

CREATING AND SUSTAINING A VOLUNTEER GUARDIANSHIP PROGRAM

**Institute for Court Management
ICM Fellows Program
2012-2013 Court Project Phase
May 2013**

**Penni A. DeWitt
Probate Register
Ottawa County Probate Court
West Olive, Michigan**

Acknowledgments

I would like to thank those individuals who contributed to the success of my court project. First and foremost I would like to thank my husband, Michael, for assuming many household tasks while I worked on this paper. I would also like to thank our Chief Probate Judge, Mark A. Feyen, and our Court Administrator, Kevin Bowling, for their support during this project. Many thanks to my project supervisor, Brenda Uekert, for looking at the paper from a researcher's vantage point and providing valuable input. I thank my classmate, Theresa Owens, who made personal contact with individuals in her state in regard to my project. Also, I thank Amy McDowell and Dan Straub for their support throughout the project. I would also like to acknowledge the assistance I received in collecting resources, especially Joan Cochet at NCSC. I appreciate the time that various individuals gave toward this project by way of answering the survey questions and participating in case studies/follow up questions. Finally, I would like to thank the State Justice Institute, which provided financial support in the form of scholarships, along with the National Association for Court Management who provided financial assistance by granting me the Edward C. Gallas Award in 2012.

Table of Contents

Acknowledgments	iii
Table of Contents	v
List of Tables	viii
Abstract	ix
Introduction	1
Types of Guardians	2
Purpose	2
Organization of Paper	3
Literature Review	4
Numbers and Types of Guardians	4
Guardianship Reform Efforts	6
National Efforts	6
The Wingspread Era	7
The Wingspan Era	8
Third National Guardianship Summit	8
Recent Efforts	9
State Efforts	11
Michigan Efforts	13
Key Issues in Ottawa County.....	15
Methods	18

Phase I – Survey	19
Phase II – Case Studies	20
Findings	21
Question Number 1: How Many Courts Have a Volunteer Guardianship Program?	21
Question Number 2: What Do Other Volunteer Guardianship Programs Look Like?	25
Michigan Programs	26
Out of State Programs	27
Wisconsin Counties	27
Other Out of State Programs	30
Case Studies	35
Rhode Island	35
Waupaca County, WI	36
Franklin County, OH	38
Grand Traverse County, MI	40
Montmorency County, MI	40
Question Number 3: How Do Other Courts Sustain Volunteer Guardianship Programs?	41
Conclusions and Recommendations	43
Conclusion Number 1: It Is Unclear How Many Volunteer Guardianship Programs Are in Existence	43
Recommendation Number 1: There Needs to be a Mechanism for Collecting Data on Volunteer Court Programs	43

Conclusion Number 2: Many Courts Rely on Assistance from Local Agencies to Provide Volunteer Guardianship Assistance	44
Recommendation Number 2: Ottawa County Should Partner With Another Agency to Run Its Program	44
Conclusion Number 3: There Are a Variety of Valuable Lessons Learned Shared by Other Jurisdictions Which Ottawa County Should Heed	45
Recommendation Number 3: Ottawa County Should Follow the Lessons Learned Shared by Other Jurisdictions	46
References	48
Appendix A: National Probate Court Standards	52
Appendix B: Survey Questions	56
Appendix C: Followup Questions for Case Studies	58
Appendix D: Michigan Program and Out of State Program Narratives.....	59
Appendix E: How Courts Sustain Volunteer Guardianship Programs	86

List of Tables

Table 1: Probate Case Filings in Michigan	5
Table 2: Number of Protected Persons Served in Michigan	24
Table 3: Number of Protected Persons Served Out of State	25
Table 4: Michigan Programs Summary	27
Table 5: Wisconsin County Summary	29
Table 6: Other Out of State Programs Summary	32

CREATING AND SUSTAINING A VOLUNTEER GUARDIANSHIP PROGRAM

Penni A. DeWitt

Abstract

Do you often wonder who will take care of you when you are old and feeble, or who would take care of you if you were to become disabled? Sometimes a guardian is appointed by the court to take care of an elderly person, or a person who has become physically or mentally disabled. Most times a family member or friend serves as a person's guardian, and sometimes as their conservator. However, there are some cases where a person who needs a guardian or conservator does not have a family member who is willing or able to be their guardian or conservator; and they may not have any friends who can serve in this capacity.

Because there may not be a family or friend available to serve as a guardian, some courts and agencies have developed volunteer guardianship programs to fulfill the need to have someone serve in this important capacity. In Ottawa County, Michigan, there are potentially 100 persons who could be served by volunteer guardians. In order to facilitate volunteer guardianships, it is desirable to establish a volunteer program in the Ottawa County Probate Court. Rather than reinvent the wheel, this research project was undertaken to find out the following:

- (1) How many courts have a volunteer guardianship program?
- (2) What do other volunteer guardianship programs look like?
- (3) How do other courts sustain volunteer guardianship programs?

Inquiries through listserves and telephone calls were made to determine which counties/states had volunteer programs. Those that responded affirmatively were provided a survey questionnaire to gather information about the program. Case studies of five jurisdictions were conducted to gather detailed information about various programs. The case studies consisted of personal interviews with a representative (usually the coordinator) of five programs.

The findings indicate that volunteer programs in Michigan were run by the courts, but out of state volunteer programs were run mostly by agencies such as the Department of Human Services, Area Agency on Aging, or other non-profit organizations. The results also indicate that all of the programs were unique and had various ways of handling recruitment, training, management/supervision, and retention/recognition of volunteers. In particular, the case studies provided important information about each program, including how the programs were sustained.

There were three conclusions or findings from the study:

- Conclusion Number 1: It is unclear how many volunteer guardianship programs are in existence;
- Conclusion Number 2: Many courts rely on assistance from local agencies to provide volunteer guardianship assistance; and
- Conclusion Number 3: There are a variety of valuable lessons learned shared by other jurisdictions which Ottawa County should heed.

Based on the findings of the study, the following recommendations are made for the Ottawa County Probate Court:

- Ottawa County should create a mechanism for collecting data on its volunteer court program
- Ottawa County should partner with another agency to run its program
- Ottawa County should incorporate the lessons learned shared by other volunteer guardianship programs by establishing a small program that expands as resources allow. Efforts to sustain the program, including ongoing training and support for volunteer guardians, should be provided.

Introduction

A guardian is a person given the responsibility to make decisions about the care of another individual such as health care decisions and determining appropriate residency. A full (or plenary) guardian can make all decisions for the protected person, whereas a limited guardian makes only those decisions that the court allows. A guardian can be appointed for a minor or an adult. This paper focuses on guardians appointed for adults. There are two types of adult guardianships: developmentally disabled guardianships (guardians who are appointed for those individuals who are developmentally disabled), and there are legally incapacitated guardianships. Typically, family members are appointed in developmentally disabled guardianships.

There may not be a family member who is willing to step up to become a legally incapacitated person's guardian. A legally incapacitated individual may be impaired by mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other causes where he/she lacks the capacity to make or communicate informed decisions. These types of issues are not easy to handle; in the author's 28 years with the court system, there have been instances where family or friends are unwilling or unable to take on the responsibility of guardianship for a legally incapacitated adult.

A conservator may also be appointed by the court to handle investments and other assets of an individual who cannot manage those things on their own. A conservator "conserves" the funds of an individual and does not have the right to make

medical decisions or determine where an individual resides. An individual can have both a guardian and a conservator (which may be the same or a different person). In some cases the term conservator is synonymous with guardian of the estate.

Types of Guardians

As indicated above, a guardian may be a family member or a friend. When family or friends are not willing or able to serve, then the court may appoint a private, professional guardian. This is a person or agency that serves as guardian for a person for a fee. The fee is typically paid from the protected person's assets, as the court does not have funds to pay guardians. The court may also appoint a public guardian; however in Ottawa County there is no public guardianship program.

There are times when a legally incapacitated person is in need of a guardian, and it is difficult to find someone to appoint. Sometimes the judge prefers to appoint a neutral, third party to serve as guardian due to family arguments. Family/friends may not be qualified to serve as guardian. The protected person may not have any assets or income (many times limited to social security). The lack of available qualified guardians has become a challenge for the court. It has been suggested that a volunteer guardianship program be implemented in Ottawa County so there would be a pool of guardians from which to draw.

Purpose

The purpose of this research paper is to address the following questions and issues:

- 1) How many courts have a volunteer guardianship program?
- 2) What do other volunteer guardianship programs look like?
- 3) How do other courts sustain volunteer guardianship programs?

Organization of Paper

The first part of the research paper reviews the relevant literature. The second part of the research paper details the methodology and data collection steps, including posting questions to the National College of Probate Judges (NCPJ) listserv, polling/surveying the Michigan Probate and Juvenile Register's Association (MPJRA) listserv, and conducting case studies on volunteer guardianship programs in courts similar to Ottawa County (three in Michigan and two in other states).

The third and fourth sections of this research paper present the results and findings of the data collection. The last section summarizes the conclusions and recommendations with regard to creation of a volunteer guardianship program.

Literature Review

Numbers and Types of Guardians

It is important to study guardianships in part due to the growing aging population in the United States. The older population (65 and older) reached its highest level at 40.3 million in 2010, up from 31.2 million in 1990 and 35.0 million in 2000 (Werner, 2011). Between 2000 and 2010, people 65 and older increased at a faster rate—15.1 percent than the total U.S. population—9.7 percent (Werner, 2011). In fact, a National Center for Elder Abuse study cited an estimate that there will be over 70 million Americans aged 65 or older by 2030; of these, almost one-seventh will be 85 years or older (COSCA, 2010).

As longevity increases, guardianship caseloads will be affected in that there may be increased filings and/or cases may stay open for longer durations. Guardianship cases are not like traffic cases where a case is opened and closed; an adult guardianship case may remain open until a person dies. In an online survey conducted by the National Center for State Courts' Center for Elders and the Courts (CEC) in 2009, questions were posed via association listservs to include the Conference of State Court Administrators, National Association for Court Management, and the National College of Probate Judges. When asked how guardianship filings and caseloads have changed over the last three years, 37 percent of respondents indicated the number of new filings had increased; 43 percent noted increased caseloads (Uekert, 2010).

As noted above, the number of guardianships filed is also of concern. There are challenges in documenting the number of adult guardianships and conservatorships that are filed. One of the challenges as a nation is data collection in regard to adult guardianships. State court data on adult guardianships is collected through the National Center for State Courts' Court Statistics Project. Many cases are counted generically or combined with civil caseload statistics; some states mix guardianships and conservatorships together. There is no national database with regard to the volume and composition of cases handled by probate courts. Thus, a complete picture of how many adult guardianship and adult conservatorship cases that are filed, closed, and pending nationally is not available (Uekert & Van Duizend, 2011).

In Michigan the number of guardianships, conservatorships and protective proceedings for adults is captured below:

Table 1: Probate Case Filings in Michigan (Young, 2011)

	2004	2005	2006	2007	2008	2009	2010	2011
Guardianship Conservatorship Protective Proceedings	22,190	22,357	22,143	21,528	21,593	21,374	21,320	20,791

These figures include guardianships and conservatorships for both minors and adults; the adult guardianships alone comprise about half of the 20,791 cases—10,382

adult guardianships (SCAO, 2011).¹ For instance, Ottawa County, Michigan had 829 open adult guardianship files for 2012 which is considerably more than the number of new filings in 2012. Ottawa County has a population of 263,801 (U.S. Census Bureau, 2010).

In 2012, Ottawa County Probate Court had 737 guardians who were family members or friends of the adult protected person. There were approximately 100 protected persons who had professional guardians for adults. There are currently no volunteer guardians serving in Ottawa County for either adults or minors.

Guardianship Reform Efforts

There have been several stories in the media in regard to guardians who have abused the person they were charged with protecting, and there have been issues with lack of monitoring guardians once they are appointed by the court. National, state and local efforts have been taken to address some of these issues.

National Efforts

There have been many efforts nationally to reform guardianship, including statutory revisions, development of training materials, revision of court practices, and oversight of guardians.

¹ Note: Table 1 does not include the guardianships, conservatorships, and protective proceedings that continue year after year, sometimes until the person dies.

The Wingspread Era

In 1987, the Associated Press (AP) published a series of articles on guardianship following an examination of court files that it selected randomly. After reviewing 2,200 files, the AP reported that the nation's guardianship system was troubled, citing that there was no evidence of guardianship necessity and that a failure to guard against abuse and neglect existed. The 1987 AP series as well as a 1988 National Guardianship Symposium ("Wingspread Conference") sponsored by the American Bar Association was convened, influencing reforms in a majority of states (English, 2012, p. 3).

