

DCM Tool ADULT: Open Cases

Court Monitoring of Protected Persons (CMPP)

Name: _____ Name of Guardian: _____
 Age: _____ Investigator: _____
 Case #: _____ Disability/Impairment(s): _____
 Date: _____ P/G lives with the guardian: **No**
 County: _____

Scoring Note:

"Current" = Within the previous year
 "Historical" = Within the previous 2 to 10 years

Definitions: Click on ? for definitions

P/G: Person Under Guardianship

Legal Factors

	No	Yes	N/A		Unknown	Score
L1 Multiple attorneys have represented the guardian		3			1.5	
L2 Guardian is charging fees that appear higher than normal-especially in relationship to overall assets and tasks accomplished		4			2	
L3 Guardian has ignored at least one request by the Court, including orders to appear		5			2.5	
	No	Yes,			Unknown	
		Low	Medium	High		
L4 Guardian has failed to file annual status reports (low=in previous 18 mo, med=previous 18 mo-3 yrs, high=previous 3+ yrs)		2	4	5	2.5	
L5 P/G has a history of criminal behavior		1	3	5	2.5	
L6 Individuals in P/G's life (other than guardian) have history of criminal behavior (e.g. individuals that live with P/G, spouses/partners of proposed guardian, etc).		1	3	5	2.5	

Total Legal Score 0.0

Social Factors (for Person Under Guardianship-P/G)

	No	Yes		Unknown	Score	
S1 A secondary party is involved to observe the situation or provide oversight of the P/G (e.g. extended family, employer, day program, etc.)	4			2		
S2 P/G currently appears to be in one or more unhealthy relationships- If YES, describe below ?		3		1.5		
S3 P/G's social activities have changed in the past 12 months to become more isolating		3		1.5		
S4 P/G has a history of missing scheduled activities and appointments		3		1.5		
	No	Yes,			Unknown	
		Low	Medium	High		
S5 Conflict exists amongst people important to the P/G (petitioner, cross petitioner, family members) If YES, describe below		1	3	5	2.5	

Residential Factors (for Person Under Guardianship- P/G)

	No	Yes		Unknown	Score
R1 P/G appears to lack residential stability (e.g. at risk of immediate discharge or eviction, moves frequently, etc.)		5		2.5	
R2 P/G requires a higher level of care AND there are no plans to move the P/G ?		5		2.5	

Residential Description:

Total Residential Score 0.0

Medical or Health Factors (for Person Under Guardianship- P/G)

	No	Yes	N/A			Unknown	Score
M1 Benefits are available to the P/G and the guardian has not applied or may need additional help to apply ?		1				0.5	
M2 P/G currently has an established medical provider	2					1	
M3 P/G has a mental health diagnosis AND has an established mental health provider	3					1.5	
M4 P/G appears to have unmet medical needs- If YES, describe below ?		3				1.5	
	No	Yes,			Unknown		
		Low	Medium	High			
M5 P/G has complex medical needs (e.g. multiple conditions/diagnoses and frequently requires services from different practitioners in multiple settings) ?		2	3	4	2.1		
	No	Yes,			Unknown		
		Current	Historical				
M6 P/G has issues with substance abuse (alcohol, drugs, prescription meds, etc.)		5	4		2.5		
M7 P/G has mental health issues (e.g. depression, anxiety, etc.)		5	4		2.5		

Medical or Health Description:

Total Medical/Health Score 0.0

Person Under Guardianship (P/G)

	No	Yes		Unknown	Score
P1 P/G requires total care and cannot perform activities of daily living such as feeding, bathing, dressing, etc. without assistance ?		5		2.5	

	No	Yes		Unknown	Score	
P2 P/G objects to:						
a) Guardianship		1		0.5		
b) Guardian(s) OR		4		2		
c) ONE of the Guardians (if more than one)		2		1		
P3 P/G has history of mental or physical abuse or traumatic events	?	4		2		
P4 P/G has experienced recent traumatic events in previous year (separate from abuse reported in P3)		5		2.5		
	No	Yes,			Unknown	
		Low	Medium	High		
P5 P/G has difficulty communicating basic needs & wants	?	3	4	5	2.5	
P6 P/G has maladaptive behaviors (e.g. social isolation, excessive gambling, or self-injurious behavior)	?	3	4	5	2.5	
P7 There are indications of self-neglect and/or neglect of the P/G from the guardian	?	3	4	5	2.5	

