet](#); [Appendix T, Reimbursement Form](#); any forms that the court requires volunteers to sign (assurances on ethical conduct and confidentiality; assurances they will abide by the court's workplace policies; proof of automobile insurance, if needed; any waiver of liability the court expects).

The program coordinator should cover:

- How to complete and submit a time sheet;
- How to complete and submit a reimbursement form;
- How scheduling will work;
- Where the schedule can be found;
- Required signing of forms; and
- Scheduling of volunteers to begin work.

E. Training Curriculum for Volunteer Auditors

The volunteer auditors perform a key complementary task without which the visitors could not function. It is a good idea to ask the volunteer auditors to participate in the visitor training so they will know and understand the context in which their work takes place. Moreover, both the visitors and auditors should attend any regular volunteer meetings so they will maintain connections and continue to be engaged in the important work of monitoring.

The full-day auditor training could immediately follow the two days of visitor training, or be scheduled as a separate one-day event. In reality, however, auditor training goes on for several months. Formal training covers the basics of auditing policy and practice in your court. However, you cannot cover all possible kinds of auditing problems in one day, so volunteers will need supervision and on-the-job training until they feel comfortable working independently. The initial investment of court staff time in auditor supervision is high—but the yield of work from well-trained auditors is well worth it.

While the auditor training can be planned and facilitated by the volunteer coordinator, the substance must come from the court's professional auditing staff. Unlike the visitor's job—which is fairly similar from court to court—the auditor job is more specific to each court, and, thus, training will be specific, as well. Below is a basic outline for the auditor training—but the content will be the responsibility of court staff

1. Introductions; What You Will Learn

Goal: To reinforce names, foster identification as auditors and connections with the visitors and records researchers; to go over the content of the training and what they will learn.

Presenter: Program coordinator

Time: 15 minutes

Materials: Training agenda; name tags

2. Roles and Duties of Conservator (Guardian of Property)

Goal: To explain the conservator process and duties, including the nature of a “fiduciary duty”

Presenter: Court staff or elder law attorney

Time: One hour

Materials: Copy state conservatorship statute

The presenter should cover:

- fiduciary principles

- appointment by court
- marshalling estate; inventory
- maintaining estate
- prudent investment
- powers and duties
- accounting to court
- common problems
- exploitation

3 Demystifying the Accounting and Conservatorship File

Goal: To help the volunteer auditors understand and become familiar with the elements of an accounting form; the elements of a conservatorship file; the court's auditing system and the relevant database.

Presenter: Court staff auditor

Time: One hour

Materials: Copy of accounting form; copy of examples of key documents in conservatorship file. Computer screen showing database for auditing system.

The presenter will walk the volunteer auditors through each element of the accounting form, explaining terminology, accounting practices, and court expectations.

- Presenter will go through an example of one or more conservatorship files, explaining documents and common terminology.
- Examine petition, inventory, annual accounting, supplemental documents; bank statements; any post-appointment petitions or orders; final accounting.
- Make volunteers aware of the Social Security Representative Payment Program and the Veteran's Fiduciary Program. These government-appointed substitute decision-makers have authority to manage the Social Security or VA income for the benefit of the individual. The guardian might serve in these roles, but must be specifically designated by SSA or the VA to do so. Point out that the volunteer auditors probably won't see the SSA or VA reports in the guardianship files, but they should understand how the systems work and ask questions if necessary. For more information on the Social Security Representative Payee Program, see

<http://www.ssa.gov/payee/>; and for the VA fiduciary program, see <http://www.vba.va.gov/bln/21/Fiduciary/index.htm>.

4. What to Look For: Common Problems in Conservator Accounting

Goal: To make the volunteers aware of common problems to identify; patterns of malfeasance; red flags.

Presenter: Court staff auditor

Time: One hour

Materials: Redacted copies of accounts showing common problems

- List of “red flags” that could trigger a particular need for review, at *Guardianship and Conservatorship “Red Flags,”* <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/famct&CISOPTR=304> (includes lists by Vanderheiden, Maricopa County, Ariz., Public Fiduciary; Arizona Supreme Court Certification and Licensing Division; and Tarrant County, Texas, Probate Court #2);
- Press releases or governmental reports highlighting instances of conservator negligence or exploitation. For example, 2010 Government Accountability Office, *Guardianships: Cases of Financial Exploitation, Neglect, and Abuse of Seniors*, GAO-I 0-1046, <http://www.gao.gov/products/GAO-10-1046>

The presenter will select the ten or so most common problems in the accounting, and show the volunteers examples of each. These might begin with the following, but will focus on examples common to your court:

- The starting balance for the period does not agree with the ending balance for the last accounting.
- The figures for expenses and income do add up to the total balance.
- The fee charged is incorrect.
- Supplemental documentation is missing—for example, bank statements or brokerage statements.
- There is unexplained use of ATM machines or checks made out to “cash.”
- There are expenses that stand out for the high amount or questionable use by the person under conservatorship.

Find several actual accounting reports that illustrate the typical problems. Distribute copies to the volunteers. Review them, explaining what the problem is and why it is important. Next, provide the volunteers with another problem case and ask

them to review it. Have the volunteers, working either alone or in pairs, identify the problem(s) and have a class discussion. Address any questions or concerns. Repeat with another problem case, if time permits.

5. Steps in Your Review

Goal: The volunteer auditors will understand exactly what steps to take in their review of each conservatorship file.

Presenter: Court staff auditor and coordinator

Time: One hour

Materials: Sample volunteer auditor's cover sheet, [Appendix L, Volunteer Auditor Cover Sheet](#); AARP's Volunteer Court Auditor Do's and Don'ts [Appendix GG, Volunteer Auditor Do's & Don'ts](#).

Use a case example and walk through the volunteer auditor form, filling it out correctly. Then use another case to have the volunteers—alone or in pairs—fill out another auditor form.

- Discuss questions.
- Direct the volunteers on how they will get their case assignment; and how to get the full file.
- Tell them what to do and who to ask if they have questions. Is the best way to e-mail their question, talk to designated staff on the spot, or some other method?

The volunteers will be anxious to begin their work soon after the training. Prepare a sign-up sheet with dates and times that volunteers can come in to the court to start their first auditing case. Plan to devote at least 45 minutes to walk each volunteer through the process when the volunteer comes for his or her first assignment.

6. What Happens to Your Review?

Goal: The volunteer auditors will understand what happens to the cases they reviewed, and what actions the court might take as a result of the review.

Presenter: Court staff auditor and coordinator; possibly get judge to make brief comments

Time: One-half hour

Materials: Handout on possible court actions following conservator file auditing—example of court order following identification of problems with accounting

Explain who will review the volunteer auditor's form and what the timeframe is. Describe what court staff actions might be taken as a result; as well as what recommendations court staff might make to the judge, and how these recommendations get to the judge. Give examples of instances in which a judge took action on a volunteer auditor report. If possible, have the judge impress on the volunteers the importance of what they are doing.

7. What Is This Job Really Like?

Goal: To give the new volunteer auditors an opportunity to ask questions directly of experienced volunteer auditors.

Presenter: One or two experienced volunteer auditors from an established program

Time: 45 minutes

Materials: None

Invite a couple of experienced court volunteer auditors to speak to the new volunteers. Ask them to think back to their first training session and some of the questions they asked or wanted to ask. Veteran volunteers should also be prepared to discuss:

- why they became involved in the program;
- their best and worst experiences; and
- how they interact with the program coordinator.

8. Completing Forms; Getting Started

Goal: To show volunteers how to complete time sheets; get reimbursement for mileage; begin scheduling work hours

Presenter: Program coordinator; court staff who will supervise volunteer auditors

Time: 15 minutes

Materials: Time sheets; calendar; reimbursement form ([Appendix T](#))

9. Swearing in by Judge

Goal: To formalize and recognize the volunteer's service and role.

Presenter: Judge

Time: 15 minutes

As the "grand finale" of the training program, arrange in advance to have the volunteers sworn in by the judge. This will be very impressive and satisfying for the

volunteers, and will offer the judge another opportunity to see them and acknowledge their contribution.