In the late 1980s and 1990s, there were several national, state and local efforts made to strengthen guardianship practices. Major events included:

- The 1987 creation of the National Guardianship Association (which produced Standards of Practice and a Code of Ethics)
- The American Bar Association study that profiled best practices in guardianship monitoring (ABA/AARP updated in 2006)
- The AARP coordinated a National Guardianship Monitoring Program (which trained volunteers as court visitors, auditors, and records researchers—over 50 courts throughout the country adopted the model (Karp & Wood, 2007, p. 15)
- The Uniform Guardianship and Protective Proceedings Act, revised in 1997
- The National Probate Court Standards were released—these were completed in December, 2012 (See Appendix A).

The Wingspan Era

A second national guardianship conference, the Wingspan Conference, was held in 2001. Themes were similar to Wingspread. In addition, in 2001, the first national summit on elder abuse was held. Two years later, the U.S. Senate Special Committee on Aging held hearings on guardianship profiling cases of misuse of guardianship. In 2004, the Government Accountability Office—GAO released a report on guardianships noting the lack of cooperation between courts and federal agencies. In December 2007, the Special Committee on Aging promised new models for guardianship.

Third National Guardianship Summit

In October 2011, the National Guardianship Network sponsored the Third National Guardianship Summit, which resulted in 43 standards for guardian performance and decision-making. Many of the standards dealt with guardian accountability and focused on post-appointment issues.

While national conferences addressed the issue of guardianships, judicial organizations developed standards to guide performance in the larger context of probate. In 1991, a commission was formed to include representatives from the National Center for State Courts and the National College of Probate Judges (NCPJ) to outline procedures for guardianship monitoring in the National Probate Court Standards. The standards were published in 1993 and included training and outreach, reports by guardians, re-evaluation of the necessity for guardianship, enforcement of court orders, etc. The commission has reconvened and the standards revised in 2012. A final draft

was submitted and approved by the NCPJ at their November 2012 meeting; final standards were released in December, 2012.²

Because of the exploitation, neglect and abuse of persons in guardianship and conservatorship, it is important that standards be developed to set forth guiding principles, encourage the effective use of limited resources, and make practices uniform by courts who exercise probate jurisdiction. The standards related to guardianships and conservatorships have been developed to recognize the important liberty interests at stake in these types of proceedings. There are 18 standards which are established to protect the respondent (See Appendix A).

Recent Efforts

Despite the above efforts, problems remain. In September 2010, the United States Government Accountability Office (GAO) released a report entitled *Guardianships: Cases of Financial Exploitation, Neglect, and Abuse of Seniors*. The GAO highlighted allegations of abuse by guardians nationwide between 1990 and 2010. The cases demonstrated incidents in which guardians took advantage of people in schemes that financially benefited the guardian and were financially detrimental to those they were supposed to protect. While conducting its research, the GAO pointed to some of the same issues noted above, such as the absence of any public, private, or non-governmental organization that systematically tracks the total number of

² Two of the members of the commission are Brenda Uekert from the National Center for State Courts (this author's Court Project Supervisor) and Kevin J. Bowling (this author's direct supervisor).

guardianships or allegations of abuse, neglect, and exploitation by guardians (Kutz, 2010, p5). The exact number of allegations or complaints of abuse, neglect, and exploitation by guardians remains unknown.

The GAO could not determine whether allegations of abuse were widespread, however, they identified hundreds of allegations of physical abuse, neglect, and financial exploitation by guardians in 45 states and the District of Columbia. In 20 selected closed cases, the GAO found that guardians stole or otherwise improperly obtained \$5.4 million in assets from 158 incapacitated victims, many of whom were seniors (Kutz, 2010). Common themes of the report duplicate some of the issues noted in other sections of this paper, such as failure of the courts: a) to adequately screen potential guardians (no criminal/credit background checks); b) to oversee guardians once they were appointed; and c) to communicate effectively (or not at all) with federal agencies about abusive guardians.

In 2009, the Conference of Chief Justices—CCJ and the Conference of State Court Administrators—COSCA created a joint task force on Elders and the Courts; in 2010, COSCA selected the topic of guardianships as the focus of its White Paper urging institutions and courts to meet the challenge of serving those with diminished capacity. Efforts must be coordinated as guardian abuse and neglect have both human and financial costs. The courts play a significant role in ensuring due process, determining the duties of guardians, and limiting restrictions to persons with autonomy; courts must be proactive in discovering and responding to disputes and concerns as they relate to

guardianship cases. Some courts have addressed these issues by using careful screening of potential guardians, requiring a certification process for volunteers, and identifying volunteers to monitor guardianships (COSCA, pp. 7-10).

State Efforts

A number of state task forces have been created to respond to problems in guardianship and conservatorship cases. Many of them were created after media reports highlighted cases that involved the abuse or financial exploitation of protected persons.

In July 2011, the GAO, in its report entitled *Incapacitated Adults: Oversight of Federal Fiduciaries and Court-Appointed Guardians Needs Improvement*, found that states needed to improve their monitoring of guardianship cases. In response, three states specifically addressed guardian and fiduciary misconduct (Texas, Wyoming, and Washington) in 2011. Other states have also undertaken reform efforts. For example, Arizona passed a bill that states if the court finds professional fees/expenses were incurred as a result of unreasonable conduct, the court is authorized to order the person who engaged in that conduct to re-pay the individual (ABA, 2011, p. 21). Prior to this bill, Arizona established a task force in 2010, the Committee on Improving Judicial Oversight and Processing of Probate Matters; many of the committee's recommendations have brought about changes in legislation. The California Supreme Court created the Probate Conservatorship Task Force to make recommendations to its Judicial Council for reforms/improvements (85 recommendations) to the

conservatorship process; several laws have passed based on those recommendations. However, due to the budget crisis, some of the implementation efforts have been thwarted. Finally, Utah has established a committee, the Ad Hoc Committee on Probate Law and Procedure, making several recommendations with regard to guardianships.

In addition to creating task forces, in 2011 27 states passed a total of 40 adult guardianship bills—as compared with 21 states and 29 bills passed in 2010 (ABA, 2011, p. 1). For instance, Nebraska, Arizona, and Colorado passed substantial bills with a focus on the guardian’s responsibilities, oversight, and compensation. Nebraska has been recognized as a national leader in the area of guardianships and conservatorships. In 2010, the Nebraska Supreme Court created a Joint Review Committee on the status of adult guardianships and conservatorships. A number of laws have been passed based on the committee's recommendations with regard to qualifications of prospective guardians and conservators, documenting and tracking the assets of protected persons, and monitoring guardian and conservator performance. Effective January 1, 2012, Nebraska’s LB157 requires background checks for guardians and conservators, and mandates bonds for conservators when assets exceed \$10,000. The state has provided better checks and balances to protect the vulnerable, and they are aided by the Nebraska State Bar Association and other volunteers with trainings they offer to court staff, judges, financial institutions, guardians, and conservators (Heavican, 2012, p2).

Michigan Efforts

In Michigan, guardianship reform has been generated by the Michigan Supreme Court and the Legislature. The impetus for reform was highly publicized abuses of wards by a professional guardian operating in Wayne County since 1996. Key historical events include the following:

- In 1974, a Michigan guardianship statute was passed under the Mental Health Code to encourage the development of maximum self-reliance and independence of the person.
- In 1988, the Michigan Legislature enacted the Michigan Guardianship Reform Act to encourage self-reliance and independence of the person. Michigan's guardianship numbers increased steadily, and in 1990, a national study of 22 states showed that Michigan far exceeded other states in the number of guardianship petitions filed (Harris, 2000, p. 2).
- In 1996, the Michigan Supreme Court created a task force on guardianships and conservatorships to protect the rights and interests of "those unable to protect themselves...." (Harris, 2000, p. 3). There were eleven recommendations, mainly targeted to reduce the number of guardians appointed, provide more protection for the disabled from abuse, and allow for greater opportunity for independence from court appointed guardians. Another recommendation was that "courts should increase the recruitment of volunteer guardians, and more

guardians who are state agency funded and monitored should be provided as guardians of last resort” (Harris, 2000, p. 9).

- In April of 2000, Michigan’s Revised Probate Code (RPC) was replaced by the Estates and Protected Individuals Code (EPIC) which was passed to help promote dignity of adults and to provide that a guardian consult with his/her ward about major decisions whenever possible. The Act also establishes a clear and convincing evidence standard for appointing conservators (although this standard was in place for guardianships, this was the first time it was established for conservatorships).

Recently, Michigan’s Governor Rick Snyder signed a 10-bill package to protect Michigan’s senior citizens and vulnerable adults. The measures encourage the reporting of elder abuse and strengthen penalties for those who are convicted. He stated, “the abuse of seniors and vulnerable adults is one of the fastest growing crimes in our state, and law enforcement agencies will now have better tools to help protect potential victims from financial and physical abuses” (NASGA, 2012, p. 1). One piece of the legislation package is Public Act 2012, No. 173, which arose from discourse and recommendations by the Governor’s Task Force on Elder Abuse. The Act amends the Estates and Protected Individuals Code (EPIC) and alters various provisions regarding guardians and conservators and reporting requirements. It states that the guardian has an ongoing duty to report any convertible cash they find to the court (MCL 700.5319(2)). It also requires the guardian ad litem/attorney to meet with the individual prior to the

hearing and inform the protected individual of his/her rights, which are expanded (MCL 700.5306a(2)). Also, if the judge limits the guardian's powers, the judge must specifically enumerate the guardian's powers in the court order.

Key Issues in Ottawa County

The national and state issues center around themes of guardianship and conservatorship abuse and neglect, along with lack of court monitoring once a guardian is appointed. Locally, in Ottawa County, Michigan, the key issue is ability to secure a guardian for a protected person.

Many courts have public guardianship programs where there are guardians available for the court to appoint, but these programs tend to be funded through public or non-profit agencies. Ottawa County has depended on the good will of individuals who have volunteered to take on the role of guardian. For example, approximately 20 years ago, the locality benefited from the services of an individual who volunteered to be a guardian for a dozen protected individuals. He did not take any fees whatsoever for his services, but he passed away, leaving the protected individuals with no guardian. At that point, a professional guardian was appointed for the protected persons.³ Recently, an agency gave up all of its guardianships with Ottawa County due to religious conflicts (e.g., making sterilization and end of life decisions). One of the

³ A court employee served as guardian for one of these persons; it was a complex case where no one would step forward to become the guardian.

agency's former employees now serves as guardian for almost 100 persons in Ottawa County.

This same person also serves as guardian/conservator in a few neighboring counties which adds to the individual's significant caseload. There are times when it is simply impossible for the guardian to take additional appointments from the court. This leaves the judge with no options unless a family member or friend steps forward to fill the role of guardian/conservator. Sometimes there is no family or friends to serve, or the judge may determine the family/friends are not qualified to serve. In that instance, some counties will fund a public guardianship program and pay guardians from county funds. Historically, Ottawa County has not funded a public guardianship program.

In lieu of a public guardianship program (or to supplement public guardianships), some courts secure volunteers to fill the role of guardian and/or conservator. Courts have also used volunteers to monitor guardians after they have been appointed. Due to severe budget cuts in Michigan, the Ottawa County Probate Court seeks to implement a volunteer guardianship program whereby a pool of volunteers are trained to serve as a guardian and/or conservator for a vulnerable adult. This study seeks to determine whether a volunteer adult guardianship program would be feasible.

Rather than "re-invent the wheel" with regard to an adult volunteer guardianship program, the Ottawa County Probate Court looked to other jurisdictions as potential models. The plan was to find as many national and state programs as possible to gather information about various aspects of their programs. Survey and interview

questions were designed to probe the various components of programs, such as recruitment and retention of volunteers, training of volunteers, program management, and sustainment of programs. The following section describes the methods used to conduct the study.

Methods

The research design is a qualitative approach that used e-mail inquiries, telephone surveys, and case studies to collect data. Because there was no central repository where guardianship programs are “listed,” various inquiries were made to determine how many volunteer programs were in existence. A summary of informal inquiries is provided below.

- E-mail inquiry personally sent by ICM classmate from Wisconsin in June, 2012, 7 responses
- E-mail inquiry to NCPJ--National College of Probate Judges in June, 2012, 325 members/NGA—National Guardianship Association listserve, 598 participants (out of 979 members), 11 responses⁴
- Telephone call to SCAO—State Court Administrator's Office (Region II), requested list of courts with volunteer guardianship programs in July, 2012; response indicated there was no list
- E-mail inquiry to MPRJA—Michigan Probate & Juvenile Registers Association listserv—70 participants (out of 83 counties) in July, 2012, 9 responses (used poll from Marquette County in 2011)

In addition to the above inquiries, survey questions were distributed (with a self-addressed, stamped envelope) to forms committee members who met at the State capital (Lansing, Michigan) on September 27, 2012, some of whom may have volunteer programs. This committee reviewed forms to comply with changes in guardianship/conservatorship statutes in Michigan. One of the forms involved additions to the Notice of Rights to Alleged Incapacitated Individuals. There were four counties

⁴ NCPJ inquiry sent by Brenda Uekert of NCSC—National Center for State Courts; NGA inquiry sent by Erica Wood of ABA—American Bar Association.

that were polled in 2011 on the MPJRA listserv who had representatives on the committee. Two of the counties did not respond, and one county responded that they did not have a volunteer program. The remaining county responded to the survey given at the MPJRA meeting in October.