Person Under Guardianship Description:

Total P/G Score 0.0

Guardian

	No	Yes,			Unknown	Score
		Current	Historical			
G1 Guardian has a history of:						
a) Violent crimes, exploitation, abuse, neglect, sex offense or any other felony convictions		5	4		!	
b) DUI's or misdemeanors		1	0.5		0.6	
c) Recent or repetitive criminal behavior		4	2		2.1	
d) Abuse of drugs or alcohol		4	3		2	
	Yes	No,			Unknown	
		Low	Medium	High		
G2 Guardian is visiting the P/G at least monthly (if "NO", low= close to monthly, medium= at least twice a year, high= less than twice a year)		2	3	4	!	
	No	Yes,			Unknown	
		Low	Medium	High		
G3 Guardian talks about being exhausted or overwhelmed		2	3	4	2.1	
G4 Guardian controls access to the P/G		3	4	5	2.5	

	No	Yes,			Unknown	Score
		Low	Medium	High		
G5 There is a pattern of complaints against the guardian, including complaints filed with the court. (low=once, medium= 2-4 times, high= 5+ times OR 1 formal court complaint)		1	3	5	2.5	
G6 Guardian has a pattern of ignoring requests for information from others (e.g. family members, GAL, attorney, outside agencies) (low=once, medium= 2-4 times, high= 5+ times)		1	3	5	2.5	
G7 Guardian receives income from P/G AND no separate conservator is appointed	No	Yes, Some All			Unknown	
		2.5	5		!	
G8 Guardian is the representative payee for P/G ?	No	Yes			Unknown	
		1			0.5	
G9 Guardian has been the subject of a substantiated APS allegation at any time		5			!	
G10 Guardian has had allegations against them in a child protection proceeding at any time		5			!	
G11 Guardian has requested to resign at some point during guardianship		5			2.5	
G12 Guardian depends on the P/G for:						
a) Living arrangements ?		5			2.5	
b) Benefits ?		3			1.5	

Guardian Description:

Total Guardian Score 0.0

Number of Unknown: 0

DCM TOOL ADULT: OPEN CASE

Court Monitoring of Protected Persons

Name: **Carol Smith**

Name of Guardian: **Robin Jones**

Age: **75**

Case No: **CV-2015-0001**

Date: **6/22/16**

Disability/Impairment(s): **Alzheimer's**

Background

Carol Smith was born in Boise, Idaho and has lived in Meridian, her current town most of her life, except for 14 years that she moved with her husband, Robert, during his military career. They were married over 50 years and raised 4 daughters and 1 son. The couple had a good marriage. Carol and her children indicate that Robert and her family have been her whole life, and that she has always been content spending time with them, rather than with friends or neighbors.

Several years ago, Carol, Robert and son Lonnie started their jointly owned business in Meridian. The family business did very well, running fairly smoothly until approximately three years ago when Lonnie and his father began to have issues over Robert loaning money to family and friends. Lonnie became concerned that the business might be lost if Robert continued to give away money. Although other family members also worried about Robert's loans, some animosity started to grow between the siblings, as they didn't like Lonnie and their father fighting. Carol maintained a fairly low profile as a one-fourth owner in the business, preferring her role as homemaker.

Three years ago, Robert died at home, despite Carol's attempts at CPR until the paramedics arrived. Upon Robert's death, although Carol became half-owner in the family business, she no longer wanted to be involved. Lonnie and his wife bought Carol's half interest and continue to own and run the company today. Carol receives monthly payments for her share of the business.

Parties

Carol Smith-Person under Guardianship

Robert Smith-Carol's Deceased Husband

Robin Jones-Guardian and Carol's Oldest Daughter

Tessie Anderson-Carol's Youngest Daughter

Lonnie Smith-Carol's Son

Legal Factors

An attorney represents Carol and a Guardian ad Litem was appointed to investigate the circumstances of the case. The guardian, Robin Jones, files reports on time and is compliant with all the requirements of the guardianship. There have been some family conflicts which have resulted in several hearings over the care of Carol, but most of them have been resolved. There is no criminal history for any of the parties.