Forms and Appendices

[Appendix D – Training Evaluation](#)

[Appendix J – Volunteer Report Form](#)

[Appendix L – Volunteer Auditor Cover Sheet](#)

[Appendix R – DC Student Schedule Form](#)

[Appendix S – Volunteer Time Sheets](#)

[Appendix T – Reimbursement Form](#)

[Appendix U – Letter to Guardian](#)

[Appendix X – Completed Volunteer Report Form](#)

[Appendix Y – Completed DC Student Visitor Report Form](#)

[Appendix DD – Speaker Letter for Training](#)

[Appendix EE – Training Timetable](#)

[Appendix FF – Case Scenarios](#)

[Appendix GG – Volunteer Auditor Do's & Don'ts](#)

Appendix D – Training Evaluation

Court Volunteer Guardianship Monitoring & Assistance Program

Training Evaluation Form

Day One – Volunteer Visitor Training

For each of today's sessions, please indicate how successful it was in conveying information useful in preparing to be a volunteer court visitor, with 1 as "not successful" and 5 as "very successful."

Introduction & Purpose of Training	1	2	3	4	5
Welcome from Judge & Court Staff	1	2	3	4	5
What is Guardianship	1	2	3	4	5
Guardianship Law & Practice	1	2	3	4	5
People Under Guardianship	1	2	3	4	5
Who Are the Guardians?	1	2	3	4	5
Abuse, Neglect & Exploitation	1	2	3	4	5

What was most helpful?

What was least helpful?

After this Day One training, how confident do you feel about your ability to do the job, with 1 as "very uncertain" and 5 as "very confident"?

1 2 3 4 5

Suggestions for additional information or improvement?

Court Volunteer Guardianship Monitoring & Assistance Program

Training Evaluation Form

Day Two – Volunteer Visitor Training

For each of today's sessions, please indicate how successful it was in conveying information useful in preparing to be a volunteer court visitor, with 1 as "not successful" and 5 as "very successful."

Program Philosophy	1	2	3	4	5
Ethics, Confidentiality, Liability	1	2	3	4	5
Orientation to Court Procedures	1	2	3	4	5
First Steps in Handling Case	1	2	3	4	5
Making a Visit	1	2	3	4	5
Writing the Volunteer Report	1	2	3	4	5
What Happensto Your Report?	1	2	3	4	5
Communication Skills	1	2	3	4	5
Community Resources	1	2	3	4	5
What Is Job Really Like?	1	2	3	4	5

What was most helpful?

What was least helpful?

After this Day Two training, how confident do you feel about your ability to do the job, with 1 as "very uncertain" and 5 as "very confident"?

1 2 3 4 5

Suggestions for additional information or improvement?

Court Volunteer Guardianship Monitoring & Assistance Program

Training Evaluation Form

Volunteer Auditor Training

For each of today's sessions, please indicate how successful it was in conveying information useful in preparing to be a volunteer court Visitor, with 1 as "not successful" and 5 as "very successful."

Introduction; Overview	1	2	3	4	5
Roles & Duties of Conservator	1	2	3	4	5
Orientation to Court Procedures	1	2	3	4	5
Demystifying the Accounting & File	1	2	3	4	5
Common Problems in Conservator					
Accounting	1	2	3	4	5
Steps in Your Review	1	2	3	4	5
What Happensto Your Review?	1	2	3	4	5
What Is Job Really Like?	1	2	3	4	5

What was most helpful?

What was least helpful?

After this auditor training, how confident do you feel about your ability to do the job, with 1 as "very uncertain" and 5 as "very confident"?

1 2 3 4 5

Suggestions for additional information or improvement?

Appendix J - Volunteer Report Form

GEN
FORM
2/92

Name of volunteer _____

REPORTING FORM
COURT VISITOR PROGRAM
SUMMARY REPORT TO COURTIn the matter of _____ Case No. _____
First Name Last Name

In this section, record your overall assessment of the ward's care by checking on of the options in the chart. If you indicate that further action is needed, please specify in the comments section what that action should be.

Ward's overall care is:	No further action recommended	Further action needed
Superior		
Satisfactory		
Marginal		
Unacceptable		

Definitions of care levels:

- Superior: Care is better than adequate; beyond meeting the basic needs of the ward, extra assistance is provided. May be exemplary in one or more ways.
- Satisfactory: Care is adequate to meet the housing, health, socialization, and if applicable, habilitation needs of the ward.
- Marginal: Overall care is less than adequate but not dangerous to the ward.
- Unacceptable: Inadequate care is causing or about to cause a serious negative effect on the ward's health or welfare; remedial action is necessary.

VOLUNTEER RECOMMENDS THE FOLLOWING ACTION BY THE COURT:

1. _____ No further action needed
2. _____ Ward should be visited again in ____/____/____
3. _____ Letter or call requesting information from guardian
4. _____ Letter or call advising guardian of resources
5. _____ Letter requesting plan for improvements from guardian
6. _____ Letter requesting guardian to take action w/in a specific time
7. _____ Appoint volunteer or GAL for further investigation
8. _____ Referral to another agency (APS, DDS)
9. _____ Order for guardian to appear at hearing
10. _____ Emergency appointment of new guardian
11. _____ Removal of guardian - new guardian appointed
12. _____ Termination of guardianship/restoration
13. _____ Other

Specific comments by volunteer:

For Court Use Only:

1. _____ No action needed.
2. _____ Action needed; agree with volunteer recommendation.
3. _____ Action needed; different from volunteer recommendation.
4. _____ Action recommended; no action taken.

Notes on court action taken:

Name: _____

**GUARDIANSHIP MONITORING PROGRAM
PROBATE COURT
REPORT OF VISITS**

I. FILE REVIEW

Instructions: This information should be completed during your review of the file at the court house. If any of the financial information is not available from the file, disregard those questions; they should not be asked of the guardian or ward. Some questions from the Visit with Ward section (page 2) may also be answered from information found in the file (e.g., age).

1. Year guardianship established: 19_____

1A. Guardianship of: 1_____ Person only 2_____ Property only 3_____ Both 4_____ Other_____

1B. Reason given for guardianship: 2. Annual Income: 3. Size of Estate (Real + personal property):

- 1_____ mental retardation (and other developmental disabilities)
- 2_____ dementia (including Alzheimer's disease and related disorders)
- 3_____ chronic mental illness
- 4_____ chronic alcohol or drug use
- 5_____ head injury/stroke
- 6_____ other_____
- 7_____ can't determine

- 1_____ under \$3,000
- 2_____ \$3,000-5,999
- 3_____ \$6,000-11,999
- 4_____ \$12,000-24,999
- 5_____ \$25,000-49,999
- 6_____ \$50,000-99,999
- 7_____ \$100,000+
- 8_____ can't determine

- 1_____ under \$15,000
- 2_____ \$15,000-24,999
- 3_____ \$25,000-49,999
- 4_____ \$50,000-99,999
- 5_____ \$100,000 +
- 6_____ can't determine

4. If any kind of periodic report is required, is it current?

	Required?		Current?	
Report of:	Yes	No	Yes	No
Person				
Property				
Date of last report filed:				

5. Any problems evident from the file review (e.g., family conflict, disparity between financial status and level of care of ward)?:

II. INFORMATION FROM GUARDIAN (Date of Contact: ____/____/____)

Instructions: In this section, you will gather information about the relationship between the guardian and the ward. The questions will give you specific answers; your observations will be recorded at the end of this section.

