

Status of Guardianship Caseloads

Prepared for the Budget Review Subcommittee
on Human Resources

Tuesday, September 10, 2019

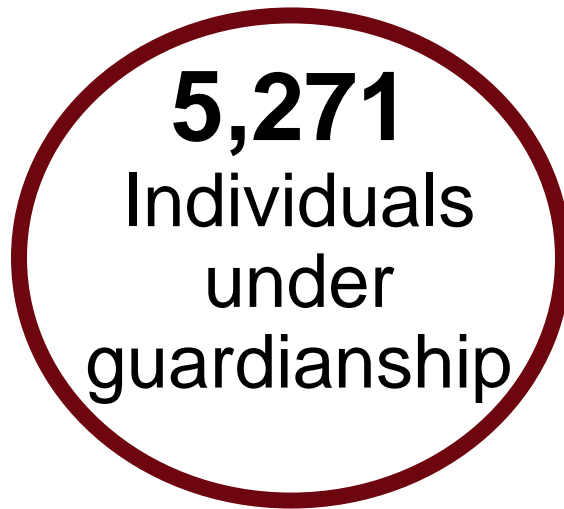
Department for Aging and Independent Living

Shannon Gadd, Commissioner

Tonia Wells, Division Director Guardianship

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Individuals under Guardianship FY 18/19



92%
Medicaid
eligible

48%
Age
60+

38%
Serious
mental
illness

36%
Victims
of crime

47%
Intellectual
and/or
developmental
disability

28%
Criminal
history

30%
Dementia-
related
disorders

12%
Former
foster
children

Services Provided FY 18/19

2,962
Court
hearings
attended

8,604
Medical
decisions
made

5,784
Court
reports
completed

951
Real and
personal
properties
managed

\$51,223,127+
Assets
managed

24,525
Home
visits
made

4,019
Care
plan/team
meetings
attended

1,146
Inventories
completed

756
Facility
agreements
signed

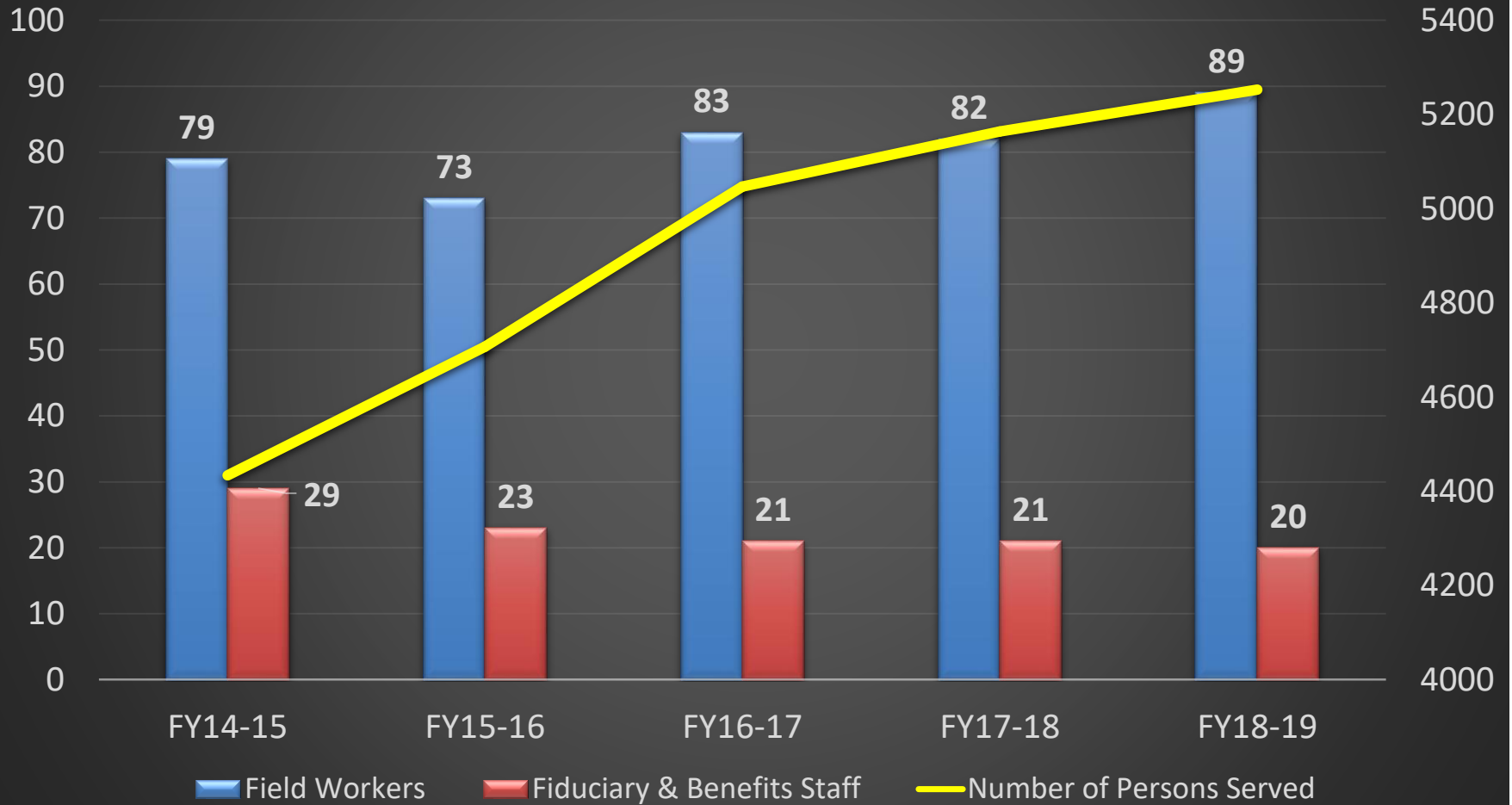
Services Provided as Conservator of the Estate FY 18/19