Phase I—Survey

The survey questions are contained in Appendix B. They consist of open-ended questions that were designed to assist the author in formulating a program in Ottawa County. A pre-test of the interview questions was conducted with Cheryl Brink, coordinator of the Ottawa County CASA (Court Appointed Special Advocate) volunteer program.⁵ The questions were designed to allow the respondents to explain their program in general terms (i.e., how many protected persons it serves, number of volunteers, how cases are assigned, how funding is obtained, etc.).

Additional questions were designed to elicit information with regard to recruitment/retention (such as how volunteers are recruited, qualifications of volunteers, necessary background checks, recognition of volunteers); training (how often trainings are held, what subjects are covered); and management/supervision of the program (such as who supervises the program, how volunteers are monitored).

⁵ The CASA program, in existence since the 1980's, requires volunteers have 30 hours of initial training with 12 hours training each year thereafter. The biggest challenges are recruitment and retention of volunteers. The coordinator suggested providing volunteers with clear expectations and to be available to them when needed (she provides her cell phone number to all volunteers). She also indicated it may be best to start "small" and grow the program over time.

Phase II—Case Studies

Once the surveys were collected, two programs from Michigan and three programs from other states were selected to conduct case studies. Two criteria were used for selection of the programs: a) length of service for at least two years; and b) service to approximately the same number of protected persons that Ottawa County serves. These criteria were selected as the most useful for establishing a program in Ottawa County. It was tempting to select those programs with the greatest longevity; however, duration does not necessarily equal excellence. In addition, those programs that are more recent may still be in flux and could provide valuable information for others who are developing a program. The second criteria are based on the caseload of Ottawa County, Michigan, which has approximately 100 adults in need of a volunteer guardian at any given time.

Followup questions were asked of those sites selected for the case studies. The questions are found in Appendix C. Multiple case studies were conducted rather than a single case study because the evidence in multiple case studies is often more compelling and more robust; greater certainty lies with a larger number of cases (Yin, 2009, p. 58).

Of the two Michigan courts and the three out of state programs that were selected for case study, four were conducted by telephone; the fifth was conducted via e-mail.

Findings

An overview of the findings and results of the various volunteer guardianship programs is provided in this section. The findings center around the three research questions. Rather than limit the findings to those jurisdictions that were chosen for case study, all of the programs were included, as the information provided is useful in creating a similar program in Ottawa County.

Question Number 1: How Many Courts Have a Volunteer Guardianship Program?

We do not know how many volunteer guardianship programs exist because there is no central repository or established mechanism to capture data on a national level. Because there is no central repository or established mechanism to find data as to how many courts/counties have volunteer programs, assistance was solicited from various individuals and organizations who may have knowledge about such programs. Some of the obvious contacts were made as described in the Methods section of this paper: the Michigan State Court Administrative Office, National College of Probate Judges, National Guardianship Association, and Michigan Probate/Juvenile Registers Association. Since there was no “list” of programs available (at the national or state level), and the methods employed did not result in a definite response, this project does not include all volunteer programs. Due to budget cuts and time constraints, it is possible that those polled in regard to volunteer programs were unable/unwilling to respond because they were overworked and/or did not have time to respond to the

survey. It is possible that those who responded were individuals who truly have a passion for guardianships and/or volunteer programs.

The responses received included five definitive programs in the State of Michigan, and 18 responses from other states. Seven of the eighteen responses were from the State of Wisconsin; the response rate may have been greater from this State due to the personal contact made by an ICM classmate with these courts. Other contacts were made to additional jurisdictions as suggested by agencies or court personnel.

In Michigan, the probate courts were contacted to inquire whether they had an adult volunteer guardianship program. Responses were received as listed below:⁶

- Grand Traverse County, MI
- Marquette County, MI
- Menominee County, MI
- Montmorency County, MI
- Oakland County, MI

In other states, only three courts (noted in parentheses) administer volunteer guardianship programs. Many of the programs were run by agencies, as listed below:

- Portage County, WI—Health and Human Services Department
- Walworth County, WI—Department of Health and Human Services

⁶ Four Michigan counties responded to the survey and indicated that they do not have a program “per se”—Antrim, Leelanau, Otsego, and Wexford counties.

- Marinette County, WI—Human Services Department
- (Barron County, WI—Circuit Court)
- Waupaca County, WI—Department of Human Services, Aging and Disability Resource Unit
- Milwaukee County, WI—Legal Aid Society
- Racine, WI – Aging & Disability Resource Center of Racine County (partial)
- (Maricopa County, AZ—Superior Court of Arizona)
- (Spokane County, WA – Superior Court of Spokane County (w/ financial support from AARP/also partnered w/ RSVP—Retired and Senior Volunteer Programs)
- Williams County, OH—Department of Aging
- Franklin County, OH—Central Ohio Area Agency on Aging
- Arlington County, VA—Department of Human Services
- Tarrant County, TX—Guardianship Services, Inc.
- Hunterdon County, NJ—One on One
- ARC of New York—serves 62 counties
- Guardianship Alliance of Colorado (non-profit organization)
- Kansas Guardianship Program—Kansas Advocacy & Protective Services, Inc.
- Rhode Island VGP (Volunteer Guardianship Program)—Department of Human Services, Division of Elderly Affairs—serves 39 Municipal Probate Courts

The criteria for the case studies were that the volunteer program should be in existence for at least two years and the number of protected persons served should match those to be potentially served in Ottawa County (approximately 100 guardianships). All of those who responded to the survey with regard to volunteer programs indicated the program had been in existence a minimum of two years. Therefore, the other qualifying factor (number of protected persons served) was viewed as the best match to select case studies. In Michigan, the two counties that had a number of protected persons served closest to 100 were chosen. The table below depicts the numbers of protected persons served by program based on survey responses.

Table 2: Number of Protected Persons Served in Michigan

Name of County	# of Protected Persons Served
Grand Traverse, Michigan	81
Marquette, Michigan	Numerous (?)
Menominee, Michigan	160
Montmorency, Michigan	75
Oakland, Michigan	3900

The two case studies conducted in Michigan were Grand Traverse County and Montmorency County, with persons served 81 and 75, respectively. The number of protected persons served in programs out of state is depicted in Table 3 below.

Table 3: Number of Protected Persons Served Out of State

Name of County/State	# of Protected Persons Served
Portage, Wisconsin	27
Walworth, Wisconsin	150
Marinette, Wisconsin	18
Barron , Wisconsin	24
Waupaca, Wisconsin	85-100
Milwaukee, Wisconsin	650
Racine, Wisconsin	(?)
Maricopa, Arizona	6,500
Spokane, Washington	1,900 (adults/minors)
Williams, Ohio	11
Franklin, Ohio	90
Arlington, Virginia	35
Tarrant, Texas	600
Hunterdon, New Jersey	25
ARC of New York	868
Guardianship Alliance of Colorado	51
Kansas Guardianship Program	1,505
Rhode Island Volunteer Guardianship Program	100

The three sites selected for case study based on the number of persons serviced were Rhode Island with 100 persons served, Waupaca County, WI, with 85-100 persons served, and Franklin County, OH, with 90 persons served. The Rhode Island and Wisconsin surveys were conducted via telephone and the Ohio survey via email.

Question Number 2: What Do Other Volunteer Guardianship Programs Look Like?

Respondents described their programs and basic structure. Most of the out of state programs are not under the auspices of the court system. They are managed/operated by agencies and are described below. The operation of various programs is reported in three sections. The first section summarizes the programs in

the State of Michigan based on the survey. The second section summarizes the programs in other states based on the survey. The third section presents case study findings based on the followup questions/personal interviews conducted by telephone.

The questions in the original survey were designed to elicit information in regard to recruitment/retention of volunteers, training of volunteers, and management/supervision of volunteers. The followup questions (case studies) were designed to probe further and gather additional information about the programs to include how the programs are sustained over time. The tables below summarize the findings for each respondent; the complete narrative responses are provided in Appendix D.

Michigan Programs

Grand Traverse and Oakland counties actively recruit volunteer guardians. Training is offered to volunteers with most programs at least yearly and in a few counties, training is ongoing throughout the year. Management and supervision of the program is either handled by a coordinator or court staff, and in Marquette County the judge is actively involved with volunteers. Volunteers are retained by providing them with various support mechanisms (phone calls, addressing their concerns, and helping them problem-solve). Volunteers are recognized in various ways, such as annual appreciation dinners, small gifts, and gift certificates.

Table 4: Michigan Programs Summary

County	Recruitment	Training	Management/ Supervision	Retention
Grand Traverse	-Press Release -Speaking Engagements -Personal Referrals	-2x's/year -Resources: CBC, CMH, DHS, GAL's, Aging	-Volunteer Coordinator (all court vols) -3 FTE's, 1 PT employee	-Support by way of contacts, Finding Resources, Problem-Solving -Annual Recognition (gift certificates, logo sweatshirts) -Events (baseball games, etc.)
Marquette	-Private Referrals	-Not offered	-Issues or Concerns Handled by Judge	-No efforts
Menominee	-Private Referrals	-As Needed	-Court Admin & Probate Register Coordinate; Court Staff Monitors	-Support by way of contacts, Addressing Concerns -Yearly Appreciation Dinner
Montmorency	-Canvass for Professionals	-1x/year plus Ongoing all Year -Q&A Session	-Deputy Probate Register & Staff	-Support by way of contacts, Continued Training -Working Around Vols Schedules
Oakland	-Advertisements -PSA's -Speaking Engagements -Private Referrals	-1x/year and Ongoing by CMC & Probate Register	-Case Management Coordinator (CMC)	-Support by way of contacts (Phone Calls) -Reimburse for Mileage -Recognition w/ Board of Commissioners -Every Other Year Provide Small Gifts/Refreshments/Thanks

Out of State Programs

Wisconsin Counties

Many of the Wisconsin counties actively recruit volunteer guardians. They use a variety of mediums, such as newspapers, local radio, and churches to locate volunteers.

Walworth County holds a recruitment session where efforts are made to secure volunteers; it is offered in conjunction with training sessions.

Training is offered individually in three of the counties, namely Marinette, Milwaukee, and Portage. Other counties, such as Walworth, offer group training. In every county, training is offered at least yearly, and in Milwaukee, an optional training is offered twice per year. It was interesting to note that in Milwaukee, training sessions included “guardians helping guardians,” which allows for guardians to ask questions and receive answers from other experienced guardians. This is similar to Barron County, where a corporate guardian (speaker) provides real life stories of events to give volunteers examples of how to handle various situations. Waupaca County offers volunteers a resource that they can take home with them—a State handbook regarding guardianships.

Barron County was the only Wisconsin county (of those that responded) where court staff (the Probate Register) supervises and monitors the program. Adult Protective Services—APS or Department of Human Services—DHS appear to manage most of the programs.

Volunteers are retained by various methods such as providing support, recognition, and events. Racine County was the only county that indicated they have no formal method of recognition for volunteers.