GUARDIAN'S NAME: _____

Address _____ City _____ State _____ Phone _____

6. Guardian of: 1____ Person 2____ Property 3____ Both

7. Guardian's relationship to ward:

1____ spouse 2____ parent of ward 3____ child of ward 4____ other relative
5____ friend 6____ private attorney 7____ public guardian or agency 8____ other

8. Does the ward live with the guardian? Yes ☐ No ☐ If not, how many times does the guardian or his/her designee visit ward on average each *month*? _____. On average, how long is the visit (in minutes)? _____

9. What does the guardian do for the ward? Check all that apply:

<input type="checkbox"/> Manage financial affairs	<input type="checkbox"/> Provide necessities
<input type="checkbox"/> Housekeeping	<input type="checkbox"/> Take on outings
<input type="checkbox"/> Provide transportation	<input type="checkbox"/> Bathe
<input type="checkbox"/> Feed	<input type="checkbox"/> Provide continuous care

List any others: _____

10. What is the guardian's view of the ward's overall situation, including any significant changes in physical health, intellectual functioning, emotional health and living situation that have occurred over the past year:

11. Does the guardian feel that the guardianship should continue? 1____ yes 2____ no

Why? _____

12. Any changes needed in the guardianship? _____

13. Has eligibility for such programs as Social Security, Medicare, Medicaid, SSI or Food Stamps ever been checked?
Yes ____ No ____

14. Does the guardian need assistance, whether from the court or from a community agency? Please specify:

15. Guardian's current assessment of ward's: (Check a rating box for each category)

	Excell 1	Sats 2	Fair 3	Poor 4	Don't Know 5
Physical health					
Emotional health					
Intellectual functioning					
Living situation					

16. Any special approach volunteer should take in visiting ward?

17. *Visitor:* Please record any observations about the relationship between the guardian and the ward that you feel would be useful for the court to know.

III. VISIT WITH WARD (Date of visit: ____/____/____)

Instructions: The Visitor should always make an effort to visit with the ward face-to-face and privately. Other sources of information about the ward include the guardian, caregivers, facility staff, relatives, and friends. Remember, you may need to talk to more than one person to get a full picture of the ward's situation. The questions will give you specific information; you will also record your observations/impressions at the end of the section.

18. To whom did you speak to get the information for this section and how much time does he/she spend with the ward per week? (check all that apply):

	Source:	Time Spent with Ward per week (in minutes)
	Ward	////////////////////
	Guardian	
	Caregiver	
	Facility Staff	
	Relative	
	Friend	
	Other	

Information about ward:

19. Age: _____

20. Race/Ethnic

21. Marital Status:

22. Sex: 1___ F
2___ M

1___ Hispanic 4___ American Indian
2___ Caucasian 5___ Asian/Pacific
3___ Black 6___ Unknown

1___ Married 4___ Separated
2___ Single 5___ Divorced
3___ Widow/er 6___ Unknown

A. Living Situation

23. Ward resides in:

1___ own home 5___ group home (board & care,
2___ guardian's home personal care, certified
3___ relative's home residential facility)
4___ nursing home 6___ hospital/state hospital
7___ other _____

Name of Facility _____ Phone _____ (if applicable)

Address _____ City _____ Zip _____

24. Ward has been in present residence since _____ 25. If moved in past year, state number of
times _____ and reasons: _____

26. What services are provided by the guardian or the facility? Examples (check all that apply and list any not mentioned here):

1___ administer medications 5___ 24-hour supervision 9___ nursing care
2___ help with bathing 6___ help with dressing 10___ help with grooming
3___ help in using the bathroom 7___ help with feeding 11___ recreational activities
4___ physical therapy 8___ day care program 12 others: _____

27. *Visitor: Please record your observations of any problems in the living environment and rate its quality (take into account such things as condition of residence and furnishings, safety, handicapped accessibility, and staffing level):*

☐ Excellent ☐ Satisfactory ☐ Fair ☐ Poor

Comments: _____

B. Daily Activities

28. Aside from meals and personal care, how does the ward spend the day?

29. How often does the ward go away from the residence? _____

30. For what purposes? _____

31. Are the ward's recreational, socialization and rehabilitation needs being met? Yes _____ No _____
Any unmet needs?

C. Physical Health/Emotional Health

32. Does the ward have any conditions which impede communication? Yes _____ No _____

33. If so, please specify:

- 1 ___ hearing impairment
- 2 ___ speech impairment
- 3 ___ unwilling to speak
- 4 ___ foreign language speaking only

- 5 ___ mentally ill
- 6 ___ mental retardation
- 7 ___ comatose
- 8 ___ other _____

34. How is the ward's *physical* health?:

☐ excellent ☐ satisfactory ☐ fair ☐ poor

35. Ward ☐ is ☐ is not under regular care by a primary physician:

Doctor's name _____

36. How many times has this doctor seen ward on an outpatient basis in the past year? _____

Last visit: ____/____/____ How many times has the ward been hospitalized in the past year? _____

37. Medications prescribed: none _____ 1-4 _____ 5-9 _____ 10 or more _____

38. Any problems with medications (e.g., ward needs assistance or refuses to take medications, medications prescribed by multiple doctors)?

39. If there has been any major improvement or decline in the ward's *physical* health in the last year, please describe:

40. Please describe any significant medical diagnoses or conditions affecting the ward's health which the court should know about (Do not restate reason for guardianship unless there has been a change.):

41. Within the past year, has the ward experienced any traumatic events or major disruptions or changes (e.g., death of spouse, admission to nursing home, abuse, major illness)? Yes _____ No _____

If yes, please describe: _____

42. Is ward under regular care of a mental health professional (psychiatrist, psychologist, social worker, counselor)? Yes _____ No _____ Please specify: _____

43. Does the ward take any medications specifically for treatment of *mental illness*? Yes _____ No _____

Any problems with these medications? _____

44. Has there been any major improvement or decline in the ward's *emotional* health in the last year? Yes _____ No _____ If yes, please describe: _____

45. Is the ward in need of additional treatment or services not now provided for physical or emotional health conditions? Please specify:

D. Intellectual Functioning

46. Is the ward able to make decisions? Yes _____ No _____ If yes, in what areas?

47. Has this capacity changed during the past year? Yes _____ No _____

48. If yes, has it improved _____ or declined _____? If improved, is the guardianship the least restrictive alternative for care of the ward?

E. Guardianship

Visitor: Ask these questions of the ward directly, whenever possible. If for some reason you cannot speak with the ward, answer these questions yourself using the information you have gathered and the observations you have made.

49. Who answered questions? Ward _____ Visitor _____

If visitor, what prevented you from speaking with the ward?

Questions for ward:	Yes	No	Can't Judge
50. Is ward satisfied with living situation?			
51. Is ward satisfied with care?			
52. Is ward satisfied with caregiver?			
53. Does ward feel that the guardianship is still needed?			
54. Is the ward satisfied with the guardian?			

55. If the ward answers "No" to any of these questions, please elaborate:

56. Are any changes requested by ward? _____

57. Volunteer's assessment of ward's: *(Check a rating box for each category)*

	Excell 1	Sats 2	Fair 3	Poor 4	Don't Know 5
Physical health					
Emotional health					
Intellectual functioning					
Living situation					
Relationship w/guardian					

Time spent on this case: _____ hours.

Travel and out-of-pocket expenses for this case: _____ miles \$ _____

PLEASE GO TO THE SUMMARY PAGE (FORM I) TO MAKE YOUR RECOMMENDATIONS TO THE COURT

Appendix L – Volunteer Auditor Cover Sheet

VOLUNTEER AUDITOR

ACCOUNTING REVIEW COVER SHEET

1. Conservator [Guardian of Property] _____
2. Date of Appointment _____
3. Dates OK _____ Not OK _____
4. Commission OK _____ Not OK _____
5. Inventory filed Yes _____ Date _____ No _____
6. Bond amount OK _____ Not OK _____
7. Any returns without dispositions _____ Dates _____
8. Court cost _____
9. Overall rating
 - a. Accept as submitted _____
 - b. Minor action needed _____
 - c. Major deficiencies needing correction _____
10. Specific problems:

Problem (number p. 2)	Rating of problem (A,B,C)	Description of Problem; Remarks

Volunteer Auditor _____ Date _____

11. Action by court:

Date checked _____ By whom _____ Action approved _____

12. Final approval _____ Date _____

Rating A, B, C

1. ____ The balance forward does not agree with the ending balance on your last return.
The ending balance on the last return was \$ ____
2. ____ The period covered should begin and end on the anniversary of your appointment,
_____. To get back on schedule (this accounting) (or next accounting) cover the
period from ____ to _____. Show only money received and disbursed between these
two dates. You may petition to change the reporting dates. A standard form is available at
_____.
3. ____ The balance on hand does not equal total receipts minus total disbursements. The
figures are out of balance.
4. ____ Disbursements must be paid only with estate funds. If money to pay debts of the
estate is advanced by a third party, the source and amount of the advancement must be
shown as a receipt.
5. ____ The accounting lists the value of real or personal property that is neither a cash
receipt nor a cash disbursement. You may disclose this information parenthetically in the
body of the accounting, but the value cannot be shown as a receipt or a disbursement.
6. ____ A notarized acknowledgement of receipt is required.
7. ____ The commission appears to be excessive. The formula for determining
commission is _____.
8. ____ Not all of the receipts and/or disbursements show from whom received or to
whom paid, and/or the reason for the receipt or disbursement, and/or the amount of
money received or disbursed.
9. ____ The signature must be witnessed by a notary public or a clerk of the probate court.
10. ____ It is not clear whether the investments are authorized under state law. The
accounting must certify that the investments are authorized and provide supporting
authority for such investment.
11. ____ Information is needed on the name of the bank in which the funds are located and
the account number.