Social Factors

Carol is a very private person and does not wish to socialize outside of family. Four of her five children get along well and agree with the guardianship. The youngest daughter, Tessie, has caused extreme conflict within the family and disagrees with her sister being guardian, where her mother is placed and treatment objectives. Tessie will often visit with her mother while agitated and will reenact the family conflict with her mother, trying to get Carol to take her side. Carol is often exhausted after these visits. The court has ordered the visits to be monitored and reports from the visiting coordinator indicate that on multiple occasions Tessie was late, had emotional outbursts, and failed to follow requests and provided food that aggravates Carol's health issues. The siblings have been supportive of the visits since Carol and Tessie love each other, but Tessie needs to follow the rules and control her emotions in front of Carol.

Residential Factors

Carol lived in the family home for several years after her husband's death, with the siblings taking turns spending nights in the home so Carol would not be alone. She moved in with her daughter Robin, the current guardian, and Robin's husband after Carol's mental capacity deteriorated to a point she could not take care of herself. After a year in this arrangement Robin and her husband went through a contentious divorce and Carol and Robin were required to move to Boise and are currently in an apartment.

Medical or Health Factors

Carol has been diagnosed with Stage 2 Alzheimer's, moderate depression, irregular heartbeat, and Asthma. She has difficulty with clothes, bathing, eating healthy, identifying the time and days of the week, immediate short term memory and confuses stories, facts, and events. She is on multiple medications and needs constant monitoring to ensure she takes her medications as prescribed. If she does not take her medications she experiences rapid declines in functioning and cognition.

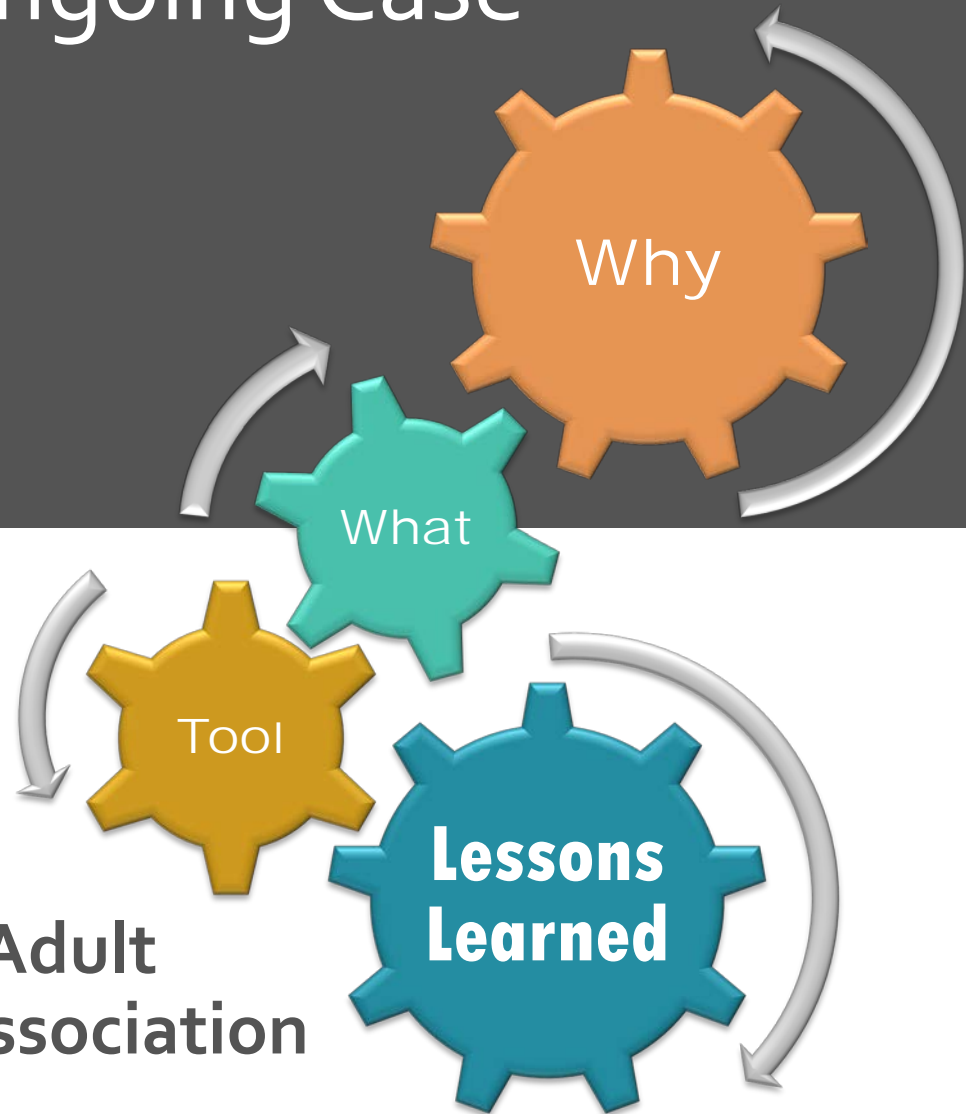
Factors Regarding Person under Guardianship

