

The Enterprise

Facing scarcity of guardians, bill seeks to bolster ranks

By Tom Relihan

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A nonprofit group that seeks to expand the availability of public guardians, the Guardian Community Trust, says the state is facing a crisis of scarcity, with anywhere from 2,800 to 3,800 people who need guardians each year unable to access one. A proposed bill in the state Legislature would create a system where the private companies could be overseen by the state agencies, creating a pipeline to ensure guardians are properly trained and vetted and have the support they need.

BROCKTON – When someone is too sick or disabled to care for themselves and there’s no family around to step up to the plate, an individual may find themselves placed into court-ordered guardianship.

But a nonprofit group that seeks to expand the availability of public guardians, the Guardian Community Trust, says the state is facing a crisis of scarcity, with anywhere from 2,800 to 3,800 people who need guardians each year unable to access one.

It's a situation that left one Brockton woman hospitalized for months until a guardian could be found and she could be safely discharged, said Heather Connors, the trust's research director.

"They don't have family, friends, or money to pay for (a guardian,)" said Connors. But, she said, a new bill working its way through the state Legislature aims to change that.

The bill, Connors said, would create a public-private partnership between various state agencies that deal with people who might find themselves in a guardianship situation and private companies that offer the service. The law would create a system where the private companies could be overseen by the state agencies, creating a pipeline to ensure guardians are properly trained and vetted and have the support they need.

"We believe people deserve to have a guardian that allows them to get services they need, informed consent on medical issues, to protect them from financial issues, and to make safe and appropriate housing choices," Connors said.

"Without a guardian, people who lack the capacity to make these choices are incredibly vulnerable."

Teresa Kourtz, the director of protective services at Old Colony Elder Services in Brockton, where the trust recently put on an educational presentation, said the bill would go a long way in bolstering the ranks of well-trained, appropriate guardians.

Often times, Kourtz said the organization will receive complaints about potential abuse of elders – usually financial, sexual or neglectful in nature – where the current guardian themselves are the perpetrator of the abuse.

"We're often looking for available state guardianship slots, but those get taken very quickly. Sometimes we'll go back to a pool of lawyers or social workers we've used in the past who can be the substitute decision maker, but if they've taken on a lot of cases, they might be overwhelmed, or they aren't being paid enough for the amount of work that goes into it. It's a struggle."

Most guardians are family or friends of the person placed in guardianship, or public guardians appointed through the Department of Developmental Services,

the Department of Mental Health or another state agency. But people who don't qualify for either of those avenues could fall through the cracks, Connors said. The bill, she said, is designed to fix that.

Guardianship is a last resort for the most vulnerable, Connors noted, but it can be crucial in protecting an individual's rights and interests. With more training and oversight in place, Connors said the guardianship system could be improved to ensure its being carried out properly. Currently, she said, the only requirements to be a guardian are that the person is over 18 and has not been convicted of a felony.

When abuse by a guardian occurs, it's often accidental – a result of that lack of training, Connors said. “If a guardian hasn't been trained, that's why they're making mistakes, but we hope to create an Office of the Public Guardian that can take complaints and investigate.”

The presentation at Old Colony Elder Services was part of an ongoing statewide educational tour to Councils on Aging and other organizations or agencies that provide services to senior citizens or the disabled.

“It's meant to educate the frontline caregivers about tools and resources for caring for people who need guardianship,” she said. “Many have come across guardianship, but they don't know how it works so we're trying to educate them a bit more about what the process is.”