Table 5: Wisconsin County Summary

County	Recruitment	Training	Management/ Supervision	Retention
Barron	-Use Training Sessions to Recruit -Newspaper -Flyers -Local Radio	-Ongoing Trg -Duties/Powers Explained -Corporate Gdn Offers Real Life Stories	-Probate Register sup. & Monitors	-Volunteer Recognition Dinner Each Year
Marinette	-Private Referrals	-Trg on Individual Basis -Duties/responsibilities Explained	-APS Supervises -Informal Mgmt. Style	-Provide Support (Verbal Recognition, Thank You's) -Some Claim \$100/year Stipend
Milwaukee	-Flyers in Buildings -Private Referrals	-Trg Individual or Group on as Needed Basis -Optional Trg 2x's/year -Guest Speakers and "Guardians Helping Guardians"	-Legal Aid has a Coordinator who Supervises & also Monitors	-Find Replacements for Those Who Have Life Situations -Provide Lunch, Certificates, Small Gift
Portage	-Newspaper -Church Bulletins -County Executive News-letter -Letters to CPA's, Retirees, Aging & Disability Center -Private Referrals	-Individual Trg (no Group trg) -APS Answers Specific Questions	-Supervised by Coordinator of Div. of Comm. Programs (HHS) -Monitored by APS Soc. Wkr/ Case Manager	-Provide Feedback (Affirm Appropriate Decisions, Finding Solutions) -Acknowledge Importance -Recognize w/ Yearly Letter of Thanks, Send Christmas Card
Racine	-Newspaper (PSA's) -Church Bulletins -Local Volunteer Center	-Yearly Trg -Guest Speakers (Corp Counsel, Probate Staff, Funeral Home, Benefit Specialist) -Requirements,	-Supervised by Director of Aging & Disability Resource Ctr -Volunteer Support Spec.	-No Formal Recognition

		Trusts	(day-to-day)	
Walworth	-Recruitment Sessions w/ Contacts Through News- paper, Churches, Profes- sional Organizations, Libraries, Retirees	-Group Trg 1x/year & as Needed -Process/Duties Explained -Speakers (APS, Medicaid)	-APS Supervises -Managed Care Agencies Provide Case Management -Mostly Self-Sustaining	-Support (Answer Questions) -Statewide Gdn Support Center -Appreciation Lunch/Dinner
Waupaca	-Newspaper -Church Bulletins -Local Radio -Various Print Materials -Private Referrals	-Annually or as Needed -APS Conducts on Roles/Resp., Process, Paperwork Required, -Advocate Info -Confidentiality -State Handbook is Provided	-DHHS, APS Social Workers (Maintain Lists, Offer Support) -Monitored by Case Managers	-Support (Work Through Difficult Cases, Answer Questions) -Annual Picnic Celebration During Month of May (Vol. Week)

Other Out of State Programs

Many of the other out of state programs used the same types of recruitment efforts as Wisconsin and Michigan. For instance, personal referrals are a recruitment method for seven states. Four of the eleven states use the local newspaper and two employ speaking engagements/live presentations to recruit volunteers. Some of the states (Arizona, Ohio, Rhode Island, and Virginia) use methods that reflect the age of current technology, such as the Internet, social media, and websites for recruitment.

Training was offered by all of the programs in other states as listed in the following table. It is interesting to note that in New York, peer partners evaluate each other's volunteer programs. Most of the programs report that formal evaluations were

not conducted. In Arizona, the training for volunteer monitors includes a minimum of two “ride alongs” where volunteers accompany someone who reviews guardianships so they know how to conduct a site visit and fill out required reports for the Court. In New York, there is a statewide conference that is held annually to assist with training efforts. Takeaways are provided in Ohio (training notebook), Washington (180 page manual) and Rhode Island (resource binder). New Jersey provides training on “e-guardianship,” which is an online case management system for volunteers/guardians; one of its volunteer requirements is that volunteers have access to a computer so that they can enter notes/information into this system.

Various topics covered in training by most programs were the roles and responsibilities of guardians including legal, social, ethical, medical, mental health issues, and end of life issues. Safety was also a topic covered in Arizona and Washington to ensure the volunteer is safe when conducting visits. Technology is also used in training by states such as Rhode Island (recorded lectures) and Virginia (web training and video training sites).

Management and supervision of the programs are handled mostly by agencies; only two are associated with courts (Arizona and Washington). A few of the state programs specifically indicated they are not affiliated with the courts, and noted that they felt it might be a conflict of interest if the courts managed such a program.

Volunteers are retained in various ways as indicated in Table 6 and summarized in Appendix D. It is interesting to note that two of the states made note of the turnover

rate of volunteers in their programs. For instance, the Kansas program has been in existence since 1979 and has served 1,505 protected individuals. They have 815 volunteers. Longevity statistics are as follows (for year 2012):

- 28% 0-5 years of volunteer service
- 25% 5-10 years of volunteer service
- 21% 10-15 years of volunteer service
- 26% 15+ years of volunteer service

In Washington, the program has served approximately 1,900 protected individuals by 14 volunteers, six of whom have been with the program since its inception in November, 2000. The fact that almost half of these volunteers are still active speaks volumes about the program. There were no other volunteer attrition statistics provided by other respondents.

Table 6: Other Out of State Programs Summary

State County/Agency	Recruitment	Training	Management/ Supervision	Retention
Arizona, Maricopa County	-Newspaper, Magazines -Community Partners (Colleges, AARP, Aging) -Online Sites -Personal Referrals	-Group Trg (initial, 4 hrs) -Ride alongs set up (min.2) -Topics (overview, mental Health, developmental, Physical, safety, confidentiality, forms completion)	-Judicial Clerk of Probate Court supervises	-Provide Feedback (positive verbal and written) -Cards/letters for birthday/holi- days -Problem-solve w/ vols on

				issues
Colorado, Guardianship Alliance	-Educational Seminars -Speaking Engagements -Flyers -Personal Referrals	-Trg once/month or as Needed -Topics (wide range to Include responsibilities/ Requirements)	-Lead project coordinator supervises	-Yearly appreciation event -Birthday cards
Kansas, Guardianship Program	-Educational Programs/ Contacts -Personal Referrals	-Individual trg all year -Checklist w/ survey provided -Topics (legal, financial, social, abuse/neglect, funeral/burial, advocacy	-Guided by Board of Directors -Court oversees and monitors	-Support is critical -Recognition (\$30 stipend, certificates, Governor proclamations)
New Jersey, Hunterdon County	- Articles/News Events -Personal Referrals	-Trg as needed (4-5x's/year) -Topics (legal, financial, medical, social, ethics -E-guardianship reviewed (online case mgmt. for vols)	-Director of Vols and Executive Dir supervise (1 contact/month w/ vols) -Notes kept on e-guardianship	-Treat vols as professionals -Empower to advocate -Luncheons -Yearly Recognition Event
New York, NYSARC, Inc.	-Careful Screening -Local ARC Chapters have Rules	-Statewide Conference Annually -Trg as Needed -Topics (Role/resp, Chapter Role/resp., legal -Peer Partnering (evaluation)	-Executive Dir at local ARC's supervise w/ oversight from NYSARC corporate	-Support (set mtgs around a meal, discuss issues -Send questionnaire to vols -Reward yearly For service
Ohio, Franklin County	-Newspaper (success stories) -Internet Vol. Sites -Website -Events w/ Booth (provide info) -Personal Referrals	-Individual or Group -Training Notebook Provided -Live Training w/ Power Point Presentation -Topics (NGA's Standards, resources, purposes)	-Vol screened thoroughly -Guardians submit quarterly updates -Not supervised by court; would be conflict of interest	-Thanks via e-mail and verbally
Ohio, Williams County	-Newspaper	-Trg 2x's/year, 3 evenings -Topics (Expectations,	-Coordinator w/ Dept of Aging	-Keep in contact (quarterly mtgs,

		ethics, advocacy, problem-Solving, health care, hospice, mental health issues)		table talks, attend care conferences) -No formal recognition -Vols attend annual Christmas party
Rhode Island, Vol Gdn Prog (VGP)	-Online/Print Media -Articles -Brochures -Live Presentations	-Ad hoc, small Group or Individually -Recorded Lectures -Resource Binder Provided -Seminars w/ Topics of Interest (medical, hospice, legal, stress/ grief management)	-Director supervisors, Collaborates w/ Div. of Elderly Affairs -No direct sup w/ 39 municipal probate courts	-Seminars -Request for feedback/input -Nomination for vol recognition
Texas, Tarrant County	-Media -Live Presentations -Personal Referrals	-Trg is quarterly -Topics (legal, medical, roles, resources, history, mission, funding sources)	-Program Director supervises -Vols monitored through monthly reports	-Provide Support (group meetings, 24 hr access to case managers) -Annual appreciation event -Send birthday/holiday cards -Staff/board members call vols
Virginia, Arlington County	-Media Campaigns -Internet -Video PSA's -Newsprint Posters -Social Media -Personal Referrals	-Trg 2x's/year (live) -Trg via the web -Topics (legal, ethics, resources) -Video Trg Site	-Coordinator provides oversight, reports to Dept of Human Serv -Vols accountable to Circuit Court; monitored by annual reports	-Annual recognition event -Annual luncheon/award ceremony -Assistance 24/7 from coordinator -Send e-mails, cards
Washington,	-Newspaper	-Trg Annually	-Coordinator	-Annual

Spokane County	(expensive) -Retirees -College Interns (Current Target)	-Newsletters -Conducted by APS, attorneys, volunteer Coordinator, court staff -Topics (Medicaid/Medicare, various disabilities, safety -Manual (180 pgs) provided	supervises, holds mtgs with Judge to provide reports	recognition lunch -Give certificates, pins
-----------------------	--	--	--	---

Case Studies

Rhode Island

This volunteer program has been in existence since 2001 and is the only public program that serves the target population. It is sponsored by the Rhode Island Department of Human Services Division of Elderly Affairs, and is administered by Cornerstone Adult Services (a member of the Saint Elizabeth Community) via contact with the State of Rhode Island. The types of cases that the volunteer program serves are seniors, age 60 and older, who have a dementia diagnosis and cannot pay for guardianship services. They are individuals who have no one else to act as their guardian. In this program, volunteers serve as guardian of the person only (not as financial guardians), primarily making health care decisions for those who are typically in a long-term skilled nursing home setting. There are a few volunteers in their late twenties and thirties, but most volunteers tend to be older (middle aged or retired individuals). Most volunteers who leave the program do so for valid reasons such as change in personal status, e.g., having a child or becoming a family caregiver, getting a new job, personal illness, and relocation.

Referrals to the program come from skilled nursing facilities, not from the probate courts. Each city/town has a probate court, and there are 39 in total. The program provides a legal substitute decision maker for a person who is decision impaired and has no other health care surrogate. This is very important to ensure good health care, quality of life, and end of life decisions for individuals.

The director of the program is the only staff member; she is an attorney, and handles all case referrals, recruitment, training/continuing education, case management of volunteers, and acts as a liaison to volunteer lawyers. (Volunteer lawyers offer pro bono services, representing the volunteer guardians before the probate courts, preparing and filing all documents and attending all hearings). The current director was not present when the program was established, but recognizes that a continued challenge to growing the program is funding. Initial and sustainable funding should be carefully considered when determining the scope and goals of the program.

When the director took over administration of the volunteer program, she incorporated computer efficiencies that had not been previously used. She indicated this has been a key to her ability to administer the program and handle the caseload and manage volunteers. In addition, as an attorney, she can communicate effectively with lawyers and the courts; she can assist in making sure the guardianships are handled appropriately by the courts and volunteer lawyers. When it comes to training volunteers she does not have to rely on someone else to do the legal training, as she is able to conduct the training herself.

Waupaca County, WI

This program has been in existence since at least 1996. It is interesting to note the volunteer guardianship program has been around longer than any of the Department of Health and Human Services employees. It is coordinated by adult protective services social workers; they match volunteers with protected persons, conduct trainings, and give ongoing support to volunteers. There is a volunteer coordinator who does application and background checks of potential volunteers; the coordinator also helps recruit volunteers and tracks the hours volunteers put into the program. The program came about because there was an unwillingness/inability of family members to serve as guardian. This forced the county to recruit a volunteer pool to help them meet the demand for those who needed guardians. There is a statute in Wisconsin that limits the number of people for whom a person can serve as guardian (the maximum is five). If the complexity of a case requires intense involvement of a guardian, a corporate guardian is employed. One of the barriers at the present time is that the lack of volunteers who are willing to take on the more “complex” cases—there are some cases where the wards are “high maintenance”.

The target population served by volunteers is those who are elderly, physically disabled, developmentally disabled, and those with mental illness. The protected persons may reside in their own homes/apartments, group homes, adult family homes, or in nursing homes.

Volunteers provide services to their ward at no cost. The volunteer program is a cost savings to the County; volunteers are monitored by case managers and facility staff where the protected person resides, typically through the annual accounting process. A volunteer could be removed based on misappropriation of funds or not fulfilling their role/responsibilities as guardian. If necessary, the program seeks voluntary resignation from the guardian—if that fails it petitions the court for a review of the guardian's conduct. Interestingly, the program has never had to remove a volunteer guardian, but has had to remove family members and put a volunteer in place as successor guardian.

Franklin County, OH

This program has been in existence since 1993. It was started by Julia Nack, who is involved with the National Guardianship Association and advocates for standards for all guardians; she remains the program director. The director also acts as Case Manager, supporting volunteers during their service as guardian. There is one full-time Case Manager, one part-time Case Manager, and one Case Manager who works one day per week. The program serves six of the eight counties in the agency region. The program is part of the Central Ohio Area Agency on Aging.

The program was implemented because there is no public guardianship program in Ohio. An alternative was sought to provide good guardianship practices because attorneys were spread thin trying to take care of as many as 300 protected persons each. When the program was established, all agencies were at the table—Mental Health, Area Agency on Aging, and the Probate Court; the Court led the effort.