Service Provided	# Processed	# of Positions Assigned	# of Additional Positions Needed
Medicare Part D applications	2,967	4	2
Pre-need burial policies	1,989	1	1
Medicaid & SNAP applications	734	2	2
Social Security applications	2,300	2	2
Facility payments	6,357	4	2
Medical and pharmacy payments	13,698	2	3
Health insurance premium payments	2,816	2	1
Personal needs payments	15,217	5	2
Recurring bill payments	206,568	1	3

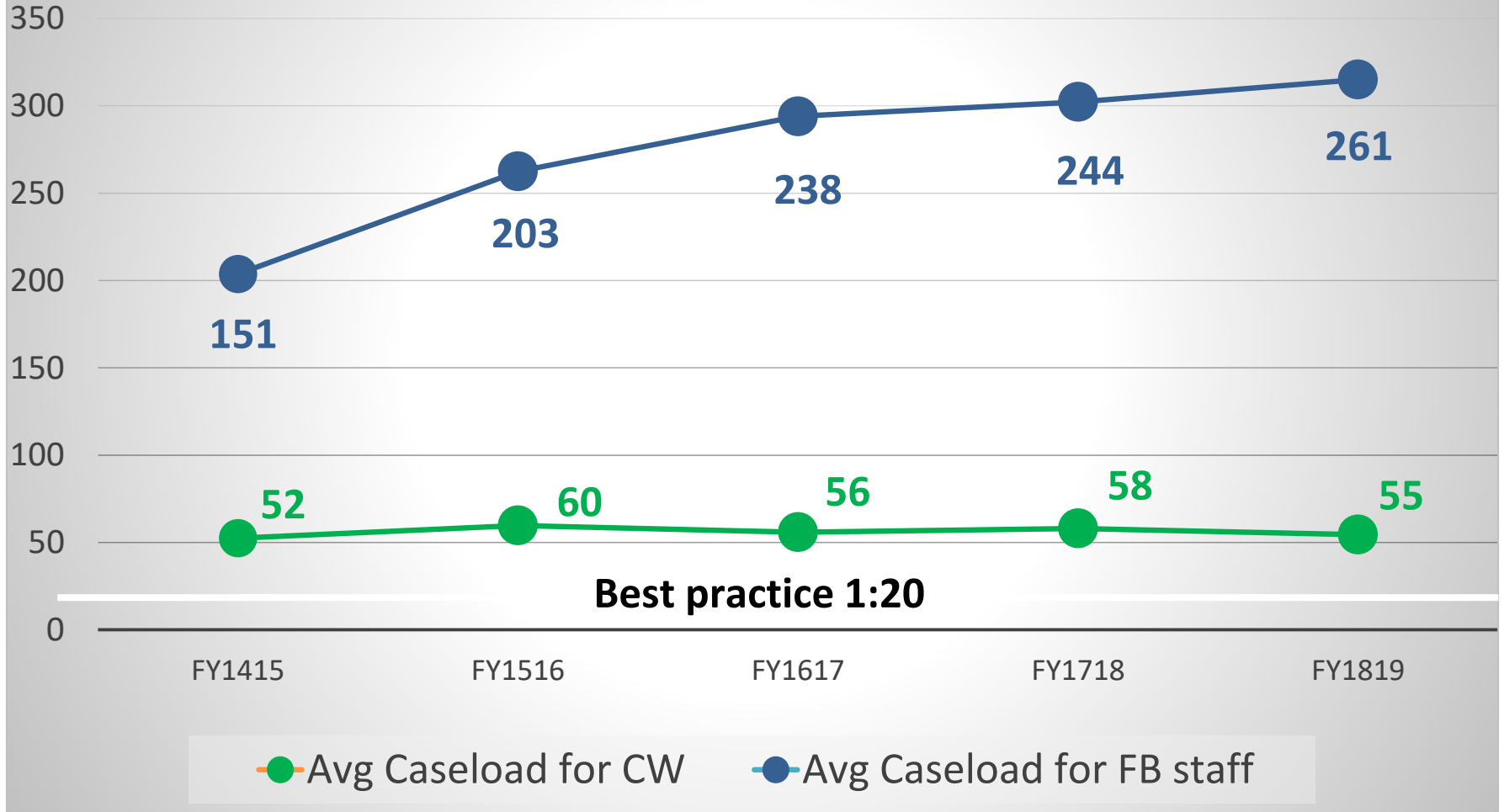
2018 RS HB 200 funding for additional social workers to address guardianship caseload levels

Additional Personnel	\$	821,324.16
Indirect Charges	\$	33,417.52
Travel Expense	\$	15,000.00
iPhone/Laptop Upgrades	\$	128,000.00
Hays Recommendation Reclassification Cost	\$	60,000.00
Other Program Expenses	\$	542,258.32
Total Expenditures	\$	1,600,000.00

Number of Guardianship Direct Service Staff Compared to Number of Persons Served



Average Caseloads in Guardianship: Guardianship of the Person and Conservator of the Estate



Consequences of High Caseloads

- Lost Medicaid benefits
- Missed medication
- Utilities disconnected
- Missed rent payments and eviction
- Lack of preventive health care
- Lack of routine vision and dental exams
- Properties falling into disrepair
- Inability to detect and recoup stolen money
- Inability to assist individuals in restoring their rights

Broader Challenges

Comparison to other states

- Most states have: the ability to decline cases; specific eligibility criteria of low income and/or victims of abuse; and/or caps and waitlists
- No state accepts individuals with history of violent or sexual crimes

Relationship with judges

- Judges appoint state as first rather than last resort
- State ordered to complete tasks that are against the law (i.e. force medications, take custody of individuals, force placement)
- Rights removed from individuals who have no disability

Lack of community resources

- Very few private alternatives
- Little (but growing) interest in supported decision making

View of disabilities

Societal and personal views of disability restrict dignity of risk

Initiatives

- **WINGS**

Established 2018 – purpose to examine and improve guardianship across state

- **Culture of Safety**

Working toward implementing safety science principles in guardianship

- **Person-Centered Practices**

Received grant to implement national standards of person-centered practices; 1st state to focus on person-centeredness in state guardianship

- **Reorganization**

- Hired division director
- Changed roles of assistant directors: training and court relations
- Established four branch managers across state for better communication and oversight

Policy Changes

- **Proposed changes to 910 KAR 2:040**

Creating intake role for state guardianship to reduce inappropriate removal of rights and to locate private guardianship opportunities

- **Proposed 2020 legislation**

Caps on caseloads, adding waitlist, emphasize less restrictive alternatives

Questions?

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