Prepared by: _____

Date _____

Case Number _____

Letter sent out _____

Response received _____

File date _____

Appendix R – D.C .Student Schedule Form

Student Schedules					
Student	Monday	Tuesday	Wednesday	Thursday	Friday
Student A		x	x		
Student B		x	x		
Student C		x		x	
Student D	x	x			
Student E			x	x	
Student F	x	x	x		
Student G				x	x

Tuesday Group
Supervision

Thursday
Group
Supervision

Cubicle Assignments	Student Name	Student Name	Student Name	Student Name
	Student Name	Student Name	Student Name	

Appendix S – Volunteer Time Sheets

Court Volunteer Guardianship Monitoring & Assistance Program

Monthly Volunteer Time Sheet

Name			
Month & Year			
Date	Visitor Hours	Auditor Hours	Researcher Hours
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
13			
14			
15			
16			
17			
18			

19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

Appendix T – Reimbursement Form

SAMPLE VOLUNTEER REIMBURSEMENT FORM

Name of Court

REQUEST AND ORDER FOR PAYMENT OF EXPENSES OF VOLUNTEER

In the Matter of

An Incapacitated Person

Case Number: _____

Appointed as a Court Volunteer herein by Order dated _____, _____, the undersigned is entitled to reimbursement of the following out-of-pocket expenses pursuant to (site relevant code):

Travel expense for ____ miles at ____ per mile = \$_____

Other expenses: _____ = _____

_____ = _____

TOTAL CLAIMED: \$_____

Date of claim: _____

Signature of Court Volunteer

Name, address, phone, email

ORDER OF THE COURT

Based upon the foregoing information, the court orders payment of \$ _____ to the person named above.

Date _____

Judge: _____

Appendix U – Letter to Guardian

SAMPLE LETTER TO GUARDIAN CONCERNING VOLUNTEER COURT VISITORS

Name of judge

Name of clerk

NAME OF PROBATE COURT

Address

In the matter of:

An incapacitated person

Case no. _____

To: Name of Guardian

Address

Date

Dear Guardian:

The Probate Court is beginning a new program to visit persons under guardianship, as authorized by [state statute, if applicable]. We are training a group of volunteers, called Court Visitors. A Court Visitor will soon be contacting you to arrange a visit with the incapacitated person in this case, with you as guardian, and with anyone else involved in the person's care. The Court Visitor will report back to me about the current situation of the person under guardianship.

The volunteer Court Visitor will call you to schedule a meeting at a mutually convenient time with you and with the incapacitated person. During the visit, the volunteer will ask questions about the present living and care arrangements. Your cooperation will help the volunteer to give me an accurate picture of what is happening in the case.

Thank you for your help in improving the guardianship system in [jurisdiction].

Sincerely,

Name of judge

Name of court

Appendix X - Completed Volunteer Report Form

GEN
FORMName of volunteer Jane Smith

SAMPLE COMPLETED REPORTING FORM

COURT VISITOR PROGRAM
SUMMARY REPORT TO COURTIn the matter of John Ward Case No. 123456
First Name Last Name

In this section, record your overall assessment of the ward's care by checking one of the options in the chart. If you indicate that further action is needed, please specify in the comments section what that action should be.

Ward's overall care is:	No further action recommended	Further action needed
Superior		
Satisfactory		✓
Marginal		
Unacceptable	////////////////////	

Definitions of care levels:

- Superior: Care is better than adequate; beyond meeting the basic needs of the ward, extra assistance is provided. May be exemplary in one or more ways.
- Satisfactory: Care is adequate to meet the housing, health, socialization, and if applicable, habilitation needs of the ward.
- Marginal: Overall care is less than adequate but not dangerous to the ward.
- Unacceptable: Inadequate care is causing or about to cause a serious negative effect on the ward's health or welfare; remedial action is necessary.

VOLUNTEER RECOMMENDS THE FOLLOWING ACTION BY THE COURT:

1. ☐ No further action needed
2. ☐ Ward should be visited again on ____/____/____
3. ☐ Letter or call requesting information from guardian
4. ☐ Letter or call advising guardian of resources
5. ☒ Letter requesting plan for improvements from guardian
6. ☐ Letter requesting guardian to take action w/in a specific time
7. ☐ Appoint volunteer or GAL for further investigation
8. ☐ Referral to another agency (APS, DDS)
9. ☐ Order for guardian to appear at hearing
10. ☐ Emergency appointment of new guardian
11. ☐ Removal of guardian - new guardian appointed
12. ☐ Termination of guardianship/restoration
13. ☐ Other

Specific comments by volunteer:

Ward needs a new hearing
aid - other one is missing.
Contact guardian and ask her
to have her father fitted for
a new aid. Hearing loss is
causing him to be isolated and
somewhat depressed.

For Court Use Only:

1. ☐ No action needed.
2. ☒ Action needed; agree with volunteer recommendation.
3. ☐ Action needed; different from volunteer recommendation.
4. ☐ Action recommended; no action taken.

Notes on court action taken:

Letter sent to guardian
on 5-15-92

Name: Program Coordinator

GUARDIANSHIP MONITORING PROGRAM
PROBATE COURT
REPORT OF VISITS

I. FILE REVIEW

Instructions: This information should be completed during your review of the file at the court house. If any of the financial information is not available from the file, disregard those questions; they should not be asked of the guardian or ward. Some questions from the Visit with Ward section (page 2) may also be answered from information found in the file (e.g., age).

1. Year guardianship established: 19 90

1A. Guardianship of: 1 Person only 2 Property only 3 ✓ Both 4 Other

1B. Reason given for guardianship: 2. Annual Income: 3. Size of Estate (Real + personal property):

- | | | |
|---|---|--|
| 1 <u> </u> mental retardation (and other developmental disabilities)
2 <u>✓</u> dementia (including Alzheimer's disease and related disorders)
3 <u> </u> chronic mental illness
4 <u> </u> chronic alcohol or drug use
5 <u> </u> head injury/stroke
6 <u> </u> other <u> </u>
7 <u> </u> can't determine | 1 <u> </u> under \$3,000
2 <u> </u> \$3,000-5,999
3 <u> </u> \$6,000-11,999
4 <u>✓</u> \$12,000-24,999
5 <u> </u> \$25,000-49,999
6 <u> </u> \$50,000-99,999
7 <u> </u> \$100,000+
8 <u> </u> can't determine | 1 <u> </u> under \$15,000
2 <u>✓</u> \$15,000-24,999
3 <u> </u> \$25,000-49,999
4 <u> </u> \$50,000-99,999
5 <u> </u> \$100,000 +
6 <u> </u> can't determine |
|---|---|--|

4. If any kind of periodic report is required, is it current?

	Required?		Current?	
	Yes	No	Yes	No
Report of:				
Person	✓		✓	
Property	✓		✓	
Date of last report filed: <u>April 1991</u>				

5. Any problems evident from the file review (e.g., family conflict, disparity between financial status and level of care of ward)?:

None

II. INFORMATION FROM GUARDIAN (Date of Contact: 4 / 28 / 92)

Instructions: In this section, you will gather information about the relationship between the guardian and the ward. The questions will give you specific answers; your observations will be recorded at the end of this section.

