

# The Guardian Bulletin



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

In early April we will post our May 10<sup>th</sup> Annual Meeting and Conference on the IGA website. Go to **Upcoming Events** to review the program schedule and to register. The conference will be held 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 **at no cost**. The training topics include "How Choices affect your Health, Family, and Longevity"; Religious Practices, Funeral Law and Organ Donation; "Myths and Facts of Immigration"; "Adult Protective Service -Abuse, Neglect, and Exploitation"; and a Public Guardian Roundtable.

An important piece of legislation has surfaced which will be interesting for the courts and persons petitioning to be a court appointed guardian for adults. HB2665 was introduced in February, 2017. A short description of the bill is State Guardian-Training Program. It was introduced by House Sponsor (D) William Davis of East Hazel Crest. The good news is HB2665 calls for guardian training. The not so good news is that it needs revisions before the IGA can endorse it. Agreement for revisions is difficult to make. The bill requires the State Guardian to prepare, **at no cost to the courts**, a training program for adult guardians. The training seems targeted toward family guardians and guardians of person(s) for whom there is no family relationship. There is more discussion on HB2665 later on in this bulletin.

Our featured articles follow.

## How I Got Involved in Family Guardianship

By Barbara Ellis, BSN, CCM, NCG in Florida

"The best we can do for your sister is to keep her out of the hospital ten months of the year." This was the psychiatrist's prognosis at a mental health facility many years ago. These devastating words had a profound impact on me, as I knew that if there was no normalcy in her life, there would be none in mine. These words became my motivation to finding a way to stabilize her schizophrenia diagnosis. This was no easy task as there were no effective medications at the time to accomplish this goal, and many unknown factors related to brain function, diet, nutrients, and the avoidance of neuro excitotoxins were yet to be identified.

When I did officially become my sister's legal guardian years later, there were no limited guardianship options. She did, however, understand that a court had given me the legal responsibility for making the major decisions in her life and that I was now going to be involved in every aspect of it. **Trust and my sister's ability to focus were keys to making our relationship work.** Both took years of practice. Eventually, it became clear to me that these were among the stages I identified to making better decisions with better outcomes.

## National Guardianship Association (NGA)

The NGA has approximately 1,155 members nationwide. The memberships are in a static growth cycle. The NGA has directed the State Affairs Committee to look at several areas. To assist the State Affairs Committee, NGA approved a director position to "enhance opportunities to develop mutual value through connection with groups of guardians in states."

- Encourage representatives of state affiliates to participate in a group sessions to exchange information with each other and hear from resource leaders.

- As requested by state organizations, volunteer leaders from NGA may fulfill speaking engagements on behalf of NGA as deemed appropriate by the Board/Executive Committee depending on financial considerations.
- The committee will develop strategies to better support current affiliates along with assisting them with legislative issues in their states (write letter, provide testimony, etc.)
- The committee will work with those states that have shown interest in becoming an affiliate. The committee will develop a plan of assistance.

The State Affairs Committee is also addressing guardian's duties. The *Guardian Bulletin* has included in the last several editions several successful guardianship cases to illustrate how guardians support and assist their clients. Terry Hammond, Director of Hammond Consulting, who is engaged by NGA, states that "the National Guardianship Network (NGN) is developing a website focused on a candid analysis of the need for improvements in guardianship, and also reflecting the heroic work of guardians and conservators."

Another issue that NGA has highlighted is the lack of "data" being collected on guardianship cases. Annual court reports, for example, are required by law but many courts either do not receive them or due to staff shortages have very little time to properly review them. Some of the data not being collected involves amount of funds expensed, income collected, assets protected from financial abuse, investments, medical consents, residential placements, visits, number of rights restored and more. Most state, county, and other professional guardians are aware of the need to file reports. However, the family guardian and guardians who have not received training may not know what reports are required. Therefore, the NGA wants to expand memberships and to stress the importance of "standards of practice and ethics" for all guardians.

### **HB2665 State Guardian-Training Program**

HB2665 was set for hearing on March 29<sup>th</sup> at the Trusts and Estates Law Subcommittee and the Judiciary Committee. The introduction of legislative action for guardian training is long overdue. There are various takes on HB2665. It is time guardian training becomes a requirement for other than state and public guardians,

and guardians certified by the Center for Guardian Certification (CGC). HB2665 is directed toward family guardians and those who become guardian for one or more unrelated clients. The goal of HB2665 is to have appropriate training for guardians. We cannot expect a family guardian in Pope County to fulfill their guardianship duties without knowledge of and access to resources that can assist them. Training would narrow the gap of knowledge and expertise needed to fulfill the role and responsibilities of a guardian. *Requiring national certification for all guardians may not be needed but court approved state training would protect the client's rights.*

The courts should promote and support guardian training. Meaningful court supervision of guardians should be a goal. If a guardian is found to be deficient in their role as guardian, they can be either replaced or must have access to refresher courses before they can continue as a guardian. The court appoints guardians who must be responsible for knowing and following their court order. An appropriate guardian training program would meet that goal. HB2665, with revisions, could make that happen. What are some of those revisions?

