

How SAFE Was Created

In 1999, a group of professionals working with elders who are in or facing guardianships wondered if they couldn't do more. Under the leadership of Judge Scott Jordan, they began a series of meetings that resulted in SAFE a court-based program of advocacy for elders. The program is a joint effort by many agencies and individuals, including, but not limited to:

- Second Judicial District Family Court
- Washoe County Public Guardian
- State of Nevada Division of Aging Services
- Washoe County Senior Law Project
- UNR Sanford Center For Aging
- Retired and Senior Volunteer Program
- CASA Program
- Fielding Graduate Institute
- Elder Law Attorneys

And, a special thanks to the first SAFE Volunteer, Virginia Edsall.

For information about Washoe County SAFE, call Deborah Van Veldhuizen at (775) 325-6717 or email dvanveld@mail.co.washoe.nv.us.

For information about other chapters, call Dr. Jerry Nims, at (775) 329-3030, or email: jnims@fieldings.edu.

safe

SPECIAL ADVOCATES FOR ELDER
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**A Court-Based
Volunteer Project
Serving Seniors
Under or Facing
Guardianship**

supporting

**DIGNITY
AUTONOMY
SAFETY**

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Helping the Elderly Live Lives of Dignity and Meaning

When a person becomes limited in either or both mental skills or physical abilities, someone may be appointed by the Court to serve as his or her guardian. The guardian may be authorized to make many decisions for the ward's benefit, including where the ward lives, medical treatment decisions, financial matters, applications for aid and so on.

The Court may appoint a SAFE Volunteer to provide:

- Information as to whether or not a guardianship is appropriate;
- Additional contact—many seniors are isolated. They have no contact with anyone other than their caregiver;
- Additional oversight of what type of care the senior receives;
- Additional evaluation of whether the senior lives a life with dignity and meaning; and
- Additional input on living arrangements that maximize the elder's autonomy while maintaining the elder's safety.

How an Elder Benefits from a SAFE Volunteer

Depending upon the needs of the elder, a SAFE Volunteer may do one or more of the following:

- Regularly visit socially isolated elders in their homes, in group homes, or in nursing homes and hospitals;
- Assist in coordinating community resources that may provide benefits to the elder; and
- Interact with family members, court appointed guardians, care facility personnel, and others for the elder's benefit.

However, SAFE Volunteers do not

- Determine whether a crime has been committed against an older person;
- Provide financial assistance to the older person;
- Provide legal advice to anyone;
- Serve as the older person's guardian;
- Become a beneficiary of the older person's estate.

Who is a SAFE Volunteer?

SAFE Volunteers come from many walks of life. They include young adults and elders in their seventies and beyond. Their interest in serving elders comes from a variety of experiences, such as:

- Having a family member or an important person in their life experiencing isolation, a need for care, or a guardianship;
- A strong sense of community and willingness to serve; or
- A desire to provide an older person a voice.

Serving as a SAFE Volunteer contributes to community understanding of how the Courts work in assisting a person who is old, frail and no longer able to live independently.

SAFE Volunteers receive twenty-eight hours of training before they are sworn in and assigned cases. They also receive continuing training while assigned to their cases. Volunteers are expected to serve at least one year.

Make a difference.
Call (775) 325-6717
for more information.



SPECIAL ADVOCATES FOR ELDERS



SPECIAL ADVOCATES FOR ELDERS

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Dear President Clark and Members of the Legislative Forum:

Special Advocates For Elders (SAFE) thanks you for the opportunity to address this body, and to provide information on this unique, timely, and what is evolving to be much needed program in the State of Nevada and throughout the United States. We are emerging as part of the solution to fill a serious need to act as a voice of the elder, and to help the Courts and the Community serve and protect elders who are either facing or under guardianship. As you may be aware, a guardianship deprives individuals of their civil rights and their ability to make even the most basic decisions for themselves, such as where they will live, what they will eat, and with whom they will associate. The problems that can be involved with adult guardianship cross all economic, social, cultural, ethnic, and educational lines.

The Court-Appointed SAFE Volunteers ensure that an individual's rights are not taken away when less restrictive assistance is available. The regular presence of the volunteers also drastically reduces the chances for abuse and exploitation of elders who may or may not have family or friends. Many of these people are placed in institutions and often do not see their guardians on even a monthly basis, thus increasing the chances of everything from social and emotional isolation, to lack of basic hygiene, adequate clothing, and often, gross neglect. In the last two years, SAFE volunteers, ages 25 to 82, provided approximately 15,000 hours and 32,000 contact units of service for approximately 110 elders.

The SAFE Program of Washoe County has been identified on a national basis as a cutting edge service for the ever-increasing population of elders. The program was featured in the February 2003 Issue of the Older Americans Report, and by the American Bar Association Commission on Aging in 2004 as the first of 12 Promising Practice Examples by the State Court Partnerships with the Aging Network. We present public speeches on the SAFE Program both locally and nationally.

Our primary funding is from the State of Nevada Tobacco Settlement, through the Aging Services Division Independent Living Grant, but Tobacco Settlement money is in danger of being reduced every year. Our current no-growth budget for the Fiscal Year 2005 (October 1, 2004 - September 30, 2005) is approximately \$142,000, out of which the Tobacco money funds approximately 75%. We received a grant from the E.L.Cord Foundation last June that enabled us to meet our basic expenses for the remainder of FY 2004, and which we are using to supply the remaining 25% of our current bare-bones no-growth budget for FY 2005. We

also receive small contributions from private donors. A realistic budget for FY 2005 that would enable us to provide required quality services to meet the needs of the rapidly increasing Court Referrals is projected at \$190,000. We are actively seeking other funding to help reach those growing numbers in need.