GUARDIAN'S NAME: Suzie Guardian

Address 123 Maple St. City Anywhere State VSA Phone 123-4567

6. Guardian of: 1 ☐ Person 2 ☐ Property 3 ☒ Both

7. Guardian's relationship to ward:

1 ☐ spouse 2 ☐ parent of ward 3 ☒ child of ward 4 ☐ other relative
5 ☐ friend 6 ☐ private attorney 7 ☐ public guardian or agency 8 ☐ other

8. Does the ward live with the guardian? Yes ☐ No ☒ If not, how many times does the guardian or his/her designee visit ward on average each month? 4x a year. On average, how long is the visit (in minutes)? 1 hour

9. What does the guardian do for the ward? Check all that apply:

<input checked="" type="checkbox"/> Manage financial affairs	<input checked="" type="checkbox"/> Provide necessities
<input type="checkbox"/> Housekeeping	<input checked="" type="checkbox"/> Take on outings
<input type="checkbox"/> Provide transportation	<input type="checkbox"/> Bathe
<input type="checkbox"/> Feed	<input type="checkbox"/> Provide continuous care

List any others:

Makes sure he has everything he needs.

10. What is the guardian's view of the ward's overall situation, including any significant changes in physical health, intellectual functioning, emotional health and living situation that have occurred over the past year:

Pretty much the same since last year.

11. Does the guardian feel that the guardianship should continue? 1 ☒ yes 2 ☐ no

Why? Can't take care of himself. Needs supervision to prevent wandering.

12. Any changes needed in the guardianship? No

13. Has eligibility for such programs as Social Security, Medicare, Medicaid, SSI or Food Stamps ever been checked? Yes ☐ No ☒

14. Does the guardian need assistance, whether from the court or from a community agency? Please specify:

Nothing specific.

15. Guardian's current assessment of ward's: (Check a rating box for each category)

	Excell 1	Sats 2	Fair 3	Poor 4	Don't Know 5
Physical health		✓			
Emotional health		✓			
Intellectual functioning				✓	
Living situation		✓			

16. Any special approach volunteer should take in visiting ward?

No. May be more alert around lunch time.

17. **Visitor:** Please record any observations about the relationship between the guardian and the ward that you feel would be useful for the court to know.

*Guardian visits 4x a year. Seems to leave the care of her father to
The nursing home.*

III. VISIT WITH WARD (Date of visit: 4 / 29 / 92)

Instructions: The Visitor should always make an effort to visit with the ward face-to-face and privately. Other sources of information about the ward include the guardian, caregivers, facility staff, relatives, and friends. Remember, you may need to talk to more than one person to get a full picture of the ward's situation. The questions will give you specific information; you will also record your observations/impressions at the end of the section.

18. To whom did you speak to get the information for this section and how much time does he/she spend with the ward per week? (check all that apply):

✓	Source:	Time Spent with Ward per week
✓	Ward	////////////////////
	Guardian	
	Caregiver	
✓	Facility Staff	<i>2 hours each day</i>
	Relative	
	Friend	
	Other	

Information about ward:

19. Age: 50

20. Race/Ethnic

21. Marital Status:

22. Sex:

1 ☐ F
2 ☒ M

1 ☐ Hispanic 4 ☐ American Indian
2 ☒ Caucasian 5 ☐ Asian/Pacific
3 ☐ Black 6 ☐ Unknown

1 ☐ Married 4 ☐ Separated
2 ☐ Single 5 ☐ Divorced
3 ☒ Widow/er 6 ☐ Unknown

A. Living Situation

23. Ward resides in:

1 ☐ own home 5 ☐ group home (board & care,
2 ☐ guardian's home personal care, certified
3 ☐ relative's home residential facility)
4 ☒ nursing home 6 ☐ hospital/state hospital
7 ☐ other _____

Name of Facility Pine Tree Manor Phone 765-4321 (if applicable)

Address 321 Elm St. City Anywhere Zip 12345

24. Ward has been in present residence since 1990 25. If moved in past year, state number of

times 0 and reasons: _____

26. What services are provided by the guardian or the facility? Examples (check all that apply and list any not mentioned here):

1 ☒ administer medications 5 ☒ 24-hour supervision 9 ☒ nursing care
2 ☒ help with bathing 6 ☒ help with dressing 10 ☒ help with grooming
3 ☐ help in using the bathroom 7 ☐ help with feeding 11 ☒ recreational activities
4 ☐ physical therapy 8 ☐ day care program 12 others:

27. Visitor: Please record your observations of any problems in the living environment and rate its quality (take into account such things as condition of residence and furnishings, safety, handicapped accessibility, and staffing level):

☐ Excellent ☒ Satisfactory ☐ Fair ☐ Poor

Comments: Home seemed dark. I had to wait a while at front desk
before somebody noticed me.

B. Daily Activities

28. Aside from meals and personal care, how does the ward spend the day?

Stays in room. Walks Through halls.

29. How often does the ward go away from the residence? 1-2 times a year

30. For what purposes? Family outings

31. Are the ward's recreational, socialization and rehabilitation needs being met? Yes No ✓
Any unmet needs?

Ward says hearing aid is stolen. Can't hear TV or participate in other activities

C. Physical Health/Emotional Health

32. Does the ward have any conditions which impede communication? Yes ✓ No

33. If so, please specify:

1 ✓ hearing impairment

2 speech impairment

3 unwilling to speak

4 foreign language speaking only

5 mentally ill

6 mental retardation

7 comatose

8 other

34. How is the ward's *physical* health?:

 excellent ✓ satisfactory fair poor

35. Ward ✓ is is not under regular care by a primary physician:

Doctor's name Melissa Jones, MD

36. How many times has this doctor seen ward on an outpatient basis in the past year? 2 times

Last visit: 2 / 02 / 92 How many times has the ward been hospitalized in the past year? none

37. Medications prescribed: none 1-4 ✓ 5-9 10 or more

38. Any problems with medications (e.g., ward needs assistance or refuses to take medications, medications prescribed by multiple doctors)?

Sometimes he refuses to take medicines.

39. If there has been any major improvement or decline in the ward's *physical* health in the last year, please describe:

About the same.

40. Please describe any significant medical diagnoses or conditions affecting the ward's health which the court should know about (Do not restate reason for guardianship unless there has been a change.):

41. Within the past year, has the ward experienced any traumatic events or major disruptions or changes (e.g., death of spouse, admission to nursing home, abuse, major illness)? Yes _____ No ✓

If yes, please describe: _____

42. Is ward under regular care of a mental health professional (psychiatrist, psychologist, social worker, counselor)? Yes _____ No ✓ Please specify: _____

43. Does the ward take any medications specifically for treatment of *mental illness*? Yes _____ No ✓

Any problems with these medications? _____

44. Has there been any major improvement or decline in the ward's *emotional* health in the last year?

Yes _____ No ✓ If yes, please describe: Not major. Seems more reclusive than before.

45. Is the ward in need of additional treatment or services not now provided for physical or emotional health conditions? Please specify:

Ward needs new hearing aid.

D. Intellectual Functioning

46. Is the ward able to make decisions? Yes ✓ No _____ If yes, in what areas?

Can decide about small daily things like what to eat, wear, etc.

47. Has this capacity changed during the past year? Yes _____ No ✓

48. If yes, has it improved _____ or declined _____? If improved, is the guardianship the least restrictive alternative for care of the ward?

E. Guardianship

Visitor: Ask these questions of the ward directly, whenever possible. If for some reason you cannot speak with the ward, answer these questions yourself using the information you have gathered and the observations you have made.

49. Who answered questions? Ward _____ Visitor ✓

If visitor, what prevented you from speaking with the ward?

I asked these questions of the ward, but he did not appear to understand.

During the early part of our conversation, he indicated satisfaction w/ nursing home + staff.

Questions for ward:	Yes	No	Can't Judge
50. Is ward satisfied with living situation?	✓		
51. Is ward satisfied with care?	✓		
52. Is ward satisfied with caregiver?	✓		
53. Does ward feel that the guardianship is still needed?			✓
54. Is the ward satisfied with the guardian?			✓

55. If the ward answers "No" to any of these questions, please elaborate:

56. Are any changes requested by ward? Needs new hearing aid.

57. Volunteer's assessment of ward's: (Check a rating box for each category)

	Excell 1	Sats 2	Fair 3	Poor 4	Don't Know 5
Physical health		✓			
Emotional health			✓		
Intellectual functioning				✓	
Living situation		✓			
Relationship w/guardian			✓		

Time spent on this case: 6.5 hours.