Carol sleeps extensively throughout the day and is cranky and combative about eating. She is agitated and cries easily. Carol misses her husband and requests to visit his grave on a daily basis. Generally her caretakers comply with this request. Carol is obsessed with makeup and doing her hair and will sometimes take hours to fix her appearance prior to going out. She has also turned into an eavesdropper and will stand outside of doorways and in the hallway to listen to conversations. She has a hard time accepting boundaries and will become pushy, argumentative and childish.

Factors Regarding Guardian

Carol's oldest daughter, Robin, is her guardian. She is a teacher and has a teenage daughter that lives with them who spends considerable time with her grandmother and has a very good relationship. Robin has considerable social support and appears able to handle her current responsibilities. She reports things are going well but recognizes as her mother's health deteriorates she may need to rethink long term care. There is a separate professional accountant appointed as conservator to manage Carol's money, and Robin has indicated she appreciates not having to deal with the finances. Even as Robin reports Carol's numerous needs and demanding day to day caretaking, Robin's outlook appears very cheery and reports needing no additional support.

Identifying Risk Factors and Processes to Assist with Ongoing Case Management



27th Annual National Adult
Protective Services Association



goo.gl/UMnFsf



Court Monitoring of Protected Persons (CMPP)

ConsumerMan on  NBCNEWS.com

Financial abuse costs elderly billions

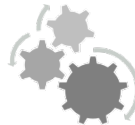
As boomers age, scammers find targets ripe for taking

FRIDAY, FEBRUARY 21, 2014

IDAHO Idaho Caregiver Charged With Horrific Treatment of Elderly

POSTED BY **GEORGE PRENTICE** ON FRI, FEB 21, 2014 AT 9:34 AM

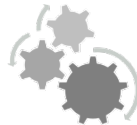
Mickey Rooney Headlines Senate Hearing on Confronting Growing Problem of Elder Abuse





*"Converging trends have escalated the need for **INNOVATIVE** and **IMPROVED** guardianship and conservatorship practices including: the graying of the population; the aging of individuals with disabilities; the rising incidence of elder abuse; and the growing mobility that has pulled families apart."*

Chief Justice Roger Burdick
2013 State of the Judiciary



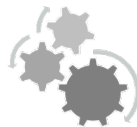
Project Purpose



Protection · Education · Empowerment

Who is the most important to engage at the beginning to ensure momentum and success?

1. Attorney Practitioners
2. Judiciary
3. Adult & Child Protective Services
4. State Legislature
5. Health Care Providers
6. Other



Innovative Practices to Pave the Way



Online Training



Conservator/Guardianship Training Program



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Courses

Conservatorship

Guardianship

Introduction

General Powers and Duties

Reporting

Specific Requirements

Compensation and Expenses

Guardian Process

Initial Steps

Guardian - The Process

Cautions and Concerns

Guardianship :: Introduction

View

Edit

Guardian/Conservator Online Training

Introduction

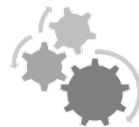
Welcome to your new experience as a guardian or conservator. In this section you will learn some of the differences and similarities of guardians and conservators and the relationship they have to the court. We will discuss responsibility and authority as these words apply to guardians and conservators, and some of their legal requirements.



Complaint Process



*"A disabled adult's legal guardian, Toni Hays (mother), used her developmentally disabled ward's **Medicaid funds for her personal use**, rather than for the goods that had been pre-authorized by DHW (ensure dietary supplement and Depends incontinence supplies). Rather than purchasing her son's pre-authorized goods, she used the check issued to purchase a **Blu-ray player, decorative scarecrows, soda and other miscellaneous items.**"*



Complaint Process

Before

NOTHING

After

Complaint Filed



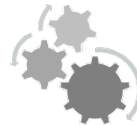
Communication with
Complainant



Court Action



Communicate Outcome



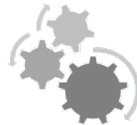
Eldercaring Coordination

A dispute resolution option specifically for those high conflict cases involving issues related to the care and needs of elders



Which of these innovative practices do you have in your own state?