The court appreciates that the program brings quality cases before them, and since 1998 they have received the following awards:

- Daily Points of Light Award (to include letters from George Bush and Bill Clinton)
- JC Penney Golden Rule Award
- Columbus Dispatch Community Service Award
- Columbus Bar Association Outstanding Pro Bono Award
- Hands On Central Ohio Awards (to recognize volunteers individually for excellence)
- Met Life Volunteer Award

Volunteers are limited to serving as guardian for two persons. They serve persons in protected settings such as nursing homes, assisted living facilities, and senior housing. These persons tend to have no family, are estranged from family, or family may not be local. Volunteers act as guardian of the person (they do not handle finances); they are required to visit their ward a minimum of twice per month. The agency prepares court paperwork for the pro bono attorney, who meets with the volunteer and explains the process. The attorney goes with the volunteer to the court hearing to support them. The attorney is the attorney of record in case an issue arises. The agency reminds volunteers of all court requirements, files annual reports, and sends copies to the attorney of record.

Grand Traverse County, MI

This program has been in existence since 1972 and is a division of the court. At that time, Judge Kenneth Mackness felt that more assistance could be provided to families by trained volunteers. It started with volunteers who were involved with youth on probation (like a “big brother” program); as that progressed and was successful, the program expanded and began to fill other needs within the court/community, such as guardianships. The guardianship program fills a community need and has evolved, mostly because the County’s population grew. For instance, volunteers were guardians for people in long term care at first, and now people are guardians for those that live in their own home. Volunteer guardians typically stay with the program for three to five years; most exit the program only due to emergency or illness.

The volunteer program is a personal approach as each person’s life and their quality of life is important. It was noted that most guardians are family members, but they have little or no training as guardian; the volunteers receive more training as part of the volunteer program.

Montmorency County, MI

This program was started by Judge Fitzgerald in 2007. The Judge supervises the program, and the Court Administrator/Probate Register coordinates it. Cases include situations where the ward may have no protection due to cases where a fiduciary is removed for improper activity, or the ward does not have anyone to serve as guardian. Volunteers who serve come from a variety of backgrounds: nurse,

accountant, bank manager, paralegal, care provider, and court employee. There is no funding for the program. The Judge supports the program 100 percent. Many success stories have resulted over the years. A price tag cannot be put on this program; the coordinator could not imagine what would happen to people in the community if the program were not in existence.

This is a newer program, so it had to be built up to the point where it is today. The sole purpose from the beginning of serving protected persons has been met. The program will continue to change and evolve over time. The program is not publicized, and that is done purposefully. The Court does not want people coming to their window saying they want to be a guardian because they might have inappropriate reasons for doing so. They want people with integrity, truthfulness, etc. so they target certain places, such as banking industries, when recruiting guardians.

Question Number 3: How Do Other Courts Sustain Volunteer Guardianship Programs?

Other counties/states described how they provide ongoing support to their programs following implementation. The narratives for these five counties are found in Appendix E. A list of reasons why programs remain in existence include the following:

- People are dedicated to the volunteer division
- An atmosphere of support
- Judges and court staff support the volunteer program
- Judges and court staff are available to answer questions that volunteers have

- The County Board of Commissioners supports the program
- There is adequate communication between court staff and volunteers
- Information is accessible to volunteers about cases (open door policy)
- Volunteers are allowed to manage their cases and given tools to do so, raising confidence levels of volunteers
- Adequate training is provided to volunteers
- The scope/parameters of the program is well defined (population to be served, ages, types of disabilities)
- Support is given from the organization by way of overhead and personnel
- Support is given by attorneys who do pro bono guardianship work
- The volunteer program is seen as “part of the job”
- The volunteer program is seen as a “necessity,” not a “choice” (no public guardianship program for those who are indigent)
- The volunteers have provided good advocacy for protected persons (good track record)
- Protected persons are allowed access to volunteers
- Volunteers know what their responsibilities are

Conclusions and Recommendations

Conclusion Number 1: It Is Unclear How Many Volunteer Guardianship Programs Are in Existence

It was difficult to determine how many courts have volunteer guardianship programs. Professionals who had contact with or were members of various listservs assisted in posting e-mail questions to groups to elicit the desired information. It is possible that other agencies could be polled in the future. Upon further reflection, it may be helpful to contact other State Court Administrator Offices, along with other state Department of Human Services offices, or even perhaps various state aging/elderly offices. The reason for this last suggestion is because many of the programs are not run by courts.

It may also be valuable to develop a state/national repository or data collection site for volunteer programs. Programs were run by various agencies (not just by courts), and many of them were unique. For instance, in New Jersey, the volunteer program is the only one in the State that services those in need of guardianships.

Recommendation Number 1: There Needs to Be a Mechanism for Collecting Data on Volunteer Court Programs

State Court Administrative Offices should have a method of collecting volunteer guardianship program statistics. This might be a project that each State Bar Association could take on, collecting information on various court volunteer programs. It could also be collected by the National Center for State Courts. Collection of this

information is a necessary step to evaluate the effectiveness of these programs. Very few of the programs included in this study had performed formal evaluations/assessments, although one program did have peer agencies perform evaluations to determine areas for improvement.

In addition to evaluating programs, a central repository could be used to provide contact information to courts and other agencies who want to establish a volunteer program. After contacts are made, people can share information about programs with others to assist those setting up new programs.

Conclusion Number 2: Many Courts Rely on Assistance from Local Agencies to Provide Volunteer Guardianship Assistance

Study participants indicate there are multiple models to choose from when designing a volunteer guardianship program. In some states, programs are court-based, while in others, programs are run by non-court agencies. In other states, courts reported receiving assistance from non-court agencies and community partners to provide support for a volunteer guardianship program that is run in partnership with the court. These experiences demonstrate the importance of working with other community agencies to address the challenges posed by volunteer guardianship needs.

Recommendation Number 2: Ottawa County Should Partner With Another Agency to Run Its Program

The Probate Register should look to the local Council on Aging Office or other appropriate agency to create a partnership to develop and maintain a volunteer

guardianship program. Since court staff is prohibited from fundraising, and the county does not fund such a program, the court may look to the Council on Aging or another agency for funding and grant writing assistance. This could provide the means to at least reimburse volunteers for incidentals, such as fuel and telephone expenses. It may also be beneficial to partner with another agency so volunteers are recognized at an annual event. In addition, partnering with another agency would alleviate any potential conflict of interest on the part of the court. For example, the agency could recruit volunteers. This would also maintain an arm's length relationship, so the court would be able to impartially remove volunteers if such action becomes necessary.

In addition, the Ottawa County Circuit Court recently developed a Legal Self-Help Center in the courthouse in the county seat to assist the public with filings in various courts, specifically domestic cases. This came about due to the court's strategic planning effort. The Center has employed the use of volunteers, some of whom are attorneys. This provides an additional resource through the current Center Coordinator for assistance in developing a volunteer guardianship program. Finally, the Court has a volunteer CASA program; the Coordinator of this program has agreed to act as a resource for establishing a volunteer guardianship program.

Conclusion Number 3: There Are a Variety of Valuable Lessons Learned Shared by Other Jurisdictions Which Ottawa County Should Heed

Persons who responded to the survey questions were asked what advice they might provide to a court, such as the Ottawa County Probate Court, as to how they

might create a volunteer guardianship program. It was suggested that Ottawa County develop a program to meet its own unique needs, as each jurisdiction is different. Suggestions provided were to consider the scope of the program, such as what population it would serve (types of disabilities, age limits, etc.). It was also recommended that perhaps the court should start small and expand the program over time. This seems to be a viable recommendation; it may be feasible to start with a dozen or so volunteers who would serve one ward each, and then grow the program from there. Because the program would have to be managed with existing staff (coordinated by the Probate Register), it makes sense to keep the program small in order to keep it manageable.

Lastly, paramount to sustaining a volunteer program were themes made evident from the respondent's answers to the survey questions. A specific example includes the provision of adequate training and support to volunteers, who for the most part, offer their services in order to give back to their communities without pay.

Recommendation Number 3: Ottawa County Should Follow the Lessons Learned Shared by Other Jurisdictions

It is recommended that, based upon the experiences shared by other volunteer guardianship programs, the Ottawa County Probate Court start small, with approximately a dozen volunteers to serve incapacitated individuals in need of a guardian of the person only. The Court can further expand the program to include training on financial matters at a later time. This would allow volunteers to serve as

Conservators once financial training is available. It also provides an opportunity to expand the number of persons served over time as is feasible given resource constraints. By keeping the initial number of volunteer guardians low, the court will also be able to incorporate initiatives to sustain the program over time, including provision of training and support to volunteers.

References

- American Bar Association. (2011). State Adult Guardianship Legislation: Directions of Reform—2011. Retrieved from http://www.americanbarb.org/content/dam/aba/uncategorized/2011/2011_aging_gship_reform_12.authcheckdam.pdf
- Conference of State Court Administrators. (2010). The Demographic Imperative: Guardianships and Conservatorships. Retrieved from http://cosca.ncsc.dni.us/white_papers.html
- English, D. (2012). Using the Results of the Third National Guardianship Summit to Re-Examine Missouri's Guardianship Laws. Retrieved from <http://www.mobar.org/uploadedFiles/Home/Committees/Spring>
- Harris, Kathleen (2000). Guardianship Reform. *Michigan Bar Journal*. December 2000, Volume 79, No. 12.
- Heavican, M. (2012). State of the Judiciary 2012: State of Nebraska, Nebraska Supreme Court Public Information. Retrieved from <http://supremecourt.ne.gov/community/adminreports/state-judiciary-address/state-of-judiciary-12.pdf>
- Karp, N. & Wood, E. (2007). Guarding the Guardians: Promising Practices for Court Monitoring. AARP, December, 2007.

Kutz, Gregory D. (2010). Guardianships: Cases of Financial Exploitation, Neglect, and Abuse of Seniors (GAO-10-1046), September 2010. Retrieved from (<http://www.gao.gov/assets/320/310741.pdf>).

National Association to STOP Guardian Abuse. (2012). Michigan Governor Signs Senior Protection Legislation, June 23, 2012. Retrieved from <http://nasga-stopguardianabuse.blogspot.com/2012/mi-governor-signs-senior-protection-legislation>).

State Court Administrative Office. (2011). *Statewide Probate Court Detail: 2011 Caseload Report*. Retrieved from <http://courts.michigan.gov/scao/resources/publications/statistics/2011/supplement2011.pdf#page=810>.

Uekert, Brenda K. (2010). *Adult Guardianship Court Data and Issues: Results from an Online Survey*. National Center for State Courts: Center for Elders and The Courts, March 2, 2010.

Uekert, Brenda K. & Van Duizend, Richard. (2011). *Adult Guardianships: A "Best Guess" National Estimate and the Momentum for Reform*. Future Trends in State Courts, National Center for State Courts.

U.S. Census Bureau. (2010). *Populations and Growth Rates in Ottawa County*. Prepared by Ottawa County Planning and Performance Improvement

Department. Retrieved from

http://www.miottawa.org/CoGov/Depts/Planning/pdf/2011_Pop_Growth_Rates_OC.pdf.

Werner, Carrie A. (2011). *The Older Population: 2010 Census Briefs*. United States Census Bureau. U.S. Department of Commerce, Economics and Statistics Administration. Retrieved from

<http://www.census.gov/prod/cen2010/briefs/c2010br-09.pdf>.

Young, Robert P., Jr. (2011). *Michigan Supreme Court Annual Report*. Circuit and Probate Case Filings. Retrieved from <http://courts.michigan.gov/scao/resources/publications/reports/summaries.htm>.

Yin, Robert K. (2009). *Case Study Research Design and Methods*, 4th Edition. Sage Publications, Inc., Thousand Oaks, CA.

Appendix A: National Probate Court Standards

Standard 3.3.1 with regard to the petition for guardianship states the petition must be accompanied by a written statement from a physician/mental health services provider as to the respondent's ability to care for him/herself and/or manage his/her financial affairs. Petitions should also be accepted electronically.

Standard 3.3.2 with regard to the initial screening include a review/screening to determine whether there may be less intrusive alternatives to guardianship or conservatorship, and that those methods have been examined (such as health care directives, power of attorney, representative payee, establishment of a trust, counseling, and mediation).

Standard 3.3.3 relate to expeditious processing to ensure that these types of proceedings receive special treatment and priority so that pain and suffering (for example due to a medical procedure) is eliminated.

Standard 3.3.4 relate to a court visitor and ensure that each respondent have someone appointed for him/her to make sure he/she receives all of the information in regard to the court proceeding. A recent law change in Michigan has expanded the rights of the respondent and will be discussed in the next section. This visitor may be a guardian ad litem who may/may not be an attorney. The visitor is basically the eyes and ears of the probate court and must interview the respondent. Some visitors are volunteers (such as in Rockingham County, NH).

Standard 3.3.5 relates to court appointed counsel; the probate court must appoint counsel, who acts as an advocate for the respondent. If a petition is not brought to the court in good faith, the court can order that counsel fees be charged to the petitioner.

