

Adult Guardianship & Decisional Support Act
Executive Summary

S1177/H3027, sponsored by Sen. Creem, and in the House by Rep. Brodeur, proposes a public/private partnership to provide decisional support for incapacitated individuals in crisis, who lack resources or relationships to obtain decisional support privately.

The partners will be a public agency and a private non-profit organization. The public partner will be a small state agency (The Executive Office of Adult Guardianship and Decisional Support Services) that will designate, support and oversee the private partner. The private partner will be a non-profit that will raise all of its own funds from non-governmental sources.

The statute also proposes less-intrusive alternatives to guardianship for those who have limited needs for decisional help. Autonomy, self-determination and dignity will be the primary values of the Office of Public Guardian.

The proposed statute includes the following specific elements:

1. Placement of Office of Adult Guardianship & Decision Support Services

The state office will be located in EOHHs, run by an Executive Director who reports directly to the Secretary. A proposed pilot project will require just five employees, including the Director and staff to support, supervise, audit and report on the operations of the self-funded non-profit agency that is providing all direct services.

2. Public Guardian as Independent Agency

The service provider will be selected by the state office and designated as the “Public Guardian,” but *no state funds will be provided*. The Public Guardian will be a local non-profit that is responsible for all of its own funding. (Much of the funding for a proposed pilot project already has been committed.) The partnership approach helps to contain costs, and encourages community involvement through a community-based Board of Directors.

3. Best Practices

The Public Guardian will develop standards and procedures to ensure the quality of services provided under the statute.

4. Least-Restrictive Approaches

The Public Guardian will evaluate referrals to determine, first, whether it agrees that guardianship is the least-restrictive way to help that individual, and second, whether there are any family or friends who could provide the service. If not, the Public Guardian can agree to serve.

* A COLLABORATION OF:

5. Funding

The Public Guardian already has more than \$500K of its \$830K budget committed for the first five years of its operations. This is private money, not a state contract. The intent is to keep the agency free of the pressures of public funding, and to ensure a stable, long-term financial structure to provide for the vulnerable population that it serves. A portion of the funds may come from fees in certain cases, where the incapacitated individual is found to have some resources, to the extent allowed by the courts.

6. Use of volunteers

The Public Guardian will have a professional staff, but it also will recruit and engage volunteers to handle many of the relationship-building tasks that are essential to providing high-quality guardianship services. Volunteers will be trained, supported and supervised. Communications will be centralized through a mail and dispatch function to be provided by the Public Guardian, in order to ensure quality of services. The Public Guardian will remain 100% responsible for the outcomes of services provided with the help of volunteers.

7. Education

In addition to providing guardians, the Public Guardian will disseminate information about ways to avoid guardianship, through Health Care Proxies, Durable Powers of Attorney and Medical Orders on Life Sustaining Treatment (“MOLST” forms).