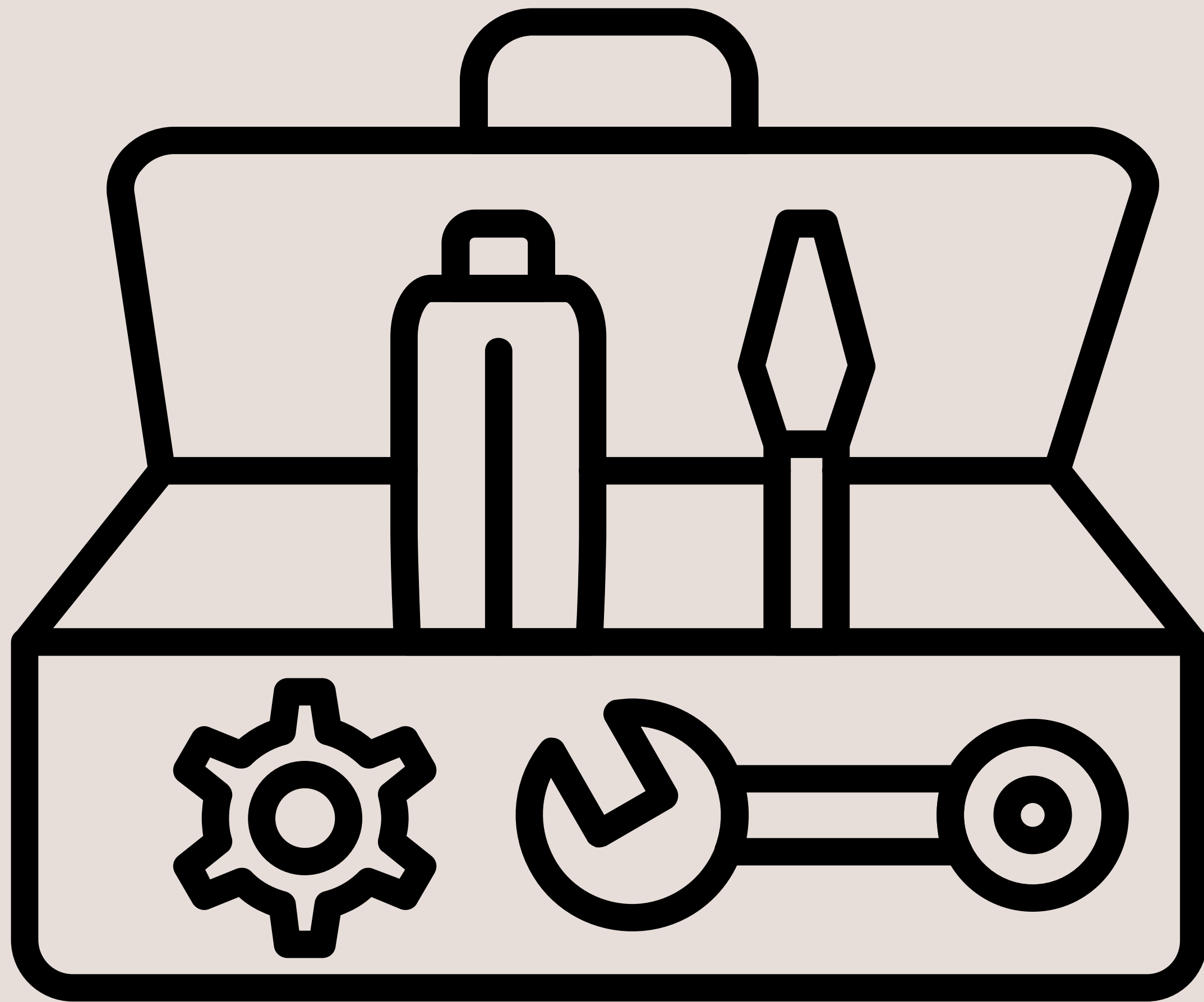


parent

WORKSHOP

GUARDIANSHIP AND
ALTERNATIVES



Catherine Lucey-Meagher
Transition Specialist
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WHO IS THE ARC OF NEW JERSEY?

