

# The Guardian Bulletin



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[www.illinoisguardianship.org](http://www.illinoisguardianship.org)

The first IGA training program in 2017 is being put together for the May 10<sup>th</sup> annual IGA meeting at the Bilandic Building in downtown Chicago. The IGA board will conduct an annual meeting followed by training that will offer CEU and CLE credits. The training topics include Wellness/Stress-Taking care of yourself; Respecting Religious Practices; Funeral Law and Organ Donation; Immigration Issues and a Public Guardian Roundtable.

If you are interested in being a board member or would like to nominate someone, or volunteer to be on a committee, please let us know. The board positions are for a term of 3 years and committee assignments are for a year corresponding to the association's program year that runs from April to April. Committee assignments include training, legislation, membership, website, and others that can be found on our website by clicking on **Member Benefits**. Please let us know via our website **Contact us** page by **March 1<sup>st</sup>**.

**This issue of the Guardian Bulletin includes the following articles:**

An **Elder Justice Innovation Grant** has been offered to our state's chief justice. Our lead article will provide specific information on a request for proposal (RFP). The June, 2016 *Guardian Bulletin* included an article titled "Federal Conversation about Guardianship" that provides background information of guardianship issues that were instrumental in the offering of the Elder Justice Innovation Grant. A review of that article is recommended.

We have included a “**good guardianship outcome**” case in the bulletin by Scott Summers, a Public Guardian in McHenry County.

Lastly, **ABLE**, a tax exempt savings program designed for persons with disabilities including blindness has been established in Illinois and twelve other states. A summary of this program follows in the bulletin.

### **Elder Justice Funding Opportunity: Working Interdisciplinary Networks of Guardianship Stakeholders**

Article provided by Administration for Community Living (ACL) January 20, 2017.

Under an Elder Justice Innovation Grant from the U.S. Administration on Community Living, the ABA Commission on Law and Aging, with the National Center for State Courts, has released a Request for Proposals(RFP) to the highest court in each state to establish, expand and enhance state Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS).

This funding opportunity offers state courts up to \$20,000 to establish, enhance or expand WINGS (with special provision for up to \$30,000 for selected states with an intensive focus). In addition to funding, successful applicants will receive extensive expert technical assistance including help with strategic planning, outcome measurement, and data collection, as well as opportunities for information-sharing with other state WINGS.

The essence of WINGS is the partnership among state courts and stakeholders in the aging and elder justice, disability, legal, mental health, and guardianship networks. Your state chief justice and state court administrator has received the RFP and may be reaching out to stakeholder entities. Let the court know of your interest in working through WINGS to improve state guardianship systems, avoid unnecessary guardianship, and prevent and address abuse.

The IGA supports this action and will be taking a good look at this RFP.

## **A Family Felony Results in Appointment of Public Guardian.**

By Scott Summers, J.D., Public Guardian, McHenry County.

Edward C., a widower, has been in declining health for years. Prior to a diagnosis of dementia, he had designated his daughter, Wendy T., as his agent under durable powers of attorney for property and health care.

Mr. C.'s woes were compounded about eighteen months ago when he suffered a stroke and became largely bed-bound. An area nursing home accepted him as a resident based on Wendy's assurances that she, as his agent, would apply for Medicaid on his behalf. Over the course of nearly a year, Wendy told administrators at the facility that she was "working on it." She repeatedly blamed the state for the delays.

Exasperated, the residential facility finally retained counsel and filed a petition for guardianship. Mr. C's two sons (both out-of-state residents) declined to serve. Wendy also declined. The local public guardian was nominated and subsequently was appointed by the court. Simultaneously, Wendy's powers of attorney were suspended.

As the public guardian investigated and attempted to marshal Mr. C.'s finances, it quickly became apparent that much was amiss. A checking account had been reduced to just a few dollars. The proceeds of Mr. C.'s monthly pension were being deposited directly to that account. However, the funds were routinely withdrawn as ATM transactions, thereby leaving no paper trail. A safe deposit box had been emptied and closed. Worse, the mortgage on Mr. C's now-empty home had gone unpaid for months; mail from the lender contained dire warnings of foreclosure.

The public guardian requested and received twelve months of Mr. C.'s credit card statements. They were riddled with highly improbable purchases: gasoline, groceries, restaurant meals, and liquor, among other things. The card itself had been maxed out for months.

With his findings in hand, the public guardian contacted law enforcement officials. They examined the guardian's evidence, investigated the circumstances, interviewed Mr. C. and the guardian, and referred the matter to the local prosecutor. The prosecutor subsequently filed charges.