1. Special Guardianship or Conservatorship Training?
2. Formal Complaint Process?
3. Eldercaring Coordination?



Court Monitoring of Protected Persons (CMPP)



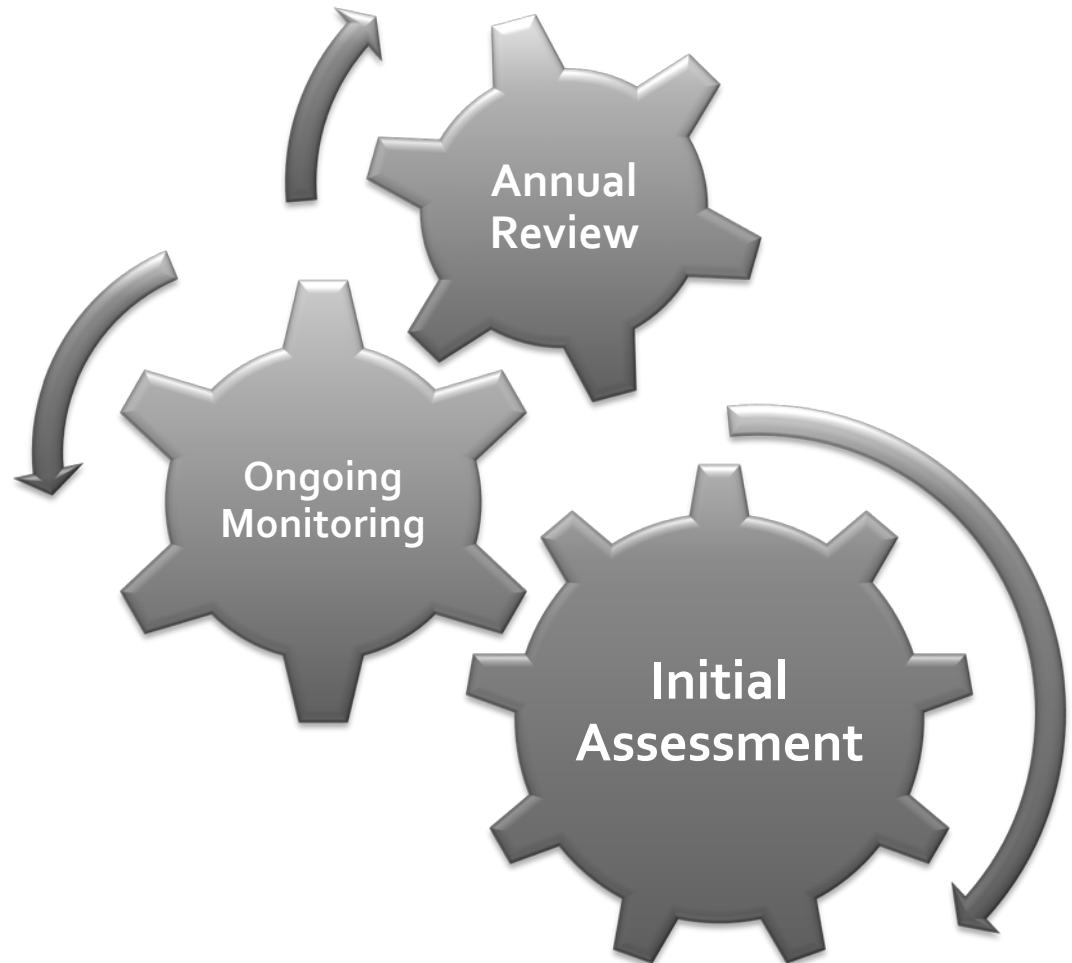
Before You Start

- Case Cleanup
- District Coordinator
 - Resource: Judges, attorneys, public
 - Informal complaints
 - Case monitoring
- Stakeholder Engagement
- Relationship Building



Primary Activities

*HOW we are
doing the
innovative
and improved
practices...*



Step 1: Initial Assessment

Differentiated Case Management (DCM) Tool

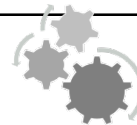
Sections:

- Legal
- Social
- Medical
- Residential
- Protected Person
- Guardian

DCM Tool ADULT: Open Cases	
Court Monitoring of Protected Persons (CMPP)	
Name:	Name of Guardian:
Age:	Investigator:
Case #:	Disability/Impairment(s):
Date:	P/G lives with the guardian: No
County:	<input type="text"/>
Scoring Note:	Definitions: Click on <u>?</u> for definitions
"Current" = Within the previous year	P/G: Person Under Guardianship
"Historical" = Within the previous 2 to 10 years	