Standard 3.3.6 recognizes that sometimes the court must appoint a temporary guardian/conservator; however, this temporary appointment should not extend past 30 days. It may also be appropriate for the court to limit the ability of the temporary guardian or conservator.

Standard 3.3.8 relates to the court hearing and states the court must promptly set the hearing (making it at an appropriate time of day), make mobility accommodations, provide hearing devices, take frequent breaks, and make a complete record of the hearing. The hearing must be open to the public, and the respondent should be able to obtain an independent evaluation.

Standard 3.3.9 relates to determination of capacity and that evidence should be sought from professionals/experts such as physicians, psychiatrists, nurses, psychologists, social workers, therapists, educators, and community mental health workers.

Standard 3.3.10 speaks of less intrusive alternatives and is similar to Standard 3.3.2 but also includes soliciting the respondent's opinions and preferences whenever possible. If not possible (such as a person who is in a coma), then past practices should be looked at which might be less intrusive.

Standard 3.3.11 looks at the qualifications of guardians and conservators and points out that courts should not appoint any agency that would financially benefit from directly providing housing, medical, or social services as a guardian/conservator, as this would be a conflict of interest if they were appointed.

Standard 3.3.12 suggests background checks should be conducted on all prospective guardians/conservators.

Standard 3.3.13 suggests the judge tailor the order appointing the guardian or conservator perhaps by outlining his/her powers. Also, the court should set a review date at least every three years so that the case is monitored.

Standard 3.3.14 involves the orientation, education and assistance of guardians and conservator which basically involves training them so they can effectively do their job as fiduciary. The Center for Guardianship Certification (formerly the National Guardianship Foundation) provides national certification of guardians. Over 1200 guardians from 39 states are certified; in addition, at least seven states have a licensing/certification requirement, mostly for non-family guardians (Karp & Wood, 2007, p16).

Standard 3.3.15 suggests that all conservators should be bonded. Standard 3.3.16 requires guardians to file a report as to the respondent's condition and an inventory/appraisal of the respondent's assets. Annual financial reports must also be filed with the court; some courts have computer programs that ensure the report balances.

Standard 3.3.17 is important because it ensures that the court monitors the guardians and conservators that it appoints. It is the responsibility of the court to be sure the respondent is receiving the services he/she needs and is not being abused. In 2005 the AARP Public Policy Institute conducted a national survey to understand how courts monitor the performance of guardians. A follow-up survey was done by the AARP and the ABA, and in 2007 a guardianship monitoring symposium was held where experts from throughout the country convened to review/discuss practices for steps in the monitoring process and focused on funding for implementation of the recommended techniques. Some courts use volunteers to do their monitoring, such as Maricopa County, AZ.

Standard 3.3.18 states courts should set up a complaint process so the performance of the guardian/conservators can be monitored. Standard 3.3.19 allows the court to remove a guardian or conservator who is unable, missing, or neglectful/abusive.

Standard 3.3.19 requires courts to order guardians/conservators to file final reports and accounts; the court must approve these before discharging the fiduciary.

Appendix B: SURVEY QUESTIONS

Volunteer Adult Guardianship Program

Note: Before the interview questions are asked, the researcher will describe the project purpose and determine whether it is a good time to interview the person(s).

1. Can you tell me a little about how your program operates?
 - a) How many protected persons are served?
 - b) How many volunteer guardians are there?
 - c) What types of cases are assigned to the volunteer guardian program?
 - d) How does assignment of a guardian to a specific case work?
 - e) Who coordinates the program and how is this done?
 - f) Are there any evaluations or assessments of the program that can be shared?
 - g) How much funding is required to maintain the program (example, paying a coordinator, providing training) and how is funding obtained?
2. How long has your program been in existence?
3. Why did you implement a volunteer program?
4. Who was involved in starting the program?
5. How do you recruit volunteers?
 - a) What qualifications are in place for volunteers?
 - b) What types of background checks are required and who pays for the check?
6. What subjects/items do you cover in training volunteers?

7. How often do you hold trainings for volunteers/who conducts the training?
8. How do you handle management/supervision of the program?
 - a) Who supervises the program and what is that person's relationship to the court/judge?
 - b) How are volunteers monitored, and what is the process to remove a volunteer guardian?
9. What efforts are made to retain volunteers?
10. What type of recognition do you provide for volunteers?
11. What are the pros and cons of volunteer guardianship programs?
12. Do you have any advice for us as we move toward creating a volunteer guardian program?

Appendix C: Followup Questions for Case Studies

1. What would you attribute your program's success to?
2. What were the barriers to getting the program established?
3. How would you describe the value of your program?
4. How long did it take to organize, establish, and design your program? What lessons were learned?
5. Do you have written policies in regard to your program?
6. Do you publicize the program? If so, has that increased the numbers of protected persons you serve?
7. How long do your volunteers stay with the program?
8. How do you sustain your program?

APPENDIX D: Michigan Programs and Out of State Program Narratives

Michigan Programs

Recruitment/Retention

Grand Traverse County recruits by way of press release, speaking engagements, and word of mouth (volunteers talking about what they do). The volunteers are required to fill out an application and go through a personal interview. Record checks and references are mandatory and this is accomplished at no charge through i-Chat (Michigan State Police database) and DHS—Department of Human Services (for guardians) and Lexis Nexis (for CASA volunteers). They have not formalized the credit bureau check as of this time.

Montmorency County does not advertise their program publically. They do canvass the area for candidates that work heavily in the community with high standards and professionalism. Background checks of volunteers are done at no charge through the court using i-Chat and the Judicial Data Warehouse.

Menominee County indicated that their volunteers usually come forward on their own and are typically people who live in the community and do this as a community services. Their judge interviews the volunteers.

In Oakland County, volunteers are recruited through advertisements, public service announcements, retiree publications, speaking engagements, and by word of mouth. The county covers their criminal record checks and there are also personal

reference checks. Prospective volunteers must pass the record check portion and go through an interview.

Marquette County does not actively recruit; their volunteers are obtained via word of mouth; they do not do any type of background checks on volunteers.

Training

Grand Traverse County offers training two times a year. They include community resource people such as those from Community Mental Health, Citizen's for Better Care, Department of Human Services, Commission on Aging, court staff, and guardian ad litem; they also offer volunteers handbooks, a DVD, and other "tips" handouts; some of these materials were provided to the author as samples for use in starting a similar program.

Montmorency County offers an annual training for volunteers where they discuss forms and expectations that each of the volunteer positions hold in accordance with the statute. They discuss current event issues with other agencies. They also hold a question and answer session for volunteers. The volunteers are educated and given information all year long, not just at the annual training.

Menominee County holds training on an as needed basis when there are new individuals who want to do guardianship reviews; their volunteers review guardianships that are already in existence. They provide the volunteers with information as to how to fill out required reports and educate them on what information is needed by the court.

In Oakland County, volunteers also review guardianships that are in place. They hold trainings yearly or on an as needed basis. The Case Management Coordinator and the Probate Register conduct the training, and they give a general overview of the guardianship laws/statutes. They also review procedures and practical matters. They explain how to handle visits and fill out required reports to the courts. Seasoned reviewers give actual examples at their training.

In Marquette County, they do not offer formalized training.

Management/Supervision of the Program

Grand Traverse County

The volunteer coordinator supervises the program and reports to the judge. She is responsible for all court volunteers such as CASA volunteers who work with neglect/abuse cases, truancy volunteers who work with delinquent youth and parents (assigned as transporters, probation monitors, tutors, mentors, etc.). Volunteers may work with special projects and provide office assistance in addition to the volunteers in Probate Court who serve as guardians, conservators, and reviewers (for minors and adults). They serve 80+ protected persons and have 21 volunteers; the program has been in existence since 1972. The volunteer division consists of three full-time and one part-time employee. Volunteers attend court hearings and experienced volunteers are brought in to support new volunteers. Staff problem solves with volunteers on an as needed basis. Annual reports must be filed by volunteers with regard to the protected person, and those reports are monitored.

In Montmorency County, there are approximately 75 protected persons served, and there are four volunteers. The Court Administrator/Probate Register coordinates the program and reports to the judge; a recommendation is made prior to each court hearing as to the volunteers. Court staff works with the volunteers and are able to monitor progress and identify problems/issues quickly. The program has been in existence since 2007.

In Menominee County, the Deputy Probate Register and staff run the volunteer program, and they report to the judge. Staff runs a monthly report to determine which cases need to be reviewed, and then the volunteers conduct the reviews. Staff supports volunteers by keeping in contact with them and addressing all volunteer concerns. Approximately 160 adults protected persons are served, and there is one main volunteer, with two assistants. The program has been existence for over ten years.

Oakland County also employs volunteers to review their guardianships; the program is supervised by the Case Management Coordinator, who reports to the Probate Register who reports to the Chief Probate Judge. All reviews/reports completed by volunteers are reviewed by the Case Management Coordinator. If there are complaints or concerns, probate staff coach the volunteer and will dismiss them if no progress is made. Oakland serves 3900 adult protected persons and has 21 volunteers (they also use some agency volunteers). The program has been in existence since the early 90's.

Marquette County brings any issues or concerns in regard to a volunteer guardian to their judge. If a volunteer needs to be removed, someone would have to file a petition to modify the guardianship, a court hearing would be held, and the judge would make a decision as to removal. Numerous persons have been served, and there are seven volunteers (five of whom are active); the program has been in existence since 1995.

Retention/Recognition of Volunteers

Many of the ways each county retained and recognized volunteers was the same; therefore a list was compiled that reflects many of these suggestions:

- Support them (answer questions, be available/accessible)
- Offer continued training
- Keep in frequent contact with them
- Show gratitude
- Help them problem solve
- Identify resources for them
- Arrange outings (baseball games, etc.)
- Give gift certificates/small gifts
- Send letters
- Give t-shirts/sweatshirts with logo
- Hold a reception/banquet/appreciation dinner

Out of State Programs

Recruitment

Rhode Island recruits volunteers by online and print media advertising. They also publish articles and brochures, along with word of mouth (all at low or no cost). The coordinator makes personal presentations to interested groups. A sample brochure was included from this service. Adults from all walks of life apply; their motives and

backgrounds are examined. They must have three references (not relatives) and they are personally interviewed. Criminal background checks through the State Bureau of Criminal Identification are completed, and the agency pays for the checks.

Waupaca County, WI maintains a list of volunteers and when the pool gets shallow to match needs, the volunteer coordinator begins recruitment by word of mouth, publishing articles in the newspaper, church bulletins, local radio shows, and targeted print materials. A standard criminal background check is done on all volunteers who have direct contact with wards and the program absorbs the cost. The qualifications of the volunteer are outlined in a job description that was included with the survey.

Franklin County, OH recruits volunteers via internet volunteer sites, by attending events where they set up a table with volunteer information, by word of mouth, and publicity from success stories they publish in the local paper. They also use their website to recruit. They have an extensive application process; five references are required (one must be an employer if they are working so the employer knows they are taking on this responsibility) and a personal interview. Volunteers are required to attend training, and they must make a one year commitment plus attend two continuing education sessions per year (they offer four). Volunteers are fingerprinted at their expense.

Walworth County, WI has a person who manages the volunteer pool, and she holds recruitment information sessions by contacting communities through newspapers, libraries, churches, various professional organizations, and retired county employees,

etc. She indicated it is difficult to find people who are willing to serve; there is a volunteer coordinator who does most of the recruiting currently through community outreach. Volunteers must be able to read, write, understand the duties of a guardian, and be available to make decisions for their wards. They cannot have a felony or lengthy criminal history, or a long history of financial civil judgments. Each volunteer application is looked at individually; a story was shared of a volunteer who had a 10+ year old DUI—Driving Under the Influence, however, her experience far outweighed her old court record, and she is one of the program’s best volunteers! A volunteer cannot be a residential provider as that would be a conflict of interest. A standard background check and a court specific “statement of acts” are completed. The agency pays the \$8 for the background check results; these can be used for four years.

In Racine, WI recruitment is done by placing PSA’s—public service announcements in the local newspaper. They also work with the Racine County Volunteer Center. Churches are asked to put volunteer opportunities in their bulletins. A volunteer must be at least 21 years of age, complete an application, and pass a background disclosure which is done through the Wisconsin Department of Health Services, (Form F-82064 Caregiver Background Disclosure).

In New York, each local chapter of the ARC has requirements; there is not one set of volunteer credentials. All volunteers must complete an application and letter of interest and provide biographical information. They cannot be a felon; the volunteers are run through the central registry for child abuse/neglect and they have to file that

when they are asking the court to appoint somebody. There are not a lot of other ways to screen people. There is no uniform set of requirements that are employed by each of the ARC chapters at this time.

In Williams County, OH volunteers are solicited by advertising in the local paper. A volunteer must be over the age of 21 and have no criminal record; they must provide reference checks and go through training. The volunteers pay for the record check; once they complete the training, the probate court reimburses them. A State check is done for residents who have lived in Ohio for at least five years; if not a resident for five years, then an FBI check is done; again, probate court would refund the volunteer.