The Director and an Administrative Assistant staff the SAFE office, and both also serve as case managers as well as volunteer supervisors and training coordinators, in addition to providing all other office, administrative, and program needs. The SAFE Program is predominantly people-to-people oriented and consequently, it is extremely labor-intensive in all parts of our service. The two office staff are working beyond what is reasonable maximum capacity to keep up with both the high demands for services, and the high quality of service required by the nature of the court-related interactions.

Although we receive approximately \$195,000 in in-kind support, (occupancy in the Court Building, volunteer hours, professional consultation) in order to meet the ever increasing demand for these highly trained volunteers, we need to be able to continue training new volunteers regularly, as well as professionally supervising the cases that more and more of them are called upon to serve.

Additionally, our dedicated and very special group of volunteers (our workforce) serve thousands of hours with little or no formal recognition of their efforts, other than our (and the Judges') encouraging comments of gratitude. They remain on their cases usually until the elder passes, regardless of additional responsibilities that may come up as the elder's needs increase. We would also like to be able to formally recognize and honor them for their endless and compassionate work on behalf of the elders in the community.

SAFE of Washoe County is available to serve as a model and is willing to offer assistance to aid other Counties in Nevada who wish to set up sites in their own communities. For the past several years we have opened our initial New Volunteer Trainings to others in the State who wish to learn how our program functions. We are seeking support and funding that will enable the SAFE Program to continue on this course: for initial and ongoing training of more volunteers, for quality case supervision and operations, for resource development, and for volunteer recognition. Finally, we need to continue on the course of public information to inform the greater community and the State of the critical issues of the elderly involved in or facing guardianships, and the opportunity for the SAFE Program to serve them in supporting their rights, autonomy, dignity, safety, and quality of life.

Thank you from all of us and the elders whom we represent.


Deborah S. Van Veldhuizen, Executive Director, SAFE

SPECIAL REPORT: FINDING THE BALANCE**Nevada Program Provides Advocates For Seniors in Guardianship System**

Even public guardians or reputable private guardianship services cannot provide the frequency of attention that seniors under guardianship or facing the prospect of guardianship need. To fill this gap, a program in Washoe County, Nev., has trained 50 volunteers to serve as Special Advocates for Elders (SAFE).

The SAFE program is housed at the Second Judicial District Court in Reno, where family court Judge Scott Jordan has given it his full support. In theory, he and his colleagues keep tabs on guardians, but "in reality, the court was exercising very little oversight of this process" until SAFE was created, Jordan told *OAR*.

The beauty of SAFE, Jordan said, is that the volunteers are independent — independent of the court, independent of the guardian and independent of the family. Thus, they can "really be objective."

Offering Friendship and Advocacy

In a recent case, the Veterans Administration wanted to transfer a ward to a facility in Utah where he might receive better care, but a SAFE representative objected, saying it would mean the loss of the ward's entire support system. "Nobody would have ever brought that to my attention if I hadn't heard it from the SAFE volunteer," Jordan said.

The program also gives volunteers a chance to visit with wards on a regular basis, something that "no professional person, no matter how committed they are, can do," Jordan said.

"So often elders get ignored," SAFE director Deborah Van Veldhuizen told *OAR*. "So we try to be the voice and let the guardian and let the courts know what is meaningful and important to them, so their quality of life can be maximized in the least restrictive way."

There is a natural tension, Van Veldhuizen says, between the desire of people under guardianship to keep some autonomy and the fear on the part of guardians that they will be held responsible if harm befalls their wards.

For seniors, "their dignity and the feeling that they have some power in their life is extremely important," Van Veldhuizen said. SAFE volunteers "can help bring a case back into court, to change the guardian or limit the guardianship. Maybe they can handle the checkbook. In some cases, there have even been reversals of guardianships, where they're no longer needed."

Although the dangers of guardianship exist to some extent everywhere, there is a particular need for advocates in places like Reno, Van Veldhuizen said, because many people come there to retire and then lose touch with their family.

Unlike similar programs in other parts of the country, SAFE does not train people to become guardians, because then someone else would have to assume the watchdog role they play, vis-à-vis those who are guardians. In this respect, the program is the first of its kind in the country, Van Veldhuizen said.

At the Sanford Center on Aging (SCA) at the University of Nevada, Reno, Associate Director Zanny Marsh said she has been struck by the range of ages among SAFE volunteers, even though the initial group was recruited through the Retired and Senior Volunteer Program.

"SAFE is probably one of the most rewarding projects" the center has collaborated on, Marsh told *OAR*. "I consider northern Nevada's community to be intimate and cozy, [yet] the need is just staggering here. ... In larger communities, the need must be absolutely mind-boggling."

State, National Organizations Working To Improve Guardianship Process

The shortcomings of the guardianship system are real, according to Erica Wood, associate staff director at the Commission on Law and Aging (CLA) at the American Bar Association. No one even knows how many guardianships exist, nationwide. But there have been many changes in guardianship law since a landmark series on guardianship abuses published by the Associated Press in 1987.

In Kansas, for example, the legislature last year made a complete overhaul of its guardianship laws, including a section indicating guardianship cannot be imposed unless someone is unable to manage their affairs, "even with the use of assistive technologies or other supports."

In Oklahoma, meanwhile, the legislature created a system of Court Appointed Advocates for Vulnerable Adults, much like the Court Appointed Special Advocates system used in most if not all states for children. Like the SAFE program in Nevada (*see previous story*), it involves training volunteers to help judges determine if guardianship is really needed.