1. It is doubtful that the state guardian can take on such a training program given how much it would cost including staff time. Rather than have another unfunded mandate, a fee of, for example, \$10 added to the cost of a guardianship filing would pay for training. The courts would, in essence, fund training with the state guardian taking the lead. Ohio has recently gone with the state's high court funding training. 14,000 cases were processed in two years. Ohio Guardians now receive training that follow national standards of practice and ethics.
2. The bill has included in it "that one may act as a guardian by completing a state guardian training program" or "by another suitable provider approved by the court..." The Illinois Guardianship Association (IGA) could be a player in this as it has a *Guardian Manual* on its website. This manual is intended for the family guardian.
3. While it may be acceptable to exempt state and public guardians, nationally certified guardians, and attorneys in general, the various expertise and qualifications of guardians in Illinois has created a tiered guardian system. HB2665 is seemingly directed toward family guardians and also anyone wanting to be guardian for one or more unrelated persons. While national certification may be too costly and unnecessary in all cases, HB2655 needs to define what kind of training would be necessary. A

program that adheres closely to national standards of practice and ethics developed by the NGA is recommended.

4. HB2665 calls for state guardians to be appointed interim public guardian where no public guardian has been appointed by the Governor. This approach is taking cases out of the private sector and putting them in state coffers. The best way to approach this is to have a public guardian appointed in those counties where there is none. The fact that many counties are without an approved public guardian and administrator leaves those persons (including decedent cases) needing public guardian/administrators services without representation to protect their rights.

The IGA is committed to training for all guardians whether they are nationally certified, state certified, or to family guardians. The number of family guardians appointed in Illinois is not known. But we do know there are many and training would directly benefit their loved ones and anyone who is under adult guardianship. We will continue to track this bill and report results in the *Guardian Bulletin*.

## **Bringing Behavioral Health Into Communities**

The Illinois Department of Public Health (IDPH) is teaming up with Pilsen Wellness Center to provide greater access to behavioral health services for children, adolescents, and adults in communities outside the city of Chicago.

IDPH's five *Wellness on Wheels* mobile health vans are available to local health departments and community organizations across Illinois to provide a clinical setting to perform health screenings and services in areas with few health resources. Pilsen Wellness Center will be using one of the mobile health units to provide mental health treatment and tele-psychiatry services to people with limited access to these services.

"The *Wellness on Wheels* mobile health vans allow health care providers to reach more people who may not have access to health care," said IDPH Director Nirav D. Shah, M.D., J.D. "Making mental and behavioral treatment available in communities can help prevent expensive hospital visits and even jail time in some cases. We are excited to partner with Pilsen Wellness Center to provide treatment options."

Psychiatrists, psychologists, nurses, therapists, and other mental health

professionals will provide treatment and care. This team will work closely with family, doctors, schools, county agencies, and other partners. Pilsen Wellness Center programs and services will include:

- Consultation with treatment specialists
- Psychiatric evaluations and mental health assessments
- Tele-psychiatry services
- Individual psychotherapy sessions for children, adolescents, and adults
- Patient and family education
- Medication management

For more information contact Paul Naranjo with Pilsen Wellness Center at 773-579-0832.

### **State Week in Review on NPR**

*State Week in Review* is a weekly radio program that includes a panel of news reporters who discuss Illinois news and politics. The panel has discussed more than once that "one main reason the State of Illinois has not passed a budget is because most people do not feel the loss of services. If people are not happy they should have revolted in some way to get a budget in place." As of March 25th, the state of Illinois has accounts payable of \$12,500,000,000 and growing. That is \$12.5 BILLION.

Perhaps if the schools cannot open next fall or a university or two is reduced to having part-time instructors or enough bridges fall in or the holes in the road cause major car expenses, only then may the people demand action. It seems clear that with this kind of debt, Illinois will not get out of this hole for a long time. As of March 30<sup>th</sup>, SIU-C President Dunn is planning to recommend to the SIU Board of Trustees to "declare a short-term financial emergency."

Programs for the mentally ill and drug rehabilitation are disappearing. If you are a guardian or provider of services, please give us the facts that document how the lack of a state budget is harming your clients. Just go to our website at [www.illinoisguardianship.org](http://www.illinoisguardianship.org) and write to us on the Contact Us page. Thanks!