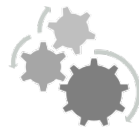
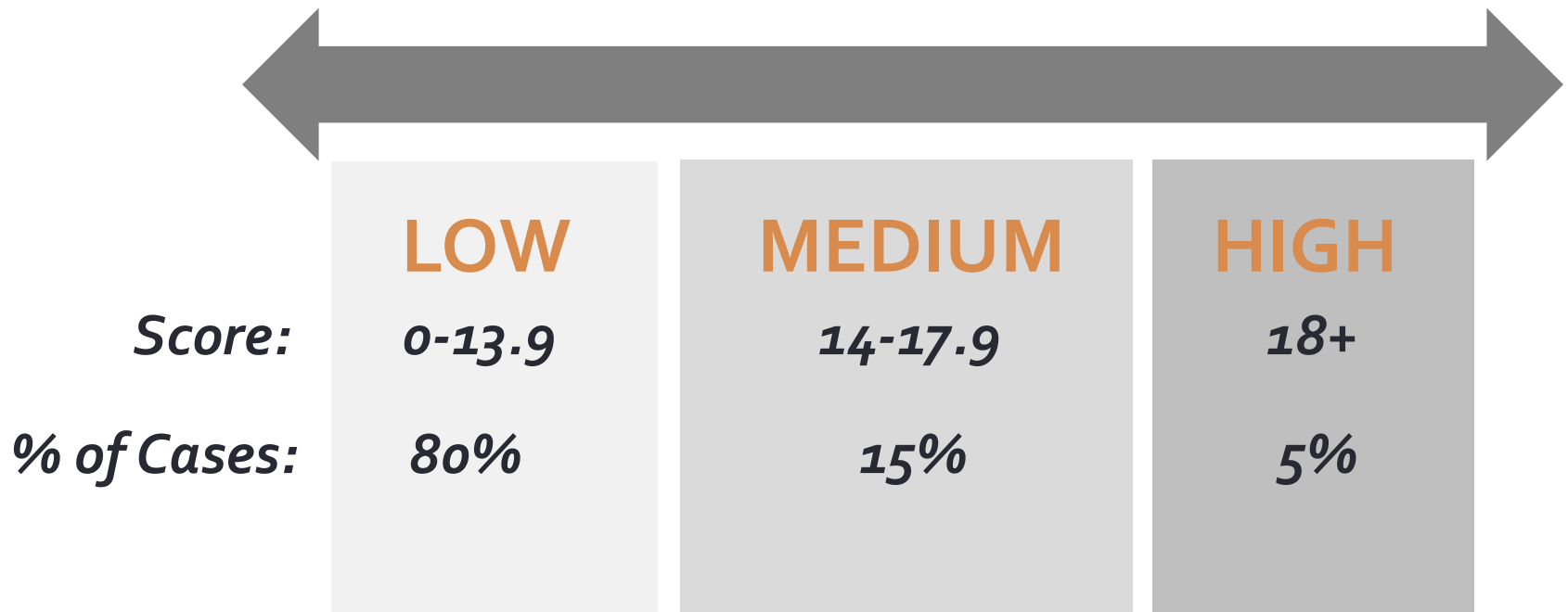
Legal Factors

	No	Yes	N/A	Unknown	Score	
L1 Multiple attorneys have represented the guardian					0	
L2 Guardian is charging fees that appear higher than normal-especially in relationship to overall assets and tasks accomplished					0	
L3 Guardian has ignored at least one request by the Court, including orders to appear					0	
	No	Yes, Low Medium High			Unknown	
L4 Guardian has failed to file annual status reports (<i>low=in previous 18 mo, med=previous 18 mo-3 yrs, high=previous 3+ yrs</i>)					0	
L5 P/G has a history of criminal behavior					0	
L6 Individuals in P/G's life (other than guardian) have history of criminal behavior (<i>e.g. individuals that live with P/G, spouses/partners of proposed guardian, etc.</i>)					0	
Total Legal Score					0.0	



