


HOW TO GET GUARDIANSHIP OF A PARENT


What Does a Guardian Do?
The Responsibilities of a Guardian



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TODAY'S CONVERSATION




- A guardian has an extremely high level of responsibility and accountability for an incapacitated and vulnerable parent
- The actions of a guardian are subject to scrutiny by interested parties and may be challenged by family members, the healthcare system, the court, and government agencies

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KNOW YOUR STATE PROBATE AND GUARDIANSHIP LAWS




- File reports on time
- Provide the guardian letter to all healthcare providers ASAP after the hearing
- Understand when you must request court approval for certain actions
- Establish a close relationship with the conservator or the financial power of attorney

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SEEK ASSISTANCE WHEN NEEDED




- You will make difficult decisions that you have never had to make before
- Create the initial guardian report and care plan
- Commit to ongoing education
 - Manage care within financial constraints
 - Apply for public benefits
 - Implement and monitor the care plan

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COMMIT TO FAMILY VISITS AND INTERACTION

- Duty to promote social interactions and meaningful relationships with family members and friends (whether you like them or not)
- Peter Falk's Law – "Detective Columbo" (www.CatherineFalkOrganization.org)




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DAILY LIVING ENVIRONMENT

- You are responsible for overseeing care at the location where your parent lives- even if this is in the home with your healthy parent or elsewhere
- Monitor for health, safety, neglect, and potential abuse
- Marion's story



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CONFIDENTIALITY

Duty of confidentiality

- You decide what information to disclose to family members, service providers, and other community organizations
- Duty to create care plan information
 - Personal ID, legal documents
 - List of service and medical providers
 - List of medications and health diagnosis
 - Documentation of contact with all providers
 - Implement ongoing health assessments



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PERSONAL CONTACT

- At a minimum, a monthly visit by the guardian is required
 - Alternate options for visits
- Maintain ongoing communication with physicians, care agencies, and others involved in the care of a parent
- Document contacts and important details



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ADVOCATE FOR MEDICAL CARE

- Monitoring medical care can be time consuming - the details are extremely important
- Attend medical appointments, understand diagnosis, medications, treatment, risks and benefits of recommendations
- Obtain second opinions
- Identify warning signs for changes in condition to family and other caregivers



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RECOGNIZE AND AVOID CONFLICTS OF INTEREST

- A conflict of interest is a situation that arises when a guardian has a personal interest that can be viewed as self-serving
- Cannot pay yourself for any service that can otherwise be provided
- Cannot pay or employ family members or friends unless the relationship is disclosed to all interested parties and approved by the court in advance



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FULL DISCLOSURE AND SCRUTINY

- Act in a manner to substantiate decisions and actions – anyone can question your intentions
- Follow the compensation plan outlined in the guardianship, document all activities, the associated time, and the results
- Petition and file for payment approval with the court if there is a conservator otherwise submit billing to the financial power of attorney



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WELL-BEING OVER PRESERVATION OF THE ESTATE

- Priority is health, safety, and well-being
- Wards may outlive their financial resources
- Conserving money for an inheritance is NOT the priority



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SUMMARY

- Being a guardian is not for everyone
- A guardianship appointment can permanently damage family relationships including the relationship with your parent
- Being a guardian can ensure that a parent or other adult receives beneficial care and support

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- Pamela D. Wilson, MS, BS/BA, NCG, CSA
- Website: www.PamelaDWilson.com
- Additional programs and caregiver education are available at: <https://support.pameladwilson.com>

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