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SPECIAL REPORT: FINDING THE BALANCE**Making Good Laws Work (Cont. from p. 52)**

Thus, the problem is less a matter of passing new laws about guardianship than of implementing them. "Sometimes there's a slant that emphasizes the things that are wrong," Wood told *OAR*. "But there are some wonderful best practices that need to be replicated."

At the Administration on Aging, Title IIIB legal-services programs promote alternatives to guardianships, including medical and financial powers of attorney, living wills and advance directives. AoA will also help seniors contest petitions and modify or terminate existing guardianships.

Meanwhile, the National Guardianship Association (NGA) has developed a Registered Guardian and Master Guardian certification system, and certain states now require guardians to register. In Washington and Arizona, this process is highly advanced, with thorough certification programs.

The ABA does not support more substantial federal legislation regarding guardianship, however, because it is "a creature of state law," Wood said.

Bill to Coordinate Protective Services Still Lacks Dedicated Funding Stream

A newly formed Elder Justice Coalition, including the National Association of State Units on Aging and the National Association of Elder Law Attorneys, lent its support Feb. 10 to a proposal to create offices at HHS and the Justice Department dedicated to preventing elder abuse.

At this point, however, the Elder Justice Act (S. 333), sponsored by Sen. John Breaux (D-La.), contains only start-up funds, leaving advocates searching for a stable source of support for adult protective services programs.

Breaux's initiative, first outlined last May, is no small endeavor, and the start-up funds would be as much as \$650 million. Once those dollars are gone, however, it would be up to the HHS and Justice departments to sustain the effort.

Breaux said he recognizes the "hit or miss" nature of adult protective services (APS) funding and will "try to figure out a way to guarantee a consistent funding source."

However, "I'm not sure it's about spending more money," he continued. "It's really a question of coordinating" existing efforts at the local, state and federal levels. "The money is not as important as the ability to bring all these agencies together."

That left Bill Benson, policy director for the National Association of Adult Protective Service Administrators (NAAPSA), looking for something more definite. "The only hope for APS to ever be stable is for a dedicated funding stream" to be created, he told *OAR*.

Many states rely on the Social Services Block Grant (SSBG) to fund APS agencies. But SSBG, which once reached \$2.8 billion, was cut when welfare reform was adopted in 1996, and by Fiscal 2002 had dropped to \$1.7 billion. For Fiscal 2003, Congress approved no additional dollars for SSBG, although it is not affected by the across-the-board cut of 0.65 percent.

Depending on SSBG for APS is dangerous, Benson says. The larger a proportion of APS budgets the block-grant program fills, the more vulnerable those agencies become, as other agencies compete for a portion of the all-purpose funding stream.

The Breaux plan has 18 sponsors, including Judiciary Committee Chairman Orrin Hatch (R-Utah). But absent, so far, is Aging Committee Chairman Larry Craig (R-Idaho), who wants to be sure seniors are not deprived of their rights in an overzealous attempt to protect them from themselves, a member of his staff told *OAR*.

Sources for this Special Report

Administration on Aging, (202) 357-3535,
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SAFE Program Information

SAFE Program Statistics FY 2003 and FY 2004 (Oct. 2002-Oct. 2004)

- We served approximately 110 elderly clients from Washoe County who were under or facing guardianships. Most were served long-term.
- We coordinated the services and training of 70 screened and highly trained volunteers to become SAFE Advocates.
- SAFE Advocates logged approximately 15,000 hours of service, and 32,000 contacts.
- We expanded the program from 30 to 70 volunteers.
- Our volunteers ranged in age from 25 to 82, and participated in monthly education and support meetings, with ongoing training by state and community experts. SAFE Volunteers most often remain serving the same elder until the elder is deceased, moves to another location, or in some instances, the case is demonstrated to no longer require the special services of SAFE.
- Many SAFE Advocates served more than one elder ward.

General Program Information

SAFE Advocates: a friend and voice of the elder; the eyes and ears of the Court.

Our Volunteers serve in a broad spectrum of responsible advocacy services, on guardianship cases referred by the Family Court Judges. They help to monitor the guardianship, protect, provide companionship, advocate for, and support frail, debilitated, or isolated seniors to live a more independent, meaningful, least restrictive life, with dignity, safety, and self-empowerment. SAFE Advocates collect information to aid the Judge in making the best decision on behalf of the elderly ward. Frequently, the legal rights of the elder are significantly improved as a result of the information supplied to the Court by the Advocate. For cases in which family members or private guardians step up to serve in the guardianship position, many of our volunteers become a major resource for helping the guardian to navigate through the process of recognizing and best meeting the needs of the elder and the responsibilities of the guardianship. Some of our Volunteers also provide outings or special events for their frail seniors where there is no one else to serve in this capacity in the elder's life.

SAFE Advocates visit the elder regularly, and may aid the family or professional guardian in being alert to the changing needs of the elder and accessing proper services and resources. If the guardianship is not adequately serving the elder, or if the elder is being abused, neglected or exploited, the SAFE will contact the proper agencies and report to the Court for actions to be taken to protect the elder.

We interact on a regular basis in the County with elders, caregivers, guardians, family members, living centers, Judges, Court personnel, attorneys, senior service agencies, and any other support resources needed. We may also be involved with Elder Protective Services, the Senior Law Practice, physicians, hospital staff, social workers, financial-aid agencies, and senior activity centers. Where Washoe County elder resident wards are placed outside the County but are still under Washoe County jurisdiction, we continue to serve our assigned cases as best we can. We have also offered to serve as a model both state and nationwide, and allow participation in our New Volunteer trainings of selected participants who wish to begin setting up other SAFE sites in the State.