In Marinette County, WI volunteers are recruited by word of mouth and from those that call in. It is helpful if the volunteer has past experience with different types of disabilities. Marinette County pays for the background checks.

Barron County, WI holds a volunteer guardian training every other year to recruit citizens to become volunteer guardians. This is sponsored by the Barron County Interdisciplinary Team on Elder Abuse and Adults at Risk, along with the Barron County Circuit Court. They advertise this recruitment effort in the newspapers and also in a radio spot that the judges do (runs for two weeks). They also hang up flyers. After this recruitment they provide volunteers with an Application and Background Disclosure Form which must be completed and returned to be considered for the program. If everything checks out, an interview is set up and the Probate Register finds out in that

interview exactly what type of guardian they would like to be; they are then placed on the volunteer list and matched as needs arise.

Portage County, WI recruits volunteers by placing open letters in local newspapers, the County Executive monthly newsletter, by sending letters to churches requesting they print a need for volunteers in their bulletins, sending letters to accountants/CPA's, retired professionals, Aging and Disability Resource Center, and by word of mouth. If someone expresses an interest in volunteering they must fill out paperwork, pass a background check and reference checks. The State has a website that is used to do the background check that is free (wcca.wicourts.gov); they do not do further checks that would require a fee.

In Arlington, VA recruitment is done several times a year by creating media campaigns with a target audience for elder law attorneys, recent retirees, CPA's, civic associations, and faith-based groups. Advertisement is also done via the web, video PSA's, newsprint posters, social media and word of mouth. A volunteer must be willing and ready to serve as a guardian and must have critical thinking skills. Volunteers come from all walks of life: attorneys, accountants, auditors, real estate agents, teachers, retired senior executive service federal employees, etc. A nationwide criminal and credit history check is done on volunteers.

The Guardianship Alliance of Colorado recruits by word of mouth, educational seminars, speaking engagements, and community flyers. They require a current credit

report and name-based criminal history report, along with a copy of their identification.

The agency pays for any associated fees with these checks.

Spokane, WA has found that it is expensive to advertise in the newspaper and talking with senior groups. The coordinator is looking into various colleges to come up with interns so they can have more court visitors; it is her understanding that other states are already doing this. Volunteers must be 21 years of age or older, however most in their program are seniors (55-65+). Some of them are full-time and just want to give back to their community. Auditors typically have some kind of CPA or bookkeeping experience. Court visitors are often retired nurses, teachers, or professionals in that arena. There is no degree requirement. Background checks are done through the local Sheriff's Department and they do not charge for that service. It is the same background check that employees are run through.

The Kansas Guardianship Program utilizes several recruitment concepts to identify potential volunteers to serve as guardians or conservators:

- Person/Referral Specific (volunteer already knows the person and wants to serve)
- Person Centered Recruitment (someone in the person's circle of trust)
- Broad Based Recruitment (gained by information/educational programs/contacts)
- Natural Partners (current volunteer invites another to volunteer)

Background checks are done through the State Adult Abuse Central Registry, criminal background check, and six personal and/or professional references must be submitted that the agency follows up on.

Maricopa County, AZ recruits through community partnership relationships (colleges/universities, AARP, Area Agency on Aging). They also recruit via online volunteer recruitment sites (Volunteer-Match, Idealist, Create the Good, etc.). Also useful is print media (local newspapers and magazines), other online sites and online local newspapers/magazines (new times, backpage, craigslist), and word of mouth. Each volunteer must be over the age of 18, pass an application process and background check, have their own transportation, and volunteers must commit to a minimum of 12 hours per month. They must also complete the required training process. Background checks are done through the Court Security Office (court covers the cost). Volunteers are also run through local and national checks (ACJIS, ACIC, NCIC). They are not fingerprinted, but their date of birth, social security number, and full name are used in order to run the background checks.

Milwaukee County, WI does not do a lot of active recruiting, most volunteers are sent to them by word of mouth. Flyers are placed in buildings and some outreach is done. Volunteers must attend training and they must be over the age of 18 years (youngest at present is 21). Each volunteer fills out an application. They must be literate and be caring, compassionate people. Criminal background checks are run; volunteers must have a clean background within the past ten years. However, some offenses warrant denial as a volunteer, such as sexual assault (no matter how many years it's been). Legal Aid pays for the check which goes through the Wisconsin

Department of Justice. Three letters of reference are sent out and must be returned positive.

In Tarrant County, TX volunteers are recruited through the media, community presentations, and word of mouth. The Texas Probate Code dictates who can serve as guardian in Tarrant County. Extensive background checks are conducted through Tarrant County. The guardianship agency pays for the background checks. If conflicting information is revealed, a second check is conducted through the Volunteer Center of North Texas.

In New Jersey, most volunteers come by word of mouth. They also may have read articles and news events; most people are fascinated by what the agency does and are looking for a meaningful endeavor where they can have a real impact on the life of another person. Volunteers must be an adult and have the ability and be willing to care about others. Fingerprinting and criminal background checks are done on all volunteers. The agency pays for the checks. Three references are also contacted.

Training

In Rhode Island, volunteer training is held on an ad hoc basis as applications are processed in small groups and individual sessions. The Director conducts the training using recorded lectures and a variety of written materials including a large resource binder of material given to each volunteer. In addition to the required initial training, in-depth seminars are held periodically on various topics of interest. During training

medical topics are covered, along with hospice, legal, care planning, stress/grief management, decision-making standards and procedures, and program procedures.

In Waupaca County, WI training is done annually or when the need arises. Adult Protective Services social workers conduct the training to include the roles/responsibilities of a guardian (of person and estate). Trainers review the process from start to finish in regard to the court; they also explain the paperwork what is required by the court (i.e., statement of acts, signature bond, inventory, annual accounting). Trainers explain who the other contacts are in the process (i.e., probate, corporation counsel, guardian ad litem, and judges). Further, trainers explain when a guardianship is needed, provide information on advocating for the ward, and review confidentiality. A handbook is provided that is produced by the State and advocates on the roles/responsibilities of guardians, alternatives to guardianships, and the importance of the ward to be involved in decision making within their capacity. It is stressed that protected persons be served in the least restrictive/least invasive manner.

Training is done by case managers in Franklin County, OH. They provide a training notebook that volunteers read before their “in person” training. The in person training involves a power point presentation which can be given one on one or in small groups if multiple volunteers are ready to be trained around the same time. Subjects covered are the National Guardianship Association Standards that relate to guardian of the person. Trainers look at hypothetical situations and brainstorm as to what to do in those situations. They explain when to call for help, what a care conference is, how to

get resources for the protected person, how to sign documents as a guardian, etc. The main purpose of being a guardian is stressed, such as securing good medical care and providing advocacy, along with quality of life for the protected individual.

Walworth County, WI conducts one group training/recruitment once a year. Other training for volunteers is done on an as needed basis. For new guardians, the court process and guardianship duties are explained. Corporation Counsel presents information regarding the court process. A Medicaid worker may speak to volunteers as well. Often, the APS social worker who manages the volunteer pool meets with established volunteers who may have questions.

In Racine, WI yearly trainings are hosted where professionals are brought in such as Corporation Counsel, funeral home directors, benefit specialists, and probate court employees. Topics covered by the professionals are things such as understanding Medicare/Medicaid and how to set up burial trusts, as well as understanding guardianships and yearly paperwork requirement workshops.

In New York there is a statewide conference every April that guardianship coordinators attend. The Assistant Executive Director conducts training every week or as volunteer guardianship committee members and guardianship staff join (trainings are done as needed). The background and mission of NYSARC is explained, along with the guardianship program; topics covered are how to be a fiduciary, what the role/responsibilities of a guardian are, what the staff and board responsibilities are (each chapter has a board of directors). NYSARC corporate board responsibilities are

reviewed, along with how to petition the court for guardianship (legal responsibilities, necessary forms). They also touch on areas such as quality assurance, reporting requirements, etc. Peer partnering takes place where one chapter evaluates another chapter.

In Williams County, OH formal training is held twice a year; training is broken down into three evenings. The first evening is spent explaining the legal components of guardianship. There are guest speakers at each training; for the first night an example would be the probate judge and/or an elder attorney; they outline what the expectations are and cover vocabulary, ethics, and give a crash course on what nursing homes are like. The second evening someone may come from the Alzheimer's Association; and they explain what dementia is, and what the best way is to communicate with those who have dementia. Another speaker may be from the State ombudsman program to explain what advocacy is, how to advocate for a ward, along with problem-solving skills with facilities. The third evening might include hospice and end of life decisions, health care directives, advance directives, DNR—Do Not Resuscitate, full code (and the meanings of these terms), and what the physical act of dying is like. The training may include a mental health speaker who can explain schizophrenia, bi-polar disorders, and depression.

Marinette County, WI conducts all training on an individual basis. It includes an explanation of the duties/responsibilities of guardians. The Register of Probate teaches the volunteers how to do annual reporting; ongoing support is also provided.

In Barron County, WI ongoing training and support is offered to volunteers. Every other year training is held and guest speakers talk about the duties and powers of guardians. For a few years an attorney spoke to the group, but at the last two trainings a corporate guardian spoke to the group; she offers real life stories and gives examples to volunteers in addition to providing resources they can contact with questions. The Register of Probate provides a binder to volunteers with resources, information, court forms, duties/powers of guardians, and personal information about the protected person. She also provides a brochure which is a "Checklist to Get Started" along with phone numbers and contact information for various county agencies that can provide assistance to volunteers.

Portage County, WI also provides individual training (no group training is offered). There is no specific training regimen. Each volunteer is trained as they go because each protected person is different has different needs and expectations. The APS staff is available to answer questions and offer suggestions to volunteers as needed.

In Arlington, VA periodic trainings take place. Typically there are one to two live trainings per year with continual training offered via the web and by sharing law review articles pertaining to the subject matter of guardianships/conservatorships. Trainings are conducted by social service professionals and elder law attorneys. Topics covered during training are the dos/don'ts of a guardian/conservator, law and ethics of guardianship, and resources for incapacitated adults. Most recently the volunteer

coordinator and communications specialist created a video training site as an additional resource for volunteer guardians.

In Colorado, training takes place once a month or as needed. Topics covered include a wide range to include the responsibility to the court to provide annual reports.

Spokane, WA normally holds a training each year for volunteers. Adult protective services, elder services, trust attorneys, court commissioners, and the volunteer coordinator conduct the trainings. Topics covered include issues with Medicaid and Medicare. The court visitors typically have someone from elder services or adult protective services come in and talk about dementia and persons with disabilities. Volunteers are provided with a 180-page manual, and various things are highlighted from the manual. Safety issues as volunteers go out and conduct visits are reviewed. For volunteer auditors someone talks about balancing funds and using the funds for the benefit of the incapacitated person. Periodic newsletters are sent to all volunteers.

In Kansas because the program is statewide and volunteers join the program at all points throughout the year, volunteers are trained on an individual basis. A training checklist was provided with the survey to include the subjects or topics covered in training. The checklist is used in conjunction with the training handbook (to be used as a resource/reference). Topics on the checklist include:

- Procedures and Paperwork
- Advocacy
- Court/Legal Issues
- Income, Benefits, Financial Information
- Social and Rehabilitation Services
- Payment for Supports and Services

- Monitoring Care, Supports and Services
- Abuse, Neglect, Exploitation
- Funeral and Burial Arrangements
- Basic instructions for guardians/conservators as required by law

In Maricopa County, AZ in-house training takes place once a month for groups (initial training is four hours); ride alongs are scheduled individually with each volunteer as needed. The Guardian Review Program Volunteer Coordinator conducts all trainings. During the in-house training, topics are covered such as: program overview, probate court and how guardianship is ordered, case processing, common situations and disorders volunteers may encounter (mental health, developmental, physical), safety, confidentiality, and conflict of interest. The volunteers are trained in the field by ride alongs—they are taken out on a minimum of two visits to learn how to do on-site visits, interviews, and forms completion.

In Milwaukee, WI initial training is done as needed. The training used to take place once a month, but now training is done mostly on an individual basis, or if there are two to three people, then training is done as a group; it is still done at least monthly, and perhaps more often based on need. Optional training for volunteers is done twice a year. In the training volunteers requirements are reviewed. For instance there is a report volunteers must provide twice a year, so that is reviewed with them. The duties/responsibilities are outlined, and form preparation is taught. The coordinator does the basic training and then for the optional trainings she secures guest speakers. Sometimes there are training sessions for “guardians helping guardians” so various issues can be discussed and examples provided.

In Tarrant County, TX training is scheduled quarterly. The Director of Volunteers conducts the training and she recruits community volunteers and case managers to teach certain sections of the training. Volunteers are trained on the legal and medical aspects of guardianship. They are also informed of their role as a guardian, along with community resources and available benefits for the ward. They also learn about the history, mission, and funding sources of GSI—Guardianship Services, Inc.