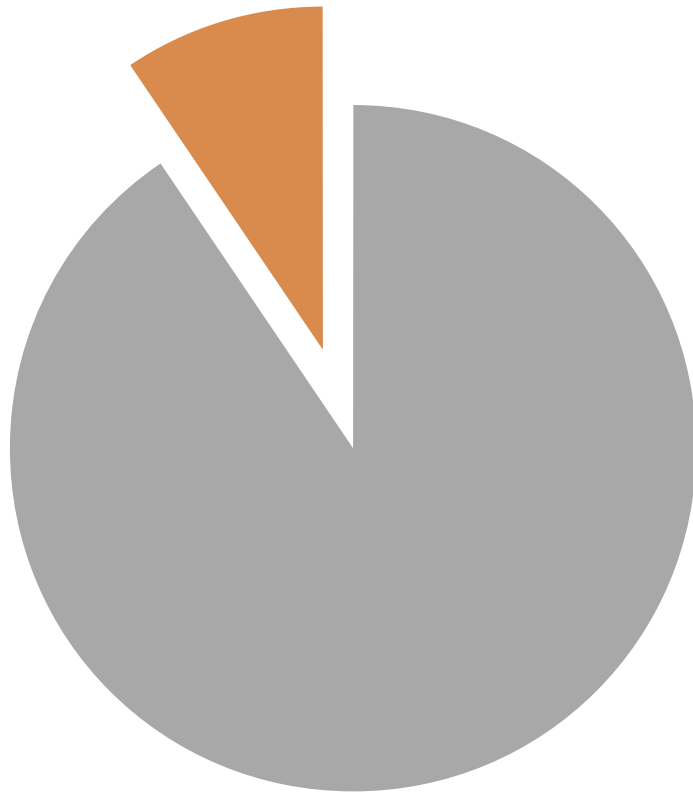
Step 2: Monitoring

Monitoring Assigned



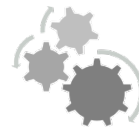
Step 3: Annual Review

10% of Annual Reports are FLAGGED



Possible Follow Up Actions:

- Judicial Review
- In Person Visit
- Phone Call
- Referred to:
 - GAL
 - CP
 - APS



Case: CV-2015-0001



Carol Smith:

Person under Guardianship

Robert Smith:

Carol's Deceased Husband

Lonnie Smith:

Carol's Son

Robin Jones:

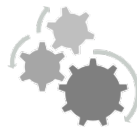
Guardian (Carol's Oldest)

Tessie Anderson:

Carol's Youngest

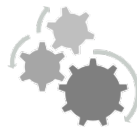
Legal Factors

- *What protective factors do you see in this case?*
- *Do you feel the score matches your level of concern?*



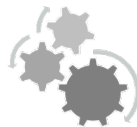
Social Factors

- *What concerns you the most about the social factors? Why?*
- *What else would you want to know about this case?*



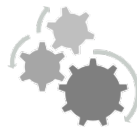
Residential Factors

- *What additional information do you think you might need to know?*
- *How concerned are you that the person under guardianship might require a higher level of care?*



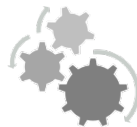
Medical or Health Factors

- *What concerns you the most about the medical or health factors?*



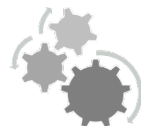
Person Under Guardianship

- *Knowing what you do about the person under guardianship, how would that affect your follow-up of this case and how you ask her questions during potential home visits?*
- *How might you interact with her?*



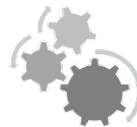
Guardian

- *How would you interview the guardian moving forward?*
- *What questions would you want to ask the guardian?*