We receive at least five calls weekly from individuals, community agencies, and others around the state and the nation, inquiring about anything from accessing our direct services, to what we do, how we are funded, and how to get help for a loved one in another location. We sent a SAFE Board Member with several hundred SAFE brochures to a National Conference on Adult Guardianship at the US Senate in Washington, D.C in February of 2003. **Our Board Member commented upon return, that *the testimony focused on problems, but very little on solutions, and "we have a solution"*.**

Gaining attention nationwide, SAFE of Washoe County has been featured in the February 14th 2003 Issue of Older Americans Report, and has recently been listed as **Number One of 12 Promising Practice Examples** in a Washington DC American Bar Association publication: State Court Partnerships with the Aging Network. At the National Guardianship Convention in Washington DC in October of 2004, SAFE was again mentioned in a presentation by the American Bar Association, and noted in distributed publications.

The Need for a SAFE Program

The SAFE Program is needed in Washoe County and the state of Nevada, and programs like it are needed nationally, because with the fast-growing number of elderly persons in our society, the frail elderly are an increasingly underserved segment of the population. They are without power or voice to have meaningful input into their own life decisions. SAFE Advocates act as a companion, a friend, and a voice of the elder, who may otherwise not be heard or seen. SAFE Advocates also act as the eyes and ears of the Court, gathering information for the Courts on the elder's situation and wishes so that the Judge may make the best decisions possible, with the help of a neutral advocate who is in the position of receiving no personal gain or monetary compensation. The goal of the SAFE Volunteer is to support and advocate for the elder's best interests and welfare, and for the elder's right to retain some input, and power over his or her own life. SAFE Advocates strive to encourage the greatest degree of autonomy and the least restrictive environment that is reasonable, to provide safety and dignity for the elder, and to enhance as meaningful and as good a quality of life as is possible for the elder, given his or her particular circumstances.

SAFE started in Northern Nevada, and has been successful in helping seniors, regardless of economic or social background to live lives of dignity, safety, and meaning. While there are many sadly unfortunate problems involving adult guardianships, there have been fewer successful solutions. A partnership of the Courts, senior agencies, legal professionals, and many other institutions and committed individuals in the community has come together to develop the SAFE Program, and it *is* proving to be part of the solution. The evolving result is a unique program offering advocacy services that cover exceptional breadth and depth, demonstrating a successful track record for the benefit of our frail elderly citizens.

The SAFE Program has been in existence since 1999 and actively advocating for elders since early 2000. It was originally funded with a grant from the E.L. Cord Foundation, and a few private donations. The Program did not really begin to fulfill its potential until Fiscal Year 2003, when it was funded by the Division of Aging Services, under the Independent Living Grants' tobacco money, and subsequently was able to set up an office with two full-time staff. Since then, it has expanded substantially in response to an increasing client need, and is developing a strong foundation to serve the Courts with their growing adult

guardianship population who can benefit from this type of Senior Advocacy service. Likewise, the greater Nevada Community and other locales in the United States are indicating interest in SAFE as a model, and as a possible part of the solution to the complex problems and challenges posed by adult guardianships and the care and rights of the frail elderly. Family Court Judge Scott Jordan has remarked that he wishes he had a SAFE Advocate to assign to every adult guardianship case.

Projection and Needs for FY 2005

In FY 2005, SAFE would like to maintain our program as well as expand our number of Volunteers, and serve at least 100 frail, elderly seniors in Washoe County. SAFE would also like to aid in the development of other sites within the State, where interest is indicated. But the limiting factor on maintaining as well as growth and expansion is funding. We are presently allocated space in the Second Judicial Family Court Building in Washoe County, and primarily funded by the Division of Aging Services for the State of Nevada, Independent Living Grant, with the addition of a smaller E.L. Cord Grant. However, the DAS budget for programs such as ours is funded by tobacco money, and we are advised not to depend on it for future grants. At the present time we are operating on a minimal budget, maintaining a no-growth fiscal plan. We are in dire need of an additional case manager and increased office help to provide quality supervision and guidance for our cases and for the volunteers as they navigate through some difficult issues on behalf of the elders they serve. We also are in need of funds to support and recognize the efforts of our volunteers, who are our dedicated and over-extended work force. Additionally, we need to offer regular New Volunteer Trainings, to bring in new volunteers in order to serve the ever-increasing number of cases referred by the Courts. We have a waiting list of individuals wishing to become volunteers and the Judges continue to assign more and more cases on which they seek our help.

Sample Case Accomplishments Over A Four Month Period

- We have helped to gather information, and to suggest and evaluate options that have resulted in Court decisions to keep 5 elderly individuals who are under guardianships in their homes, living relatively independently with services in place, rather than being institutionalized. Although these individuals need some aspects of support and management from their guardians, they have retained control over several areas of their lives, and the guardianships are limited to give the individual more autonomy, increased rights, and an improved quality of life.
- In another case involving a family guardianship, the elder was suspected of being subjected to abuse, neglect, isolation, and exploitation over a period of several years. First one, and then a second SAFE Advocate experienced in financial matters, were assigned to the case. The SAFE Program's efforts resulted in the elder being assigned her own attorney, and her being removed to a safer, freer and more social environment, where adequate living conditions and appropriate care were available. The SAFE Advocates worked to have the elder's wishes known and acted upon, and her rights restored. (One of the SAFEs worked an average of 77 hours a month for four months in this case). Under a new guardian, the elder now lives in a placement of her choice, has undergone medical treatment for life-threatening conditions that were previously neglected, and retains control over some of her affairs where appropriate. The elder said that the SAFE was her only and best friend, and that the SAFE has given her courage.

SAFE of Washoe County • SPECIAL ADVOCATES FOR ELDERS • FACT SHEET

Who are SAFE Volunteers?

