

# Douglas County Public Guardian

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# Public Guardianship and the Social Safety Net

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- Public Guardianship is a crucial part of a robust social services model.
  - Public Guardians partner with families, service providers, and law enforcement to promote the safety, well-being, and least restrictive environment for clients.
- Capacity to make and communicate decisions is different than capacity in other contexts (such as criminal matters).
- Guardianship is a mechanism to navigate and secure services but cannot create resources where none exist.
- The focus of the Statewide Guardianship Commission membership has been on Washoe and Clark Counties.

# Statistics

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- The DCPG office visits clients for their care.
  - 156 grocery deliveries
  - 192 doctor appointments
  - 20 indigent clients
  - 4,129 direct client service hours
  - 5,283.80 miles of travel
- Public Guardians in larger counties utilize institutional placements while rural Public Guardians have a greater proportion of clients in home wherever possible.
- The average private care cost for elder care is \$6,000.00 to \$11,000.00 per month, where the average income for an elderly person is less than \$2,500.00.

# Statistics (cont.)

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- 33% of Douglas County Residents are elderly, 7% additionally are disabled. This does not include the calculations for mental health populations (who are not well suited for the cooperation with services required by guardianship).
- Our office serves all clients with a mental incapacity in our area. Douglas county has one Medicaid skilled nursing facility. All clients needing Medicaid services outside of this skilled need must be placed in other counties. This means long drive times for staff, to meet the monthly needs of visitations. 71% of our clients are placed out of our county.
- Averaged worked hours per month for the PG over a year is: 281 (this does not include vacation or leave, training, education, or administration time), Deputy PG: 273, Accounting Specialist: 253 (a regular 40 hour work week per month is 160 hours).

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- 3 positions responsible for educational, administrative, legislative, budgetary, and oversight of the department and guardianship for the county *in addition to carrying a full case load*.
  - Public Guardian, Deputy Guardian, Accounting Specialist
- Average caseload of the DCPG is 25 to 58 clients with varying medical, financial, and personal needs.
  - This includes guardianships of person and estate, small probate estates, and trustee services. The DCPG is on-call and assessable 24/7/365.
- The DCPG has been preparing to open a brand-new Representative Payee Program (partially funded through a grant via the Aging and Disability Services Division) to allow clients to remain in their homes in the community.
- Rural county Public Guardians have challenges related to where they fit in County structures.
  - Overseen by the County Manager, but recently moved under Community Services.
  - Tension between NRS Chapter 253 (for example, NRS 253.210) and County rules (for example, Douglas County Code 2.22.030)

# Investigation

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- 80% of the DCPG case load are financial exploitation or neglect cases. These cases are difficult cases that are investigation and resource heavy.
- In cases that are having a difficult time getting to guardianship or have been lingering in the community as repetitive resources users:
  - Our investigation NRS (SB 121, 2019) allows us to get a guardianship, or facilitate a family member stepping in.
  - The path to guardianship is difficult for families to understand, afford, or complete. Legal Aid resources are often conflicted out because they represent the Proposed Protected Person. The process can be stressful for loved ones.

# Resources and Barriers

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- Limited resources in the rural areas have led to placement of clients in the most restrictive means, including jail and mental health facilities, or sadly led to death. Our office is usually getting cases at the end of life, most dire needs.
- Fragmented partnerships in the rural areas.
  - Disconnect of wrong door policies has led to clients floating in the system.
  - Decision-making capacity being determined by system partners instead of medical professionals.
- No private professional guardians in the area to offset the limited resources of the Public Guardian.
- Limits to funding or support for Public Guardians while demands on the office are serious and frequent.

# Resources and Barriers (cont.)

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- Medical and financial needs of aging populations are increasing while there is no funding, support, or additional staff offered to maintain quality service and meet community need.
- Excessive burnout.
- Concern over passing cases to the Public Administrator in counties over concerns the cases will sit for years. Increasing caseload for final accounting activities where a client has passed away as a result.
- Nowhere to send families seeking support to file guardianship, placing the burden on the PG office that should not be giving legal advice, and lacks resources to spend helping fill out guardianship paperwork.

# Policy Recommendations

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- **FUNDING FOR PG OFFICES:** Specifically in the rural areas, we need funding for PG offices. We have continued to take on the brunt of the changes in guardianship, the changes in workload, with no changes in supports.
- **RESOURCES:** We need resources in the rural areas, we need access to lower-levels of care, so that the PG is not the answer to every problem.
- **HOUSING:** We need Medicaid funded facilities. We have no housing, and no support for mental health housing, limited and full Medicaid funded housing.
- **COURT SUPPORT AND TRAINING – GUARDIANSHIP COMPLIANCE OFFICE:** We need courts to understand the lack of resources, placing unrealistic demands that can not be obtained on Public Guardians with limited options. The Guardianship Compliance Office either needs to be accessible for PG offices outside of a court order mechanism or needs to be an independent office not under the Judiciary so that it can be utilized by other entities and not conflicted in supervision.

# Policy Recommendations (cont.)

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- **RURAL FOCUS:** Most of Nevada is rural. Most counties are rural. The current policies in place do not provide for rural areas. We are required to meet the same level of needs with little to no support. We do not have access to the supports that urban areas do.
- **COUNTY UNITY:** Each county is different. County management need to be held accountable for the caseload and considerations of the PG department, oversight of the department should fall within the jurisdiction of the BOCC as it is written in NRS, and not subsumed by other departments. This causes extreme conflicts of interest. Due to the difference, some counties do not receive support. The rural Public Guardians are expected to meet the same needs without the same staffing, the same internal and external supports, and the rules of engagement. Some counties have Public Guardians doing multiple roles without full legal support. Due to funding structures these conflicts of interest are overlooked as a cost cutting measure.
  - A **State Public Guardian's Office** could be created and leveraged to help monitor and manage challenges of Nevadans.
- **PUBLIC ADMINISTRATOR CONFLICTS:** Appropriate oversight of Public Administrators will reduce case load of the Public Guardians who are accountable for clients' estates when they pass, and whom those estates will pass to for final distribution. Perhaps move to an appointed model for PA roles and not an elected role to attract well trained and diligent individuals who can be held accountable to supervision of their county. In the last 6 years this turmoil in many counties with the PA has caused extreme case load increases for the Public Guardians.

# Policy Recommendations (cont.)

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- **FAMILY SUPPORT:** Currently Nevada does not allow individuals who are guardians to be compensated for providing Medicaid covered services. Families must choose between being able to be paid to offer care or be a legal guardian.
  - Other states do allow guardians to be compensated for service provision - this would help alleviate Public Guardian caseloads.
- **FAMILY GUARDIANSHIP CASE NAVIGATION:** We need to have a place to send families to work within the difficult guardianship system. Families need legal advice, and case management/social work support.
  - This task has fallen to the PG's that have no resource time or ability. The documents and process are difficult for even MA level Clinicians and Social Workers to understand. When families and friends do not file for guardianship authority, individuals in need float in the system for long periods of time and individuals are often exploited or have resources depleted until a case reaches the Public Guardian's office.

# Questions

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*For specific case information and concerns*

*I am available to connect.*