



Information for MONTANA Conference Call – March 10 at 12:10

Ohio had the first “WINGS” called the Subcommittee on Adult Guardianship, established by the Chief Justice of the Supreme Court of Ohio – Thomas Moyer and a grant from the American Bar Association’s Commission on Law and Aging.

(See the University of Utah’s Law Review, Volume 12, Number 3 containing an article which fully describes the events leading to its establishment and subsequent goals. The subcommittee has been meeting for 9 years. The article is entitled “Creating and Sustaining Interdisciplinary Guardianship Committees.”)

Lessons Learned:

Steering Committee Important – Smaller group of interdisciplinary members who know the mission of the WINGS and are there to orient others as membership changes due to elections, retirements, etc.

Specific Goals/Outcomes – Members should be the top managers in all stake-holding agencies, state government, social/legal services, court, etc. These are busy people and they won’t commit to time wasted.

Provide learning opportunities – Silos and jargon keep groups from functioning effectively, so important to have presentations where the group learns how to communicate across disciplines and what the issues in the state really are.

Subcommittee's most significant impact to date:

New Rules of Superintendence for Probate Courts and Guardians

Were drawn from the NGA Standards of Practice – court rules easier to accomplish than statute change in Ohio

Revised to fit Ohio legal and guardian needs – 10 positives

10 Positive Changes in Rule 66:

- Training and continuing education for ALL Guardians including family members. (6 hours pre-service and 3 CEUs per year) There was no training requirement at all before.
- More monitoring for Professional guardians (over 10 cases)- Some guardians accumulated huge caseloads without doing best practice. Now the courts are expected to more closely monitor those they appoint.
- Complaint process must be delineated by local rule in every probate court.
- Prohibition against appointing direct service providers as guardians. Many felt that appointing a nursing home administrator or other direct service provider was ok. That is a conflict of interest situation which the rules instruct courts to avoid.
- Criminal background check. Though more courts were requiring this through their local rules, the Supreme Court now requires it of all guardians in all courts.
- Limit or end guardianship if person improves, least restrictive alternatives emphasized.
- Annual plan required for guardian must be submitted as addendum to annual report.
- Guardians are now prohibited from accepting incentives from direct service providers.
- Person Centered Approach encouraged.
- Visitation 4x per year or as ordered by the court. There was no visit required previously, and many guardians did not visit the person under guardianship at all, but simply responded to requests from doctors and providers to approve treatment and services.

In general these are positive steps forward but are not as rigorous as the national standards envision.

Ohio continues to have a statewide issue because there is NO public guardian. Therefore it is difficult to find guardians for indigent, incapacitated adults who have no family support.