We are the state's leading advocacy and service provider for people with intellectual and developmental disabilities and their families.

Our services include:

Advocacy
Public policy
Community outreach
Information & referrals

Our programs include:

Children's Advocacy
Criminal Justice Advocacy
The Family Institute
Governmental Affairs
Healthcare Advocacy
Planning for Adult Life (PFAL)
Project Hire
Self Advocacy
Training and Consultation Services



WHO IS PFAL?

Planning for Adult Life is a statewide project funded by the NJ Division of Developmental Disabilities (DDD) to assist young adults (between the ages of 16-21) with developmental disabilities and their families in charting a life course for adulthood.

We want students and their parents to be excited about their next important step...and teachers to be excited to get them there!



WHAT DOES PFAL DO?

For teachers:

- Professional development workshops
- Customized presentations
- Classroom lessons
- Transition Coordinator task forces
- Webinars
- Monthly newsletters
- “Office hours”
- Live events
- Surveys

WHAT DOES PFAL DO?

For parents:

- Boot camps:
 - Postsecondary Education/Employment
 - Entitlement Programs and Eligibility/the “how-to’s” of paperwork
 - Legal/Financial Planning
 - Health/Behavioral Health
 - Housing
 - Self-Direction
 - Building/Maintaining Community Ties and Friendships
 - Planning/Visioning a Life Course

WHAT DOES PFAL DO?

For parents:

- “Meet Us in the Middle (of the Month)” webinars
- Parent community circles
- Live events
- Newsletters
- Customized presentations at schools/school districts and community spaces
- Extensive website with lessons/activities, blogs, videos, and resources
- Information & referrals

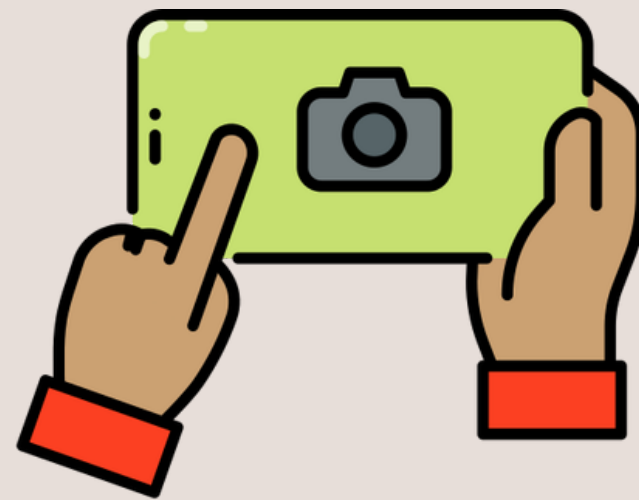
Tonights Presentation is an overview. For more information, visit our website:



Healthcare Advocacy
for SSI, Medicaid information



The Family Institute
for DDD, guardianship, and
housing information



GUARDIANSHIP: WHAT IS IT? WHY IS IT IMPORTANT?

WHAT IS GUARDIANSHIP?

At 18, your child reaches the legal age of majority-- which means you are no longer the legal decision-maker

Most people with developmental disabilities are able to manage their own affairs with support and guidance from others.

Guardianship is only appropriate when the courts find the individual to be incapacitated.

GUARDIANSHIP & ALTERNATIVES

WHEN:

The application cannot be submitted to the court before the individual's 18th birthday.

WHO:

A trusted adult would make a good guardian.

Parent

Siblings

Anyone else who has the individual's best interest at heart



GUARDIANSHIP & ALTERNATIVES

HOW:

- Application needs to be submitted to the court, including:
- A verified complaint
- Two doctor certifications (or one doctor and one psychologist) to examine the individual within 30 days of the application being submitted to the court.
- Affidavit of assets
 - This can be done with or without an attorney's help (without = "pro se")
- The court will set a hearing date and appoint an attorney for the individual with a disability
- The court will determine if a guardian is appropriate, then set a hearing or assign a guardian

GUARDIAN: WHAT ARE THEY AND WHAT DOES IT INVOLVE?