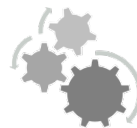
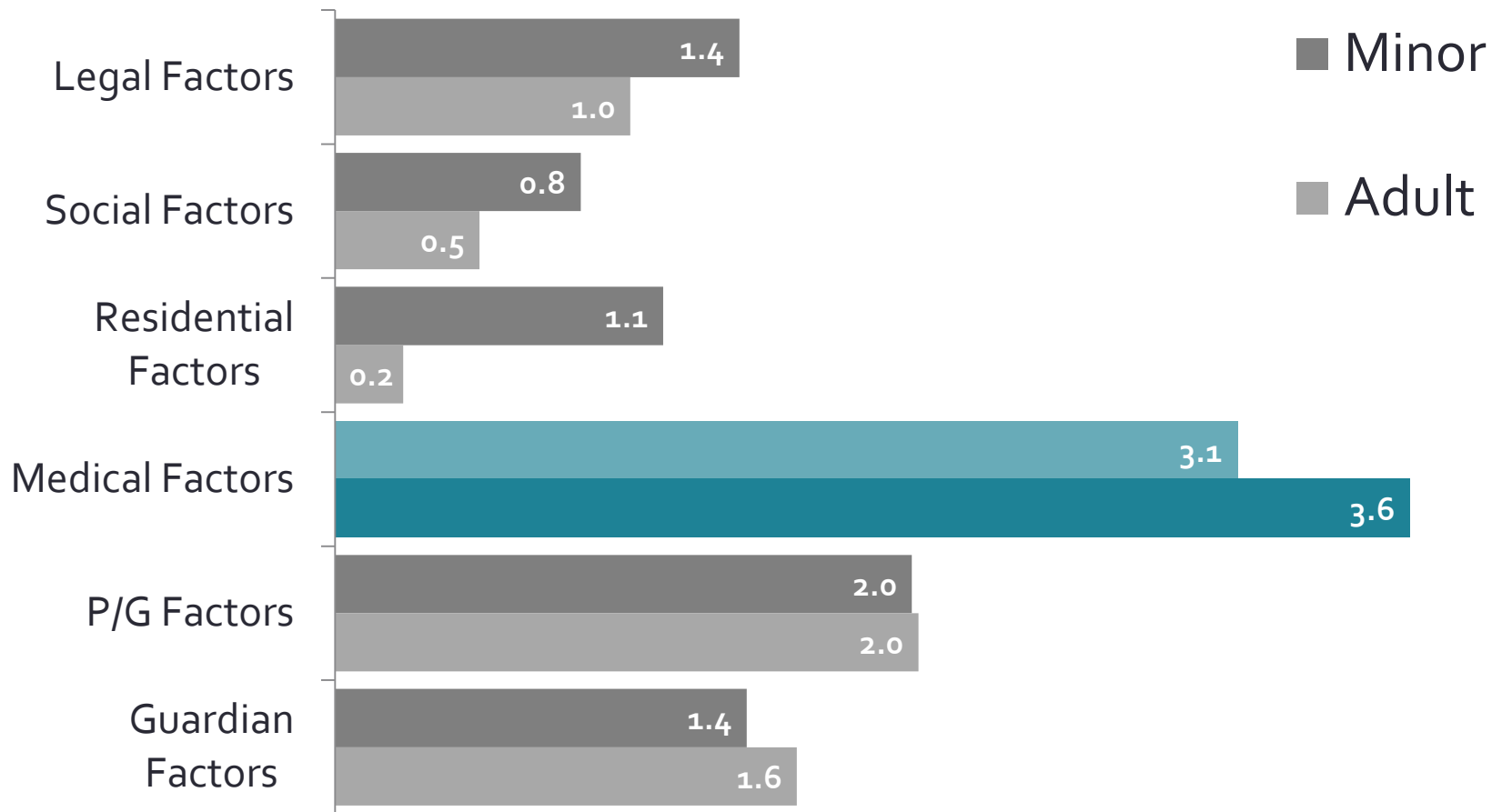


Which section of the tool, on average, do you think typically scores the highest?

1. Legal
2. Social
3. Residential
4. Medical/ Health
5. Person Under Guardianship
6. Guardian



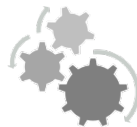
Answer: Medical



HIGH Level of Monitoring

Required Monitoring Activities:

- Yearly status report review
- Yearly court records search
- In-person visit



HIGH Level of Monitoring

Optional Monitoring Activities:

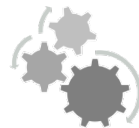
- Status hearings
 - Every 6 months
 - Other frequency (describe) _____

- Require updated care plan

- Guardian interview
 - In-person
 - Telephone

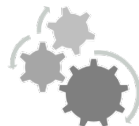
- Collateral contact interview
 - Quarterly
 - Every 6 months
 - Other _____

- Other (describe) _____



What additional monitoring would you recommend?

1. Status Hearing
2. In Person Visit
3. Telephone Contact
4. Collateral Contacts
5. Updated Care Plan
6. Other



Lessons Learned



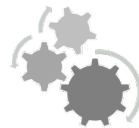
- Relationship Building
- Collaboration with agencies
- Community Engagement
- Understanding Stakeholders roles in the system
- Resource Allocation
- Competing Priorities

Next Steps

- Further validation of DCM Tool
- Software for Coordinators
- Statewide Rollout



Q & A



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