Travel and out-of-pocket expenses for this case: 10 miles = \$ 2.50

PLEASE GO TO THE SUMMARY PAGE (FORM I) TO MAKE YOUR
RECOMMENDATIONS TO THE COURT

Appendix Y - Completed D.C. Student Visitor Report Form

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

In Re:

[REDACTED]

Adult Ward

INT

IDD

STUDENT VISITOR REPORT

I, Jeneve Silverberg (name), submit the following report concerning the assessment which I have conducted as the court-appointed student visitor.

Visitor: Please record your overall assessment of the ward's care by checking one of the following options.

- Ward's overall care is:
- | | |
|---|---|
| <input type="checkbox"/> Excellent: | Care is better than adequate; beyond meeting the basic needs of the ward; extra assistance is provided. May be exemplary in one or more ways. |
| <input type="checkbox"/> Satisfactory: | Care is adequate to meet the housing, health, socialization, and if applicable, rehabilitation needs of the ward. |
| <input checked="" type="checkbox"/> Marginal: | Care is less than adequate but not dangerous to the ward. |
| <input type="checkbox"/> Unacceptable: | Care is inadequate, causing or about to cause a serious negative effect on the ward's health or welfare. Remedial action is necessary. |

Visitor: If you indicate that further action is needed, please specify on this page what that action should be.

Do you recommend any further action? ☒ Yes ☐ No If yes, please select an option below

- Recommendations:
- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Ward should be visited again in: _____ (please specify period of time) |
| <input checked="" type="checkbox"/> | Letter or call <i>advising guardian of resources</i> |
| <input type="checkbox"/> | Letter or call requesting guardian to take <i>action within specific time</i> |
| <input type="checkbox"/> | Appointment of successor guardian |
| <input type="checkbox"/> | Appointment of co-guardian |
| <input type="checkbox"/> | Guardian wishes to resign |
| <input type="checkbox"/> | Termination of guardianship because ward has regained capacity |
| <input checked="" type="checkbox"/> | Other: <u>Appointment of successor conservator</u> |

Visitor: please explain your recommendation and include any observations of strengths and/or concerns

Summary of findings:

The ward is a 44 year-old African American man with schizoaffective disorder. All family members and staff members interviewed report the ward has greatly improved over the last year, and is now more capable of fully participating in his rehabilitation. The ward is extremely dissatisfied with his guardian and his care and has requested that his sister become his guardian. In the past year, the ward has suffered physical and verbal abuse in his group home and four hospitalizations due to suicide threats, lung problems, and psychiatric treatment. The house manager of the group home confirmed that he was under the care of an abusive caregiver until August

2009. The ward reports that current staff does not feed him enough and will punish him by giving him smaller portions at meal times if he complains. The ward is not currently enrolled in any rehabilitative program, and has no regular activities to occupy his day. The client reports he is growing increasingly depressed because he stays in the house all day. This student spoke with the ward's VA social worker, RT, regarding possible rehabilitation services available to the ward including vocational rehabilitation and intensive case management. The ward exhibited interest in participating in these services and this student informed the guardian and the ward's sister of the availability of these services. The intensive case management service would also provide for family meetings and education around the ward's illness management.

The guardian and conservator, HP, is the ward's brother. The guardian and ward have a very strained relationship that makes it extremely challenging for them to effectively work together. The guardian reports feeling extremely frustrated with the ward. The guardian uses his power over the ward's money to punish or reward the ward for obeying requests. For example, the guardian refuses to give the ward spending money unless he attends the day program four days a week. The ward reports he is not comfortable leaving the house without money and can't participate in any recreation activities because his brother won't give him access to spending money. The guardian reported that the ward panhandles to get spending money because the guardian refuses to give him any money. The ward stated multiple times during the interview that he would like his sister to take over as guardian and conservator. However, HP reported that because the siblings work together already, nothing would change if ward's sister were to become guardian.

A marginal rating is provided due to the lack of rehabilitation and socialization needs being met at this time. It is the recommendation of this student that a disinterested party manage the ward's finances such as a member of the fiduciary panel or a representative payee through the VA administration. This is to avoid family members using their power as conservator to manipulate the ward.

I. FILE REVIEW

Visitor: This information should be completed during your review of the docket and/or court case jacket.

Guardian's Name

Address

Email

Phone

Relationship to ward, if any

Brother

Date of last filed Semi Annual Guardianship Report? 8/26/09

Ward's Name

Age 44

Address

Nature of incapacity:

- ☐ Intellectual disability (including MR and Autism) (specify: _____)
- ☐ Dementia (including Alzheimer's disease and related disorders)
- ☒ Chronic mental illness (specify: Schizoaffective Disorder)
- ☐ Chronic alcohol or drug use
- ☐ Head injury
- ☐ Stroke
- ☐ Other (specify: _____)
- ☐ Cannot be determined

Any problems evident from the file review (e.g. family conflict, level of care of ward, etc.)?

This case was assigned for review due a complaint received from the ward's child's mother that the guardian/conservator was mishandling funds by "keeping the ward's money", "not buying clothes", and refusing to purchase cigarettes.

II. INFORMATION FROM GUARDIAN, WARD AND CAREGIVER INTERVIEWS

Visitor: During your interviews, please review the ward's medical/psychological chart; gather information about the relationship between the guardian and the ward; and visit with the ward face-to-face and privately. Remember, you may have to talk to numerous people involved in the care of the ward in order to get the full picture of the ward's situation.

To whom did you speak with to get this information and how much time does he/she personally spend with the ward? (fill in all that apply)

Source	Name	Time spent with ward	Date of interview
Guardian/ Conservator	HP Jr.	At least one visit a month	1-12-10
Social Worker	RT, Veteran's Administration	At least one contact a month	1-29-10
Family Member	MP, Ward's Brother	Daily phone conversations	1-9-10
Facility Staff	KH, House Manager	Sees ward daily	1-12-10
Facility Staff	GJ, Caregiver	24/7 Facility Staff	1-12-10
Other	MG, Mother of Ward's Son	Daily phone conversations	1-10-10
Family Member	PL, Ward's Sister	Daily phone conversations	2-4-10

What services are provided by the guardian or the facility? Examples: (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Administer medications | <input checked="" type="checkbox"/> 24 hour supervision | <input type="checkbox"/> Nursing care |
| <input type="checkbox"/> Help with bathing | <input type="checkbox"/> Help with dressing | <input type="checkbox"/> Help with grooming |
| <input type="checkbox"/> Help with using bathroom | <input type="checkbox"/> Help with feeding | <input type="checkbox"/> Recreational activities |
| <input type="checkbox"/> Physical therapy | <input type="checkbox"/> Day care program | <input type="checkbox"/> Other: _____ |

Visitation

Does ward live with the guardian? No. If no, answer below:

Date of guardian's most recent visit: 1/12/10

On average, how long is each visit? At least 15 minutes

Number of visits by guardian in last 12 months: The guardian visits at least monthly.

Does the guardian participate in care planning meetings? The facility does not hold care planning meetings.

According to ward, date of guardian's most recent visit: 1/12/10

According to ward, # of guardian's visits in last 12 months: The guardian visits at least monthly.

Is guardian reachable by phone? Yes.

Comments: Please record any observations about the relationship between the guardian and the ward.

The guardian is the ward's older brother who has been the court appointed guardian and conservator since February 2006. The guardian and the ward have an extremely strained relationship and are unable to effectively work together at this time. The guardian cares deeply about the ward and wants him to recover from his mental illness, but has resorted to manipulative tactics due to his great frustration with the ward. This frustration is primarily because of the ward's refusal to regularly attend a day program and because of past noncompliance incidents. The guardian reports he uses his power over the ward's finances to manipulate the ward into attending a day program, because he does not know what else to do to get the ward to attend. The guardian admits that it is difficult for him to see the ward as

mentally ill, and feels the ward is just being stubborn or disobedient when he doesn't do as the guardian requests. The guardian considers stepping down every February, when his guardianship report is due, but continues as guardian because he believes it is his familial responsibility to care for his brother.