In New Jersey, training takes place on an as needed basis, most generally four to five times per year. Topics covered include legal, financial, medical, social, and ethic aspects of being a guardian. Procedures relative to the agency and use of the online guardianship management system called “e-guardianship” are reviewed. Volunteers must have access to a computer and have the ability to enter information into their system.

Management/Supervision of the Program

In Rhode Island, the Director supervises the program; the Director’s supervisor is a resource and a supervisor (the Division of Elderly Affairs supervises the program). There is no direct supervisory relationship with the 39 municipal probate courts. Volunteers are monitored by direct outreach, by facilitating and monitoring court-mandated reports, and by an open door policy. If there is a problem with the guardian’s ability to continue guardianship duties and the guardian must resign, the Director finds another volunteer to be a successor guardian and manages the process in the same way as a new guardianship would be handled.

In Waupaca County, WI the adult protective services social workers maintain a listing of volunteer guardians as well as who they were assigned to. They also work with other departments within DHHS that are in need of a volunteer guardian. They provide ongoing support and answer questions that volunteers have. It is part of the job duties of an APS worker. The program is supervised by the County Department of Health and Human Services and the adult protective services social workers “supervise” the volunteers and the program. They petition the court when there is no one else to do so and for those who are considered indigent. They work closely with the judges, probate court, and corporation counsel. For those who privately pursue guardianships, APS writes statutorily required reports for the court. Volunteers are monitored by case managers, facility staff where the ward resides, and through the annual accounting process. A volunteer would be removed based on misappropriation of funds or not fulfilling their role/responsibility as guardian. If abuse is substantiated and it requires removal of the guardian voluntary resignation is sought. If the guardian did not resign the court would be petitioned for a review of conduct of the guardian (there are standard court forms for this); the program has never had to remove a volunteer guardian. However they have removed family members and put a volunteer in as a successor guardian.

In Franklin County, OH guardians are required to submit quarterly updates about what is going on with their protected person; that way the program can address any problems and assist the volunteer. Volunteers are screened thoroughly, so there are

rarely problems with them. The program has an arm's length relationship to the court. It was stated that the program should not be housed in the court due to conflict of interest.

Walworth County, WI reports that their APS supervises their volunteer program (adult PS social worker); she petitions the court for guardianships and protective placements. She also petitions to remove guardians or petitions for a restraining order for elderly or disabled persons. There is no structured management process for the program in that it is mostly self-sustaining. There is a good relationship between APS and the managed care agencies that provide case management for many of the persons with volunteer guardians. They alert APS of any concerns about the volunteers. Sometimes this is troubling because the volunteer guardians are strong advocates for their wards and may question the managed care case manager's recommendations. The APS supervisor/coordinator must then look at each case individually. She also hears from adult family home providers or aging and disability resource workers if they have concerns about a guardian.

In Racine, WI the Director of Aging and Disability Resource Center is the direct supervisor of the Volunteer Support Specialist. The Volunteer Support Specialist manages the day to day needs of the program; the Director has the role of supervising the management of the volunteer program.

The executive director at the local ARC's supervise the guardianship program in New York; however, it is different for each agency because of the governance of the

program. Oversight comes from the executive board, NYSARC committee, the NYSARC corporate office, and local chapters. Volunteers are required to participate in meetings, and if they are not meeting requirements/fiduciary responsibilities then it might be suggested they leave the committee. That is why it is important for volunteers to understand from the start what the requirements and responsibilities are; the agency mentors them, encourages them, and provides them with support.

In Williams County OH the coordinator for the volunteer program is with the Department of Aging; she has a good working relationship with the judge and the court. The judge supports the program and he assists with e-mails, etc.

Marinette County, WI employs an informal management style; APS supervises the program. They access the probate court through corporate counsel. If it is necessary to remove a guardian, they ask for resignation or formal removal via court hearing.

In Barron County, WI the Probate Register supervises the volunteer program (it is a one person operation). She reports to the Circuit Court judges. She monitors the volunteer guardians and follows Wisconsin statutes for removal of a guardian.

Portage County, WI monitors volunteers through regular contact with the APS social worker or case manager that assigned them the role through yearly contact with annual reviews and annual condition of the ward reports, along with long term care workers. The program is not related to the court/judge. The supervisor of the program

is the Coordinator of the Division of Community Programs as Portage County Health and Human Services.

In Arlington County, VA the volunteer coordinator supervises the program by providing direct support and oversight of the volunteers. He does not report to a judge. He reports to a licensed clinical social worker within the Department of Human Services of Arlington County, VA. The volunteers are ultimately accountable to the Circuit Court. They are monitored primarily by an annual report which they are required to complete and return for review by a masters prepared social worker. The volunteers are accountable to the court because this report is turned in to the probate office along with a filing fee of \$5 for processing. In addition, conservators are required to turn in accountings, several times a year, to the Commissioner of Accounts. The coordinator also calls the volunteers periodically to check in with them about their clients. Guardians are only removed after the coordinator or an APS social worker has investigated the matter.

In Colorado the lead project coordinator manages and supervises the volunteer guardianship program. No information was provided about volunteer monitoring.

In Spokane County, WA the coordinator supervises the volunteers; she works closely with three court commissioners. The judge oversees the committee, and the coordinator and her staff hold quarterly meetings with the judge to report how things are going. If there is a concern about a volunteer, it is brought to the coordinator's attention who then brings it to court. A volunteer who is non-compliant can be show caused into

court; if they do not appear they can be removed and would face financial sanctions and/or pay for a guardian ad litem to be appointed.

In Kansas the volunteer guardianship program is guided by a board of directors. Ultimately the court is responsible for the oversight and monitoring of any guardian, regardless of who performs the guardianship services. Volunteers typically will indicate to staff their desire to discontinue serving as guardian; if the volunteer is not fulfilling their legal duties/responsibilities then staff initiates the process to identify a successor guardian.

In Maricopa County, AZ the judicial clerk supervisor of the Probate court supervises the program. She communicates with the judges and commissioners who have probate cases. She also communicates frequently with volunteers and is available to answer questions and help them problem solve in various cases. She reviews the work product (reports of the volunteers) and provides them with feedback and support. If there is an issue with a volunteer, she addresses it with them directly to problem solve. If they cannot resolve the issue or if the issue is one of inappropriate behavior, she lets the volunteer know that they will no longer be part of the program and she discontinues assigning them cases.

In Milwaukee, WI Legal Aid has a coordinator who supervises the program; she has a supervising attorney she consults with about various issues. She requires a report twice a year so volunteers can outline any decisions they've made. She encourages volunteers to call her whenever they need to about issues/problems. She

checks her messages at work every day from home, and if there are issues to address she takes care of them. She also monitors the volunteers; case managers and facilities will call if there are problems. She sets up meetings with volunteers/players to work out problems. If things do not work out as a result of the meeting, the volunteer can voluntarily resign. The requesting person takes the matter to court to get the guardian removed; the coordinator does not get involved in that.

In Tarrant County TX the guardianship program director is responsible for managing and supervising the volunteer program. She works closely with the Director of Volunteers. She reports any discrepancies to the court/judge. Volunteers are monitored by way of a monthly report to the agency. If the report is not submitted, the Director or a case manager contacts the volunteer for an update. Volunteers are removed if they are unable to adequately fulfill the duties of the position. Most volunteers determine for themselves that the opportunity is not for them and resign. The Director follows up with a thank you letter and certificate of appreciation.

The Director of Volunteers and the Executive Director for an independent, non-profit entity manage operations and supervise volunteers in New Jersey. One of the standards is that the Director of Volunteers should have contact with the guardian at least once per month to see how things are going. With this monthly contact, the Director reviews the volunteer notes on e-guardianship. The annual accounts are reviewed, both as to finances and well-being of the ward. There is no formal relationship with the court other than volunteers (like any guardian) are accountable to

the court on a yearly basis. Also, a motion is filed with the court when there is a need to replace a guardian.

Retention/Recognition of Volunteers

As was the case with the Michigan volunteer programs, many of the out of state programs had similar ways they recognized and retained their volunteers. Therefore, a list was compiled of the responses:

- Nomination of the group for volunteer recognition/awards
- Give certificates, pins, or small gifts for years of service
- Host seminars/training
- Provide feedback, verbal recognition (staff/board members call volunteers)
- Show appreciation/thanks
- Send cards for birthday/holidays
- Encourage volunteers
- Provide support (answer questions, work through difficult cases together)
- Be available to answer questions
- Have regular contact with volunteers (provide cell phone number)
- Hold quarterly meetings (table talks) at local restaurants
- Host annual volunteer picnic
- Host annual appreciation lunch/dinner
- Celebrate during Volunteer Week (in April)
- Communicate by e-mail for something positive they've done

- Refer them to Statewide guardianship support center
- Send volunteers a questionnaire to find out interests/suggestions
- Some programs provide a small stipend to volunteers (many won't take it)

APPENDIX E: How Courts Sustain Volunteer Guardianship Programs

Grand Traverse County, MI

This county attributes being able to sustain the program because they have three full-time people who are dedicated to the volunteer division. They have one part-time person who works one day a week who is dedicated to the program as well. The coordinator stated that she could not do the job by herself, as they have a number of things going on to provide assistance to families through the volunteer division. The success of the program depends on creating an atmosphere and relationship for support and acting as a team. If a volunteer feels as if they are being supported, they are more likely to take a case; for instance, the coordinator and her team check out who might be supportive of the protected person (family members, community mental health worker, adult foster care staff, etc.). The team fosters the development of a relationship with all of these supports. The judge and court staff supports the volunteer division and answer questions that volunteers have. There has to be buy in from court staff; the county board needs to support the program as well. The state hospital in this particular county closed down a while back, so the volunteer program is essential in that it fills a definite need in the community.

Montmorency County, Michigan

This county believes they must sustain their program because they continue to receive cases where there is no one to serve as guardian. Sometimes a guardian is removed by the court, so they have to scramble to find a replacement guardian. This

program consists more of support than training; they “coddle” their volunteers (for lack of a better term) in the way of support. When the author interviewed this coordinator, she had an actual volunteer guardian in her office, and she put this woman on speaker phone. This volunteer felt that the success of the program is attributed to good communication between the court staff and volunteers, accessibility to information prior to taking a case, accessibility to the judge if there is a crisis (the judge often provides one on one assistance), availability of court staff, and establishment of trust between court staff and volunteers. This volunteer relayed that the court allows the volunteers to manage the job and they give them tools to make their confidence level high enough so they feel they can handle the job. The court offers good training before sending volunteers out on the job; there is an open door policy with regard to on the job training.

Rhode Island

A program cannot be all things to all people; this program has a specifically defined scope (they have defined what population they are going to serve from the start). They receive referrals from skilled nursing facilities where the elder is a resident and the referred elder must meet all eligibility criteria before qualifying for a volunteer. Referrals do not come from the 39 probate courts in Rhode Island. Their recommendation for a new program would be that a decision be made about what population will be served (those who are developmentally disabled, those with dementia, those with mental illness, etc.). Specific age limits or an age range should be defined. The Rhode Island program is successful because parameters were

established. Perhaps it is the intent of a new program to serve anyone who has a need for a guardian, but these are things that need to be decided before launching the program—what encompasses the program because you do not want to overwhelm the resources that you have. The Director of this program receives support from the organization she works for by way of overhead and personnel resources; she can rely on them to answer questions as well. She receives support from attorneys who do pro bono work representing the volunteers; pro bono guardian ad litem are appointed by the court to conduct an impartial investigation and report to the court. This interviewee stated that perhaps the court should not administer and manage a guardianship program as it might be a conflict of interest. The court with jurisdiction over the guardianships should be impartial when dealing with the various persons involved in the cases.

Waupaca County, WI

In this county, the volunteer program is seen as part of the job. They feel that without the volunteer program, their jobs would be much more difficult in adult protective services. And they tell the volunteers this as well, that without them, their jobs would be much more difficult. They do not look at their volunteer program as a “choice”, but as a necessity, especially if there are volunteers who are willing to be educated and trained. The focus is on making sure they have good advocates for protected persons, and making sure they have advocates within the community. They ensure the protected person has access to their advocates (volunteers) and that they have good connection

with them. They make sure the advocates know what their responsibilities are. This has contributed to the success of the program, along with having a large volunteer coordinating group where people are willing to help others and help their community.

Franklin County, OH

This program is sustained by agencies that value it. The design of the program eliminates much of the potential liability, i.e., no estate work, no family dysfunction, no aggressive individuals. The cases picked as eligible are good for volunteers. Ohio has no public guardianship program; only patchworks of small resources serve this population. Therefore, the volunteer program meets part of the unmet need for guardians for people who are indigent.