What is a guardian?

- A person (18 years of age or older) or agency appointed by a court to make personal decisions for an individual who is incapable of making some or any decisions independently
- New Jersey law allows for limited guardianship-- guardian can make decisions in some areas, but not all areas of the individual's life

GUARDIAN: WHAT ARE THEY AND WHAT DOES IT INVOLVE?

Duties of a Guardian:

- Advocate for the independence of the individual
- Discuss decisions with the protected person and consider their input/preferences
 - If preferences are unknown/potentially harmful, make decisions based on their best interest
- Arrange services for the person's health, education, and welfare
- Visit with the person frequently (at least once every 3 months)
- Provide appropriate activities & social opportunities for the person
- File periodic reports about the well-being of the person

GUARDIAN: WHAT ARE THEY AND WHAT DOES IT INVOLVE?

Duties of a Guardian:

- Make medical decisions for the individual, considering the following:
 - conditions that make treatment necessary
 - person's preferences
 - risks and benefits of all alternatives
 - time considerations for taking action
 - less restrictive alternatives
 - additional opinions, if helpful
- Inform the Surrogate of any major changes in health/welfare of the person
- Notify the Surrogate of any changes in your address or the person
- Inform the Surrogate upon the death of the person

TYPES OF GUARDIANSHIP AND ALTERNATIVES:

- Plenary (full) guardianship
 - Guardianship of Person: decisions on housing, medical treatment, education, vocational services
 - Guardianship of Property: legal and financial decisions
- Conservatorship (primarily financial)
- Representative Payee for Social Security Benefits (they receive the check)
- Power of Attorney (one or more persons the power to act on your behalf)
- Health Proxy (healthcare decisions)
- Limited Guardianship (individual retains authority according to functional ability)

GUARDIANSHIP AND ALTERNATIVES

SUPPORTED DECISION-MAKING

Not everyone needs to have a guardian!

Some people just need a good team behind them (and don't we all?)...

Promotes self-determination, communication, control, independence, and autonomy

Write a “Supported Decision-Making Agreement”



WHERE DO I BEGIN?

All guardianship appointments require a judgement rendered by a Superior Court Judge

Families can pursue guardianship by:

- representing themselves (pro se)
- through an attorney
- with assistance of the Bureau of Guardianship Services (BGS)

Pro se*: without a petitioning attorney

Attorney: this is the only option IF guardianship is to be of person and property

BGS: only able to assist people who are eligible to receive DDD services and no one else is available to serve as a guardian-- slower process than pro se or through an attorney

WHAT SHOULD I READ?

Pro se forms:



Planned Lifetime Assistance Network of NJ



Guardianship GO bag:



WHAT IS THE PROCESS?

Step 1: Identify a guardian or co-guardians

Step 2: Complete a psychological or medical evaluation within a month of filing

Step 3: Receive a court recommendation:

- Based on psychological evaluation, a recommendation is made as to whether legal guardianship is needed

Step 4: File paperwork with the court:

- After getting forms signed and notarized they will get filed with the Superior Court in the individual's county of residence

Step 5: Conduct a hearing (if necessary):

- If the Public Advocate does not oppose appointing a guardian, the court reviews the paperwork and signs Judgment

Step 6: Obtain a court Judgment:

- Once the court sign the Judgment appointing a guardian, the individual and his/her family will receive a copy of it

ALTERNATIVES TO GUARDIANSHIP

Living Wills: make your wishes known, whatever they may be, and should summarize your medical care wishes as well

Durable Power of Attorney for Health Care: Included in living will-- designate a person to make health care decisions on your behalf

Person-Centered Planning: involves a group of people-- family and/or friends who focus on the individual's vision of what they would like to do in the future (ongoing process)

Supported Decision-making: series of relationships, arrangements and agreements designed to assist an individual with a disability to make decisions and communicate to others about the individual's life

GUARDIANSHIP AND ALTERNATIVES

SUPPORTED DECISION-MAKING

Not everyone needs to have a guardian!