The ward stated that in the past year his brother has stopped liking him and says hateful things to him such as "I control you", "I own you" and "You will be in a place like this for the rest of your life". The ward reports that he was not attending the day program because he did not understand what people were saying at the program and was getting confused when taking public transportation to get to the program. (Per the VA social worker, an application for Metro Access is pending which would provide door-to-door transportation eliminating this as a barrier.) In addition, the guardian does not provide the ward with a spending allowance because he believes the ward would use the money to purchase alcohol. Though the guardian has his suspicions, the ward's psychiatric evaluation at the VA hospital found no evidence of a drinking problem. The ward reported that the only times he drinks is when the guardian gives him alcohol when they go fishing. The guardian also refuses to purchase cigarettes for the ward even though the ward requests them, because the ward has a smoking related health problem. The ward feels isolated in the home because he feels uncomfortable leaving the house without money, and has no money to spend on recreation or food. The ward's other brother, MP, believes the ward gets everything else he needs, and that the guardian recently took him to purchase new clothes.

Medical/ Mental Health

What is the ward's specific medical/psychiatric diagnosis?

At intake with the VA, the ward was diagnosed with schizoaffective disorder, but at discharge his diagnosis was changed to major depressive disorder with mood, cognitive, and psychotic features. His current diagnosis is schizoaffective disorder, high cholesterol, and nicotine dependence.

Name of primary care physician: Dr. W

Date of last visit with primary care physician: 12/18/09

List ward's medications:

multivitamin, omeprazole (gastric reflux), citalopram (antidepressant), simvastatin (for high cholesterol), celirizine (antihistamine), amitriptyline (antidepressant), aripiprazole (antipsychotic, antidepressant)

Any problem(s) with medications (e.g., ward needs assistance or refuses to take medications, etc.)?

House staff reports the ward does not have any problems with his medications at this time. The ward reports visiting monthly with Dr. J, a psychiatrist at the VA. The ward's medications were adjusted in February 2009 and as a result the ward reports being able to think more clearly and is less "zombie" like. Also, Dr. W reports that the ward refused to take medication to lower his cholesterol in 2009 but is currently taking the medication.

In the last year, has ward received any of the following services:

- | | | |
|---|---|---|
| <input type="checkbox"/> Dental | <input type="checkbox"/> Speech Therapy | <input type="checkbox"/> Physical Therapy |
| <input type="checkbox"/> Occupational Therapy | <input checked="" type="checkbox"/> Other _____ | |

If yes, please describe:

Ward is not currently seeing a therapist, but reports he was seeing a therapist at the VA until December 2009.

In the last year, has ward suffered any falls, injuries or been hospitalized? Yes.

If yes, please describe:

The ward had been hospitalized at least four times in the last year. Group home records report the ward was hospitalized 2/19/09 through 2/24/09 due to suicidal threats. VA records show the ward was hospitalized 5/26/09- 5/29/09 and 6/23/09- 6/27/09 for psychiatric treatment. The guardian reports the ward was hospitalized for 10 days in August 2009 for lung problems determined to be related to smoking cigarettes.

In the last year, has ward experienced any traumatic events, major disruptions or changes
(e.g., death of spouse, admission to nursing home, abuse, major illness, weight gain/loss, etc)?

Yes.

If yes, please describe:

Prior the ward's hospitalization in August 2009, the ward was residing in a different home also managed by H House. The ward was expelled from this residence because he was constantly smoking in the home which caused a fire hazard. Later, the ward was admitted to a new group home because the house manager found out the staff at the former home were verbally abusive to the clients, and would tell residents "If you tell on us, no one will believe you because you are crazy". The ward reports that the staff members were physically and verbally abusive. He stated the staff would hit him and deny him food if he complained about the care. Ms. H reports that the ward has improved greatly since being moved from the abusive residence. Over the last year, all parties interviewed agree that the ward's mental health has greatly improved. The ward states that his mind is clearer than it was a year ago and he feels ready to take an active role in his rehabilitation. The ward attributes this improvement to medication adjustments made at the hospital in February 2009.

Is the ward in need of additional services or treatment not currently provided for medical health conditions?

Yes. Group home staff has concerns about the ward's health because the ward consumes approximately 7.5 gallons of water every 36 hours. Staff feels he should be evaluated for a possible underlying medical condition that may cause this excessive water consumption. The ward reports he does not need treatment for medical health conditions. This student informed the ward's social worker of the excessive water consumption, and the social worker stated she would inform his primary care physician of the issue.

Is the ward in need of additional services or treatment not currently provided for mental health conditions?

Yes. The ward is in need of a regular psychiatric rehabilitation program, either through a day program or a residential rehabilitation program. The ward reports he will not attend the day treatment program at the VA Hospital, but is interested in a vocational rehabilitation program at the VA. The guardian reports that he has begun the application process but is not enrolled in the program as of yet. The ward stated he would also be interested in an intensive case management program offered through the VA that includes a minimum of three home visits a month. His VA social worker stated she would be willing to work with the ward and the guardian to apply to any of these programs in which he is interested.

Physical/Housing Conditions

Ward resides in:

- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> Own Home | <input type="checkbox"/> Guardian's Home | <input type="checkbox"/> Relative/Friend's Home |
| <input type="checkbox"/> Group Home | <input type="checkbox"/> Hospital | <input type="checkbox"/> Foster/Host Home |
| <input type="checkbox"/> Nursing Home | <input checked="" type="checkbox"/> Assisted Living | <input type="checkbox"/> Other: _____ |

Name of facility:



Length of time at current residence:

August 2009

If ward resides with guardian or relative, list name(s) and relationship of other occupants in home:

N/A

Is ward appropriately dressed? Clothing clean? Hair clean and appropriate? Yes.

Is ward continent of bladder and/or bowels? Yes.

Is ward bedridden? No. Does ward have bedsores? No. If so, are they being treated? N/A

Can ward walk independently? Yes. If not, what does ward use: ☐ wheelchair ☐ walker ☐ cane

Intellectual/ Educational Functioning

Does the ward have any conditions which impede verbal communication? No. If yes, please specify:

- | | |
|--|--|
| <input type="checkbox"/> Hearing Impairment | <input type="checkbox"/> Mental Illness |
| <input type="checkbox"/> Speech Impairment | <input type="checkbox"/> Developmental Delayed |
| <input type="checkbox"/> Unwilling to Speak | <input type="checkbox"/> Comatose |
| <input type="checkbox"/> Speaks Foreign Language | <input type="checkbox"/> Other: |

Is the ward oriented to person, place and/or time? Yes.

Is ward attending any type of life skills/educational/vocational classes? No.

Is the ward in need of additional services or treatment not currently provided for intellectual/educational functioning?

Yes. The ward stated he was very interested in obtaining employment and job training through a VA vocational rehabilitation program.

Daily Activities/Social Functioning

Aside from meals and personal care, how does the ward spend the day?

The ward spends most of his time doing yard work the facility staff asks him to do and occasionally helping the older residents at the home. The ward does not enjoy doing these chores and reports that he is asked to do more than the other participants because he is younger and more physically capable. The caregiver reports that they have a house movie night on Fridays, but the ward does not participate when they watch a war related movie. The ward reports he is extremely bored staying home all day and feels increasingly depressed staying in the house. The lack of regular activity is extremely upsetting to the ward. The guardian does not give the ward access to any spending money and as a result the ward is not able to participate in recreational events he enjoys such as going bowling, going out to eat, or going to the movie theater.

How often does the ward leave the residence and for what purpose?

The ward reports he does not leave the house because he has no money to spend on recreation. Occasionally the ward will visit family members who live locally, including his siblings and his aunt. The ward reports these visits are very infrequent. In November, the ward's son came to visit from Germany and they spend several days together in Washington DC. The ward visited his aunt for Christmas.

Does the ward receive any agency based services? Yes.

If yes, specify type of service, frequency, name of agency, provider's name, etc:

The ward receives social work services and medical care at the VA Hospital in Washington DC. He participated in the day program at the VA Hospital until August 2009, and reports he is currently applying for a vocational program at the VA. His social worker is RT, and his PCP is Dr. W.

