

Guardianship in DC

What is guardianship?



Guardianship

Adult guardianship refers to those statutes which make investigation into the ability of an adult to manage his/her person or affairs. In the event, a court finds that an adult cannot manage affairs, adult guardianship laws provide the legal process to appoint a guardian of the person (guardian) and a guardian of the estate (conservator).

Guardian

An individual appointed by the court to exercise any (limited) or all powers and rights (general) over a person. All guardians are accountable to the court.

Types of guardians: Temporary, Limited, General, Family, Attorney

Incapacity

A person's ability to make, communicate, then act upon person and/or Property decisions on his/her own behalf.

The Life of a Guardianship

- ▶ Petition for general proceeding
 - ▶ Due process
 - ▶ Appointment of counsel, guardian ad litem, temporary guardian
 - ▶ Hearing on petition for general proceeding
 - ▶ Appointment of guardian
 - ▶ Guardianship Plan
 - ▶ Guardianship Report
 - ▶ Petition Post Appointment
 - ▶ Mediation
 - ▶ Notice of Death
 - ▶ Final Guardianship Report
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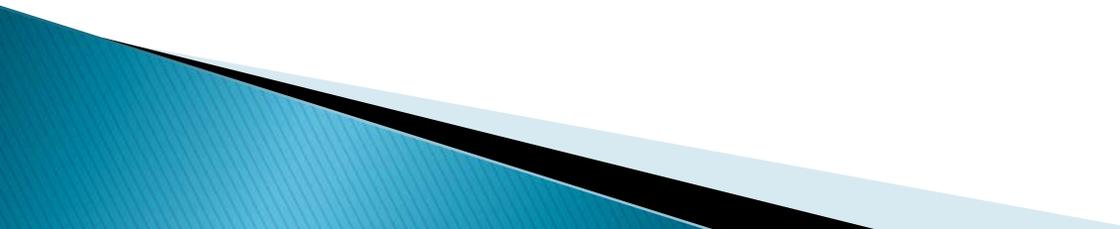
Expectations of Guardians

- ▶ Guardians should become and remain personally acquainted with the ward/incapacitated person and maintain contact with the ward/incapacitated person so that the guardian knows the ward's capacities, limitations, needs, opportunities, and physical and mental health.
- ▶ Guardians should:
 - File an Acceptance and Consent to Jurisdiction
 - File a Guardianship Plan within ninety (90) days of appointment
 - **Visits the ward at least once every thirty (30) days**
 - File a Report of Guardian every six (6) months
 - Ensure the ward's needs are addressed (i.e. ensuring the care and proper maintenance of the ward)

Who can be a guardian?

- ▶ Family
 - ▶ Friend
 - ▶ Attorney fiduciary panel member
 - ▶ Non-attorney fiduciary panel member (i.e. Social Workers)
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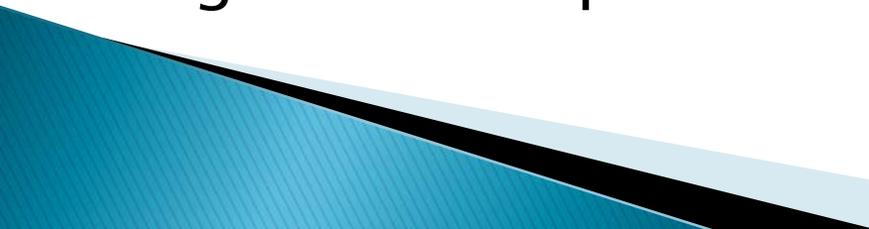
How do Social Workers interact with wards?

- ▶ As non-attorney fiduciary members who are appointed as guardian.
 - ▶ As care providers via a senior service agency.
 - ▶ As a nursing facility social worker.
 - ▶ As a home health provider.
 - ▶ As a Medicaid Waiver case manager.
 - ▶ As a court appointed visitor/examiner.
 - ▶ As a consultant on an ethics panel.
 - ▶ OTHER IDEAS???
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Role of Social Work student as student visitor

- ▶ The Guardianship Assistance Program (GAP) of the Superior Court of the District of Columbia was first established in August 2008. As part of the Probate Division, the program was created to assist the Court with fulfilling its mandate to ensure the well-being of incapacitated persons, known as “wards” under court supervision. The program partners with local universities to serve as a field placement site for students pursuing their graduate degree in social work. Students are special appointees of the Court and are expected to provide an unbiased, objective opinion on the well being of a ward. Students serve as the “eyes and ears of the court” in the community.

Areas of interest for Social Workers in the guardianship community

- ▶ Increasing pool of applicants for visitors and non-attorney fiduciary panel members.
 - ▶ Increase social services provided to adults/ awareness of available services that already exist in the community.
 - ▶ Increasing awareness of privacy protection in guardianship cases.
 - ▶ Increasing advocacy in long term care facilities and in other arena that affect the adult population.
 - ▶ Increasing awareness of alternatives to guardianship.
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Questions for the audience

- ▶ How do you see the role of Social Workers in Guardianship?
 - ▶ How do Social Work ethics and values play a part in the guardianship process?
 - ▶ When should Social Workers become involved in a guardianship?
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Resources

- ▶ National Guardianship Association
 - www.guardianship.org
- ▶ DC Office on Aging
 - dcoa.dc.gov
- ▶ DC Long Term Care Ombudsman
 - <http://www.aarp.org/states/dc/LCE.html>
- ▶ National Council on Aging
 - www.ncoa.org
- ▶ Legal Counsel for the Elderly
 - <http://www.aarp.org/states/dc/LCE.html>

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