SAFE Volunteers are ordinary people who care about elders. They are men and women who range in age from young adults to seventies and beyond. At the present time, about half of our volunteers are over the age of 55, and half between 25 and 55 years of age. They come from a variety of backgrounds and experiences. Their interests in serving elders also come from a variety of experiences, such as having a family member facing a need for care, or having a strong sense of helping to create a better life for elders who can no longer live independently. Many volunteers want to "give back" to the community. Some work full or part time, and some are retired. They are fully screened before and during training, and must pass a background check. Most SAFE volunteers work on one case at a time and no legal expertise or experience is required. There is no cost to the elder for the services of the SAFE Volunteer.

What does a volunteer do?

A Judge may assign a SAFE Volunteer to an elder guardianship case for a variety of reasons, which fall into either or both of two categories.

- The first is to ensure that the elder has some caring companionship and someone who will visit and monitor that the elder is being cared for properly. This includes matters of general well being, health, safety, protection, dignity, and the aim of living life with the greatest autonomy and in the least restrictive setting that accommodates his or her overall condition. Sometimes the Volunteer may assist in accessing community or other resources that may benefit the elder, or in some manner enhance the quality of life. Most of all, the volunteer establishes a relationship with the elder.
- The second is to help gather information for the Court regarding matters that require some decision-making or action on the part of the Judge concerning the elder, decisions that will affect the elder's present and future life. In this capacity, the volunteer acts as the "voice" of the elder, whose desires may otherwise not be heard, and as the "eyes and ears of the Court" who may not be able to gain access to unbiased information from any other sources.
- The SAFE Volunteer may interact with family members, court appointed guardians, care facilities, physicians, home-help personnel, attorneys, and others, for the benefit of the elder.

What does it take to be a SAFE Volunteer?

- Good listening and communication skills. SAFE Volunteers must be able to talk to a wide variety of people, and occasionally may speak in the Court. The Volunteer notes observations on visits, and makes occasional brief reports.
- Objectivity, empathy, sensitivity, tact, and understanding the requirements of confidentiality. Volunteers enjoy what they do, but they also appreciate the nature of their assignment, and that their words and actions can have consequences.
- Commitment. SAFE asks at least a one-year commitment. Most SAFE volunteers serve for two or more years. The amount of time given to a case varies according to the stage of the proceedings, the time the volunteer wishes to give beyond the usual every-other-week visit, and circumstances that may arise in the health or status of the elder. After the initial assignment period of the case, the average time commitment is about 6-10 hours a month. This includes the monthly Volunteer meeting.

What about Training?

- Thirty six hours of required initial training, in which the Volunteer is immersed in a broad range of training exposures and interactions with people and agencies involved in all aspects of advocating for elders, and later-life issues. This includes practice in special skills that will make a Volunteer's job easier.
- There is also a monthly Volunteer Continuing Training and Support meeting that takes place from 5:15-6:45 pm on the third Thursday of each month. Volunteers are encouraged to attend regularly. Through these and other activities, the SAFE program is growing and evolving, the Volunteers are the guiding force in carving new directions.
- The SAFE Volunteer Director and Case Managers are available at any time for help, support, and case supervision on any aspect of a volunteer's work on a case, and are a continuing resource for all volunteers serving in the program.

As of November 2004, SAFE of Washoe County has approximately 70 Volunteers.

Good Guardianship:

Promising Practice Ideas on Community Links

State Court Partnerships with the Aging Network

This brochure encourages collaboration in guardianship practices between the court system and the aging network. The idea is that by working together, courts and aging organizations—such as agencies on aging, adult protective services (APS), and long-term care ombudsmen—can tackle some of the difficult barriers to good guardianship practice in a cost-effective way.

The objective is to get courts and service providers or advocates in the aging field talking to each other about specific constructive improvements in guardianship in their area.

The Problems:

- Guardians and courts frequently do not have enough information on aging services, elder abuse, and long-term care.
- Guardians can protect against elder abuse. Guardians also can help “unbefriended” at-risk individuals to get the services they need. But in many areas there are not enough guardians or other surrogate decision-makers.
- Sadly, some guardians mistreat their vulnerable charges. Courts sometimes do not have enough resources for thorough monitoring—and abuse, neglect, or exploitation may go unchecked.

The Solution:

- Judges and the aging network can work together in strengthening guardianship systems.
 - ③ State and area agencies on aging created under the *Older Americans Act* are the focal points for community services for elders. They can work with courts to inform guardians and recruit volunteers.
 - ④ State, regional, and local long-term care ombudsman programs under the *Older Americans Act* advocate and help resolve problems for residents of nursing homes and assisted living. They can educate guardians and courts about long-term care. They can help the court with monitoring by flagging problems of adults under guardianship in long-term care facilities.
- ⑤ APS staff, often located in local social service agencies, help adults in danger of being mistreated or neglected. APS can identify at-risk individuals in need of guardianship, and provide training for courts and guardians on elder abuse.
- Develop partnerships with these front-line resources. Set out specific practical aims to improve guardianship and increase the use of advance planning approaches that could delay or avoid guardianship. Involve the bar association in this partnership. Become court-community partners for good guardianship now.