Does the ward receive any visitors? No.

If yes, please describe name(s) and relationship to ward of individuals other than guardian:

The ward remains in close phone contact with several of his siblings and his son's mother, and will visit family members on occasion. However, he has no visitors come to visit at his group home except for the guardian.

Is the ward in need of additional services or treatment not currently provided for daily activities/social functioning?

Yes. The ward is in desperate need of structured daily activity and social interaction. The ward reports he is the only resident in the assisted living home who is not a geriatric client, and he had no opportunity to interact with other people in the community. The home does not provide any structured activities. The ward reports he feels unable to make any progress in his rehabilitation because he is not involved in any program. The ward emphasized many times during the interview that he feels he is becoming increasingly depressed because he has nothing to do during the day.

Guardianship

Visitor: Ask these questions of the ward directly, whenever possible. If for some reason you cannot speak with the ward, answer these questions yourself using the information you have gathered and the observations you have made.

Who answered the questions? ☒ **Ward** ☐ **Student Visitor** ☐ **Guardian**
If visitor, what prevented speaking with the ward?

Is ward satisfied with living situation? Care received? Caregiver?

The ward is not satisfied with his living situation. The ward reports that the group home does not give him enough food at meal times, and only gave him one hot dog for lunch on the day of the interview. The ward is extremely unhappy with the care he has received from his guardian, and stated many times over the phone and during the home visit that he wants a new guardian. However, he does not want a guardian or conservator outside of the family because one of his siblings told him an outside guardian would charge him \$1,000 a month. He reported being unaware that his brother currently charges him for guardianship services.

Does the ward feel that guardianship is still needed?

The ward stated that he feels guardianship is still needed because he still needs help, but he does not want his brother to remain guardian.

VERIFICATION

I Jeneve Silverberg being first duly sworn, on oath, depose and say that I have read the foregoing pleadings by me subscribed and that the facts therein stated are true to the best of my knowledge, information and belief.

Signature of Student Visitor

515 5th Street NW

Address of Student Visitor

Washington, DC 20001

City, State, Zip Code

202-879-9452

Telephone Number of Student Visitor

Jeneve.Silverberg@DCSC.gov

E-mail Address of Student Visitor

Subscribed and sworn to before me this _____ day _____, _____

Notary Public/Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 20_____, a copy of the foregoing Student Visitor Report was served by first class mail, postage prepaid, upon the following parties to the above captioned case and persons granted permission to participate pursuant to SCR-PD 303 and persons who requested notice pursuant to SCR-PD 304.

CC:



Signature of Student Visitor

Appendix DD – Speaker Letter for Training

Court Volunteer Guardianship Monitoring and Assistance Program

Sample Letter to Training Program Speaker

Ms. Adult Protective Services

Address

Dear Ms. Services:

Thank you for agreeing to participate in the training program for the court's Volunteer Guardianship Monitoring and Assistance Program. You are scheduled to speak on "Abuse, Neglect and Exploitation" on DATE at TIME. The training will be in ROOM, ADDRESS. We expect to have about XX trainees.

You will have 90 minutes for your presentation and any questions the volunteers may have. I will arrange for a Power Point projector. Please bring the brochures for the APS Program, and any other handouts you think would be useful. Please also send me a brief bio for the introduction. Please cover the following points:

- What is adult abuse, neglect, and exploitation? What are the kinds of abuse?
- What are indicators of abuse, neglect, and exploitation that the volunteers should watch for?
- What is Adult Protective Services?
- What kinds of interventions does APS use?
- What are situations that should be reported to APS and/or to the police?
- What should a volunteer do if he/she suspects abuse, neglect or exploitation?
- What about capacity, risk and differing lifestyles?

Please call me if you have any questions. We look forward to your presentation and we really appreciate your willingness to help the court with the volunteer training.

Sincerely,

Program Coordinator

Appendix EE – Training Timetable

Training Timetable

Time	Tasks
Ongoing; concentrated effort six months before training	Volunteer recruitment: volunteer recruitment is an ongoing process. Six months before training, determine how many volunteers are needed and evaluate how many prospective volunteers are available. If need be, start a recruitment drive.
Four months before training	<p>Set training dates: Consider the availability of court staff, space at the court, and time of year (e.g., avoid summer and holidays) when setting dates.</p> <p>Arrange a place for training: Whenever possible, training should be held at the court.</p>
Three months before training	<p>Plan training agenda: Using the model training agenda provided in the trainer’s manual, plan the volunteer training.</p> <p>Contact community resources and request presenters: Several portions of the model training agenda include presentations from individuals in the community. These individuals will have busy schedules and will appreciate receiving an early invitation to present.</p>
Two months before training	Screen volunteers: Review all volunteer applications and select candidates for interviews. Contact candidates and interview them over the phone or ask them to come to the court for a personal interview.
One month before training	<p>Complete volunteer screening and extend invitations to selected volunteers: Invitation letters or e-mails should include relevant information about training, including: time and date, location, whether food and drink will be provided, parking, and the program coordinator’s contact information</p> <p>Create court-specific handouts: Develop handouts using the samples provided in the Appendices.</p>

Time	Tasks
A few days before training	<p>Organize handouts for volunteers: Make copies of all handouts and collate.</p> <p>Call to verify time and date of presentation(s) with outside presenter(s): Ask presenter(s) if they need any supplies or materials for their presentation.</p> <p>Organize other “day of” training details: Check the audio-visual equipment, buy refreshments and supplies, etc.</p>
On the day of training	<p>Attend to last minute details: Arrange the room, create a sign-in sheet, make coffee, provide volunteers with supplies, e.g., paper, pen, trainee manual, etc., check the microphone, and set up refreshments.</p>
After training	<p>Review evaluations: Make notes about changes to make in the next training.</p> <p>Write thank you notes to all the speakers.</p>

Appendix FF – Case Scenarios

Court Volunteer Guardianship Monitoring and Assistance Program

Case Scenarios for Training

Case One

You are visiting an 83-year-old woman who has been living with her daughter, the guardian, for six years. While the daughter has agreed to the visit, at the front door she becomes hostile, saying she is doing just fine taking care of her mother and doesn't need any help from the court or from you.

Case Two

The incapacitated person is an elderly resident in a nursing home. He is somewhat withdrawn, and you notice that whenever a certain staff member comes by, he watches her quite intently.

Case Three

You are visiting an individual with an intellectual disability, age 35, who lives with his parents in their home. The parents seem to have a good relationship with him, but he says that he hardly ever leaves the house, and usually only to go to the doctor.

Case Four

You are visiting a 75-year-old resident in a small residential facility. She seems frail and spends most of her time sitting in a chair or in bed. When you ask about medications, she says that she has a lot to take, but seems confused about how many or what they are. She says the owner sometimes helps her figure out what to take.

Case Five

You are visiting an 80-year-old man who lives with his son, the guardian. The man has limited mobility and spends much of the day watching TV while the son works. The house is somewhat messy and you can smell urine.

Case Six

You are visiting an elderly woman in a nursing home. She has two daughters, and one is the guardian. She says they are always arguing, and the guardian won't let her sister visit. She wants very badly to see this other daughter.

Appendix GG – Volunteer Auditor Do's & Don'ts

Court Volunteer Guardianship Monitoring and Assistance Program

Volunteer Auditor Do's & Don'ts

- DO look for a reasonable return on investment accounts in light of the current economic climate.
- DO check to make sure that investments are solid and not speculative or beneficial to other parties involved in the case. Check whether the investment portfolio is sufficiently diversified.
- DO inspect the accounting for required supplementary documents—bank statements, brokerage statements, receipts for purchases or services)
- DO check brokerage accounts to determine if assets are being “churned” to generate commissions.
- DO look to see if rents are being collected as income on conservatorship assets.
- DO check to make sure that assets are used for the benefit of the protected person rather than being saved for potential heirs.
- DO check to ensure that unless a support order has been entered, checks are made payable to the service provider and not to the conservator.
- DO check to see if funds belonging to the protected person are being used to support others.
- DON'T communicate directly with the parties named in the file.
- DON'T violate the confidentiality of the protected person by telling others outside the court about the case.