Wendy T. soon will be going to trial for theft and for financial exploitation of the elderly - both felonies. Although financial recovery for Mr. C. is unlikely (a destitute Wendy is being represented by the public defender's office), perhaps some form of justice may yet be done.

A postscript: Having worked through the financial muddle, the public guardian succeeded in obtaining Medicaid benefits for Mr. C. As part of the award, the state agreed to pay retroactively for most (but not quite all) of the residential facility's many months of previously uncompensated care.

### **Program Features of Achieving a Better Life Experience (ABLE)**

Section 529A of the Internal Revenue Code, passed by Congress in 2014, allows for states to establish tax-advantaged savings vehicles to assist persons with blindness or disability developed before age 26 save for the future without putting their federal means-tested benefits at risk.

The Illinois State Treasurer is the administrator of Illinois' 529A program, called Illinois ABLE, which is a partnership with 13 other states to provide the most robust ABLE services at the lowest cost to beneficiaries. This multi-state partnership is called the National ABLE Alliance and represents roughly one quarter of the US disability population. The program is flexible to users who wish to invest and prevent from putting their federal benefits in danger, with six simple-to-use investment options and one banking product.

Eligible Expenses under ABLE include:

- > Education
- > Housing
- > Transportation

- > Employment training & support
- > Assistive technology
- > Personal support services
- > General health services
- > Prevention and wellness services
- > Financial management & administrative services
- > Legal fees
- > Expenses for oversight & monitoring
- > Funeral & burial expenses.

For more information please go to [www.illinoistreasurer.gov/Individuals/ABLE](http://www.illinoistreasurer.gov/Individuals/ABLE).

## **County Public Guardians and Administrators**

The Governor has the authority to appoint county public guardians and administrators. The function of the PG's and Administrators is:

*Public Administrators will administer estate of person who dies owning real or personal estate and no person in Illinois has prior right to administer estate. If the person was a nonresident of Illinois, an administrator may take such measures to protect estate. Public Guardians are appointed for disabled adults needing guardianship services to monitor their care and administer their estate. A Guardianship Estate under \$25,000 can be transferred to the Office of State Guardian. Contact the Circuit Clerk and Circuit Judge of your County for direction.*

It is quite important that if you are a provider of services for the disabled population that you are aware of whom the public guardians are and how they fit into the service delivery system. The website that follows at the end of this article will have the latest updated list of Public Guardians and Administrators.

One other important fact about PG's you should know. When you pull down the list and locate the PG for your county, you may note that 20 plus counties do not have a PG appointed. Maybe that is the case for your county. If you run into a situation where a PG is needed, please feel free to contact your County Probate Court and/or Circuit Court and alert them to your situation and ask them what to do.

Public Guardians and State Guardians are required to be certified by the national Center for Guardian Certification (CGC). Currently, in Illinois, family guardians and many professional guardians are not required to be nationally certified. Being a

guardian requires having knowledge and expertise in many areas. The IGA supports certification of guardians. If a county does not have a PG appointed, there is the likelihood that adequate representation and services may not be available. Go to the IGA website at [www.illinoisguardianship.org](http://www.illinoisguardianship.org) , click on **Resources** and then on Public Guardians and Administrators to see the list of public guardians by county. If you prefer, copy and paste the link below to go directly to the site.

<https://www.illinois.gov/sites/bac/SitePages/AppointmentsDetail.aspx?BCID=928>

### **State Finances by the Numbers**

\$11 Billion	Backlog of Unpaid Bills
150,000	Number of Vouchers Making up Backlog of Unpaid Bills
90%	Percentage of Bills that are Paid
\$1 Billion	Amount of Interest Accrued in Late Penalties
\$16 Million	Paid Interest Fees Accumulated in 2016
\$4 Billion	State Group Health Insurance Claims Accumulated
\$30 Million	Lost Investment Revenue Due to Budget Crisis
\$70 Million	Lost Bond Revenue in 2016

Source of information Southern News Services, Devan Patel, February 1, 2017

Those being served by human service agencies will continue to have a difficult time finding services in 2017 due to the lack of a state budget. How much the lack of a state budget affects the disabled, older, homeless, and others varies depending on with whom you talk. We all know of human services that have been drastically reduced and some even totally eliminated. Whether you are a caregiver, advocate, or guardian who is pursuing services for your loved one or client, it is more difficult than ever to arrange needed services.