Aging Network Partnerships: 10 Promising Practice Tips

- ① Offer to speak on guardianship and alternatives at Elder Law Day presentations or other community events for seniors, and to attend a meeting of the advisory council for the agency on aging or the long-term care ombudsman program.
- ② Distribute basic brochures on aging services, the aging process, long-term care, residents' rights, and elder abuse to newly appointed guardians with their order of appointment.
- ③ Suggest that court staff who handle guardianship be included in training sessions for staff or community volunteers by agencies on aging, APS, or ombudsmen.
- ④ Recruit knowledgeable staff from the aging network to speak on aging, long-term care, or elder abuse at judicial education conferences and training sessions for guardians.
- ⑤ Develop or clarify a protocol for agencies on aging, APS, and ombudsmen to report directly to the court any instances they encounter of abuse or neglect by guardians.
- ⑥ Explore the joint development of a volunteer court visitor guardianship monitoring program to contact isolated elders under guardianship and report on any problems. Use retired individuals or law, accounting, social work, or gerontology students as “eyes and ears of the court.”
- ⑦ Consider the joint development of a volunteer guardianship program. Involve members of the local bar association and local service groups.
- ⑧ Ask whether your courthouse and judicial process are easy for elders and adults with disabilities to use. Suggest an evaluation of court accessibility. Have disability advocates conduct a “walk through” or “wheel through.”
- ⑨ Invite aging network staff to participate in “future of the courts” planning or visioning sessions, in light of the rapid growth of the older population. Will the court be “elder ready?”
- ⑩ Initiate an interdisciplinary community coordinating group on guardianship and alternatives to identify barriers, help close gaps between guardianship law and practice, pool resources, and increase knowledge.

12 Promising Practice Examples

1. The *Nevada Second Judicial District Family Court* and the *Nevada Division of Aging* participate in the SAFE program (Special Advocates for Elders), a court-based volunteer project serving seniors under or facing guardianship. Deborah Van Veldhuizen, dvanveld@mail.co.washoe.nv.us.
2. In *Maricopa County, Arizona*, the area agency on aging, the long-term care ombudsman program, APS, the public fiduciary, the local probate court, and others have formed an Alternatives to Guardianship Program to identify alternatives to guardianship and to protect vulnerable adults. Dawn Savatone, savatone@aaaphx.org.
3. The *Area Agency on Aging in Palm Beach, Florida* is working with the *Fifteenth Judicial Circuit Court's Elder Justice Center* to recruit volunteers for a guardianship monitoring program. Fay Hewitt, fhwitt@co.palm-beach.fl.us.
4. The *Connecticut Office of Probate Court Administrator* and several *Connecticut Area Agencies on Aging* have operated a volunteer Court Visitor and Conservator Program through Sage Services of Connecticut, Inc. Lou Zaccaro, sageservices@snet.net.
5. The *Georgia APS*, with the participation of the *State Long-Term Care Ombudsman*, has conducted workshops on elder abuse for the annual probate judge conference. Local *Georgia Long-Term Care Ombudsmen* have testified on behalf of residents who are subjects of petitions in guardianship proceedings and assisted them to secure legal counsel. Both APS and ombudsmen have alerted probate judges to specific instances of guardian misuse of power or neglect of duties, and have worked with probate judges on multidisciplinary teams to address elder abuse. Becky Kurtz, bakurtz@dhr.state.ga.us.
6. The *San Francisco APS staff and court staff* conducted judicial training on elder abuse and reporting requirements. Mary Joy Quinn, mquinn@sfc.org.
7. *Oklahoma APS* convened a conference for judges, district attorneys, and law enforcement officers on elder abuse, protective services, and undue influence, including identification and prosecution of crimes against the elderly. Robert Nunley, Robert.Nunley@okdhs.org.
8. The *Rhode Island Long-Term Care Ombudsman* has conducted an in-service training for probate judges to inform them about the ombudsman program and residents' rights. The ombudsman contacts the judge with instances of guardian abuse or exploitation, and helps to monitor difficult situations. The ombudsman worked with a key judge in advocating for a public guardianship program and provided training for the volunteer guardians. The ombudsman also educated social workers in long-term care facilities about guardianship. Roberta Hawkins, stateomb@alliancebltc.org.
9. The *Long-Term Care Ombudsman Program in Fort Worth, Texas* alerts the court when a nursing facility closes or when there are signs of instability; helps guardians with relocation of residents under guardianship; and assists the court in finding those who "got lost in the shuffle" during a sudden closure. Terry Thompson, terryt@mhac.org.
10. The *Indiana Long-Term Care Ombudsman* provides brochures about long-term care to probate courts for distribution to newly appointed guardians. Arlene Franklin, AFranklin@fssa.state.in.us.
11. The *Long-Term Care Ombudsman of Youngstown, Ohio* has invited the coordinator of the court's volunteer guardianship program to attend its regular training session for volunteer ombudsmen.
12. The *Long-Term Care Ombudsman of the Bluegrass, Lexington, Kentucky* has worked with guardians ad litem to ensure a thorough interview with facility residents who are respondents in guardianship proceedings, and with the court on accessibility of the hearing room. Kathleen Gannoe, ombuddyl@aol.com.

Know the Basics

State and Area Agencies on Aging: A network of state and area agencies throughout the country created under the *Older Americans Act*, 42 U.S.C. §3001 et. seq. Under the Act, funding is allocated to the 57 *State Agencies on Aging* located in every state and territory to plan, develop, and coordinate systems of supportive in-home and community-based services. Most states are divided into Planning and Service Areas and nationwide there are over 650 *Area Agencies on Aging*. The area agencies contract with over 29,000 service provider agencies nationwide.

Older Americans Act Funds: Title III of the *Older Americans Act* provides for funding for home- and community-based services such as in-home care, transportation, meals—and legal services. Title VII of the Act provides for Elder Rights. *Older Americans Act* funds are scarce, but could be a resource for development of guardianship programs.

Adult Protective Services (APS): Services provided under state law to elders and/or adults with disabilities who have suffered from abuse, neglect, exploitation, or self-neglect. APS receives and investigates reports of suspected abuse. If the report is

substantiated, APS arranges or provides services. Each year between 500,000 and five million elders are abused, neglected, and exploited in this country. APS staff may identify at-risk elders in need of guardianship. Court links with APS agencies can help in crafting solutions that protect the welfare and respect the rights of elder abuse victims.

Long-Term Care Ombudsman: An advocate for residents of long-term care facilities. Ombudsmen provide information about residents' rights, choosing a facility, and getting quality care. They can help to resolve problems and promote improvements in the long-term care system. Under the *Older Americans Act*, every state is required to have an ombudsman program. These programs vary, but many include local or regional programs using trained volunteers. Ombudsmen may be the first line of contact when a problem arises.

Legal Assistance Developer: An individual designated by a state agency on aging to provide leadership in securing and maintaining the legal rights of elders. Under the *Older Americans Act* the state legal assistance developer promotes state capacity to help older individuals understand their rights, exercise choices, and benefit from services and opportunities authorized by law. The developer can help to link the court with the aging network.

To Contact These Community Resources:

To find agencies on aging, APS, and long-term care ombudsmen in your jurisdiction use the *Eldercare Locator* at 1-800-677-1116, <http://www.eldercare.gov/>. For ideas on probate court practices, see the Web site of the National College of Probate Judges, <http://www.ncpj.org>.

Web sites with more information about aging resources include:

- U.S. Administration on Aging, <http://www.aoa.gov/>;
- Nat'l Center on Elder Abuse, <http://www.elderabusecenter.org/>, including a compendium on promising practices;
- Nat'l Association of State Units on Aging, <http://www.nasua.org/>;
- Nat'l Association of Area Agencies on Aging, <http://www.n4a.org/>;
- Nat'l Long-term Care Ombudsman Resource Center, <http://www.ltcombudsman.org/>; and
- ABA Commission on Law and Aging, <http://www.abanet.org/aging>.

For an AARP handbook on establishing a volunteer guardianship monitoring program (no charge), contact AARP order fulfillment, 1-800-424-3410, stock #D16383.

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Photography by Larry Sultan

Stolen Lives

By Barry Yeoman, January-February 2004

Thousands of older Americans are being robbed of their freedom, dignity, and life savings by a system created for their protection. How can it happen?

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The Christmas Day before the courts stripped Inez America Carr of her independence, she woke up earlier than usual to help prepare the traditional family feast. She started first on the rolls, dozens of them, mixing the homemade batter and allowing the miniature loaves to rise, then bake, before stacking them on sheets of wax paper. She washed the collards, set them to boil in an aluminum pot with a chunk of salt pork for flavoring, then peeled the fat sweet potatoes and dressed them with liberal amounts of butter, sugar, and nutmeg. By evening, her three-story home in San Francisco's upscale Pacific Heights was thick with the savory smells of the cooking of her Mississippi roots.

It was a typical Christmas for the Carrs. Inez, a retired practical nurse, and her husband, Carnell, a retired psychiatric technician, never had children of their own, but they never lacked invitations to holiday dinners. Over a half-century, the Carrs had grown kin-close to a family named the Jolivets, whose mother Joanne Gentry, worked alongside Inez at the old Franklin Hospital in the Duboce Triangle in the 1950s and '60s. After Gentry's death, two younger generations of Jolivets adopted the Carrs as their own. They've shopped for the couple, shuttled them to doctor appointments, and he repairs to their Victorian home. "They are my family," Inez says. "They look out for us."

At 7 p.m., Chris Jolivet, 35, came by to pick up the couple, whom he has called aunt and the time he learned to speak. Inez removed the apron from her holiday dress and collected food. A few minutes later, the trio was on the south side of town, where Jolivet, who is now married, brought them for dinner with his mother, Lavern Jolivet, a 60-year-old medical transcriber. Joanne Gentry's daughter. Carnell joked about the steep descent from Jolivet's SUV. "Si heaven," he called it, as they entered the house for an evening of prayer, feasting, and to

On that peaceful Christmas Day 2001, the assembled family had no idea of the drama that was about to unfold: Just three months later, a visit from two out-of-town relatives would set in motion a series of events that would land the Carrs in front of a San Francisco judge. He would decide if the couple were incompetent to handle their own affairs, and place them—ostensibly for their own being—under the care of professional conservators. These total strangers would assume control of the Carrs' finances, placing them on a restrictive monthly allowance. They would redirect the Carrs' income and try to replace Carnell's doctor—all the while billing the Carrs \$90 an hour for their services. Eventually, legal and conservator fees would drain much of the couple's life savings. They would even bar Inez from hiring her own lawyer.

Inez America Carr grew up with the rural Southern values of self-reliance and autonomy.

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sudden loss of independence—and the ensuing struggle to win it back—has left her a pe and angry 93-year-old. What happened doesn't square with her vision of the country tha both a middle name and a lifetime of opportunity. "How in the world can they do this to m the clear blue sky, under the guise that they're protecting me?" she asks.

The answer: It happens every day across the country to unsuspecting people just like In because of a patchwork of state laws designed to care for adults who can't take care of themselves—incapacitated adults. Often the system works. But too often it backfires, lea victims worse off than they might have been without the system's so-called protections.

That system is known in most states as "guardianship." California calls it "conservatorsh places use both terms to mean slightly different things. But the upshot is the same: In ev judge has the right to decide that someone is no longer capable of running his or her ow judge can then appoint a guardian to make all major decisions for the ward (the term use describe a person placed under guardianship).

Guardians can be attorneys, relatives or friends, government employees, private social v money managers, community volunteers, or employees of social-service organizations. be volunteers or they might charge a fee. There are no reliable statistics on the number under guardianship in the U.S., but estimates run upwards of 600,000, a number that wil exponentially as the baby boomer generation ages.

The guardianship system, which was brought over from England during colonial times, is considered a necessary part of elder law, to be used under narrow circumstances and on resort. Without such a process, there might not be anyone to make health care decisions person suffering from dementia who has no caregiver. But while many guardianship cas without a hitch, the system is also rife with opportunities for financial exploitation, medic and the wrongful usurping of a competent person's freedom.

"Guardianship is a godsend and a gulag," says Erica Wood, associate staff director of th Bar Association's Commission on Law and Aging. "It's a lifesaver and a life stopper. It's a institution that we as a society need. But we need to make it better."

"You could be a shoe salesman at a five-and-dime store yesterday and a professional conservator or guardian today."

The perils of guardianship first gained public notice i when a platoon of Associated Press reporters fanne across the United States, reviewing 2,200 case files part investigative series. The reporters uncovered "a dangerously burdened and troubled system" in which were committing people to guardianships without fir permitting them access to attorneys or even hearing also discovered that "often, in the eyes of the court, and spending money foolishly" were criteria enough being placed in a guardianship. What's more, there safeguards to ensure that guardians didn't abuse or their charges.

The AP series sparked congressional hearings, a ne conference, and legislative reforms in all 50 states. The new laws have strengthened du and instituted more careful monitoring by the courts. Judges also have been instructed to on labels like "senile" and "incompetent" and more on real abilities to handle day-to-day

Still, according to critics, the legal reforms haven't always translated into real-life improve Many guardianships continue to be assigned to untrained professionals based solely on evidence, often without methodical court hearings to determine the scope of the subject's competence. And conservators and guardians continue to siphon five- and six-figure sur bank accounts of the very people they are supposed to be protecting. Sometimes that si pure theft; other times guardians simply charge astronomical fees for their services.

In 2001, New York's *Daily News* reported about guardians who billed their clients' estate hour for such routine services as reviewing bank accounts. One guardian reportedly visit who was celebrating her birthday, then billed her \$850 for the social call. In many cases, not only has to pay the guardian for his or her services, but also must pay the guardian's for time spent on the case.

Adding to the potential for abuse is the fact that there is no uniformity in records states. Consequently, no one knows exactly how widespread the problems are. Many experts say abuse is rampant. Bob Aldridge, a Boise, Idaho, elder-law attorney who testified recently before Congress, reviewed 250 guardianships on behalf of the state bar association and court system, uncovering more than 50 with "egregious" problems. "These are not isolated occasional blips," he says. "This constitutes a significant portion of the cases out there. It's flat-out rip-off situations."

Inez Carr never expected to become a legal statistic. Born in Kosciusko, Mississippi, she had a difficult childhood. The family lived "with the pan," relying on leftover food from the kitchens of wealthy white households where her mother worked as a maid. Like many black families in the Jim Crow South in the 1920s, Inez's family eventually migrated north, first to Philadelphia and then to South Bend, Indiana, chasing economic opportunities that rural Dixie failed to provide. After graduating from high school at 23, she took cosmetology classes and found work at a local hair parlor.

One day in 1947, Inez dropped by her mother's house for a visit. Her mother rented out rooms, and that day Inez spotted the handsome brother of her mother's boarder. His name was Roosevelt Carr, and he had just returned home from a hitch in the Army. "I saw him, and I fell in love with him," she says. The only work Carnell could find in South Bend was sweeping hotel floors, so he moved to San Francisco, where he had family and an opportunity to work in a hospital. Inez followed a year later, and the couple married.

When they had saved enough money, the Carrs took a bold step for the 1950s and bought a home in Pacific Heights, an exclusive district of bougainvillea-covered Victorian homes. "We were the only African Americans on this block," Inez recalls. "We expected to see signs all around the neighborhood in the morning." In fact, there was no neighborhood outcry.

Today, the Carr home, valued around \$1.4 million, is divided into three apartments. The Carrs live on the two upper floors, and Inez collects the money and keeps the books. The Carrs live on the bottom floor, a sprawling two-bedroom apartment packed with African art, antique furniture, and a collection of baby dolls, Asian fans, and figurines.

Over the years, the Carrs have accumulated their share of medical problems. Carnell has Alzheimer's and heart disease. Inez suffers from high blood pressure and diabetes. Twice a day she checks her blood sugar, keeping meticulous records of her levels. With the Jolivets' help, the Carrs are able to juggle the constant demands of medications and doctor visits.

Then, in March 2002, Inez and Carnell received a visit from Carnell's nephew, Ozell Carr. Carnell just learned that according to the Carrs' will he was in line to split the Carr estate with Chris Carr. Accompanying the nephew was his daughter, Pamela Kizer, who says she was immediately dismayed by the condition of the apartment. "When you walked in the door, the house was a mess," she says. "You couldn't eat on the kitchen table for all the clutter. The room that I slept in, you had to make a path to the sofa bed. There were boxes in front of the heating register." In June, Kizer called San Francisco's Adult Protective Services and reported her observations. The agency also claimed that the Jolivets were trying to financially exploit her great-uncle and his wife.

Kizer says her sole concern was for the Carrs' welfare. Inez suspected other motives: She thought Kizer was trying to protect her father's inheritance by accusing Chris Jolivet and his family of financial influence and neglect. Regardless of Kizer's intentions, her call to APS triggered an aggressive investigation—too aggressive, says Dennis Livingston, an attorney hired by the Jolivets to help them deal with the situation. "Adult Protective Services came in like a bull in a china shop," Livingston says. "The presumption was that because Mrs. Carr was in her 90s, she could not possibly be competent."



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