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SUPPORTED DECISION-MAKING AGREEMENT EXAMPLE

Supported Decision-Making Agreement
developed by Center for Public Representation

This is the Supported Decision-Making Agreement of

Name : _____ Date of birth: _____

Address: _____

Telephone: _____ Email: _____

A. I need supporter(s) to help me make decisions about:

- Taking care of my financial affairs, like banking
- Hiring a lawyer if I need one and working with the lawyer
- My health care, including large and small health care decisions
- Personal care (like where I live, the support services I need, managing the people who work with me, my diet, exercise, education, safety and activities)
- Other matters: _____

B. I expect my supporter(s) to help me in the following ways:

- Giving me information in a way I can understand
- Discussing the good things and bad things (pros and cons) that could happen if I make one decision or another
- Telling other people my wishes
- _____

SUPPORTED DECISION-MAKING AGREEMENT EXAMPLE

C. I express myself and show what I want in the following ways:

- Telling people my likes and dislikes.
- Telling people what I do and do not want to do.
- _____
- _____

D. I designate the following individual(s) to be part of my Supported Decision-Making Network to assist me in making decisions.

Network Supporter #1

Name: _____ Date of birth: _____

Address: _____

Telephone: _____ Email: _____

Relationship: _____

Areas of Assistance for Supporter #1: *Check all that apply:*

- Finances Healthcare Living Arrangements
- Relationships/Social Employment Legal Matters
- Other** *(please specify):*

Areas I don't want Supporter #1 to assist me with:

Network Supporter #2

Name: _____ Date of birth: _____

Address: _____

SUPPORTED DECISION-MAKING AGREEMENT EXAMPLE

Telephone: _____ Email: _____

Relationship: _____

Areas of Assistance for Supporter #2: *Check all that apply:*

Finances Healthcare Living Arrangements

Relationships/Social Employment Legal Matters

Other *(please specify):* _____

Areas I don't want Supporter #2 to assist me with: _____

Network Supporter #3

Name: _____ Date of birth: _____

Address: _____

Telephone: _____ Email: _____

Relationship: _____

Areas of Assistance for Supporter #3: *Check all that apply:*

Finances Healthcare Living Arrangements

Relationships/Social Employment Legal Matters

Other *(please specify):* _____

Areas I don't want Supporter #3 to assist me with: _____

Use the reverse side of this document to list additional supporters.

SUPPORTED DECISION-MAKING

What is the process?

1. Choose who the individual would like to have as a Supporter (can have more than 1)
2. Decide which life decisions they may help the individual with-- these may include:
 - a. Obtaining food, clothing and a place to live
 - b. Physical health
 - c. Mental Health
 - d. Managing money or property
 - e. Getting an education or other training
 - f. Choosing and maintaining services and supports
 - g. Finding a job
3. Choose how the supporter should help--may include:
 - a. Giving information in a way the individual can understand
 - b. Discussing the good & bad things (pros and cons) of a decision or another
 - c. Telling other people the individual's wishes
4. If choosing more than one supporter, decide how they will act-- could be
 - a. Jointly
 - b. Successively

SUPPORTED DECISION-MAKING

Benefits:

- Least restrictive option for when your child turns 18
- Helps people with disabilities to:
 - Understand information, issues & choices
 - Focus attention on decision-making
 - Weigh options
 - Ensure decisions are based on their own preferences
 - Interpret and/or communicate decisions to other parties
- Studies show people with disabilities who exercise greater self-determination have a better quality of life, display more independence and are more likely to be employed and involved in the community
- Guardianship is difficult to modify or terminate

PERSON-CENTERED PLANNING

You and those who you have been invited to plan with you, look at your capacities.

A successful person-centered plan will:

- Remain strengths-based, culturally informed, and whole-person focused.
- Achieve balance between what is important to the person and what is important for the person.
- Clearly reflect the person's goals and outline a plan to achieve them, as well as how to monitor progress.
- Help cultivate connection, both within the system and larger community.
- Protect and preserve the person's rights, including the right to choice, control, and freedom from coercion.
- Focus on partnerships, respectful communication, and collaboration.

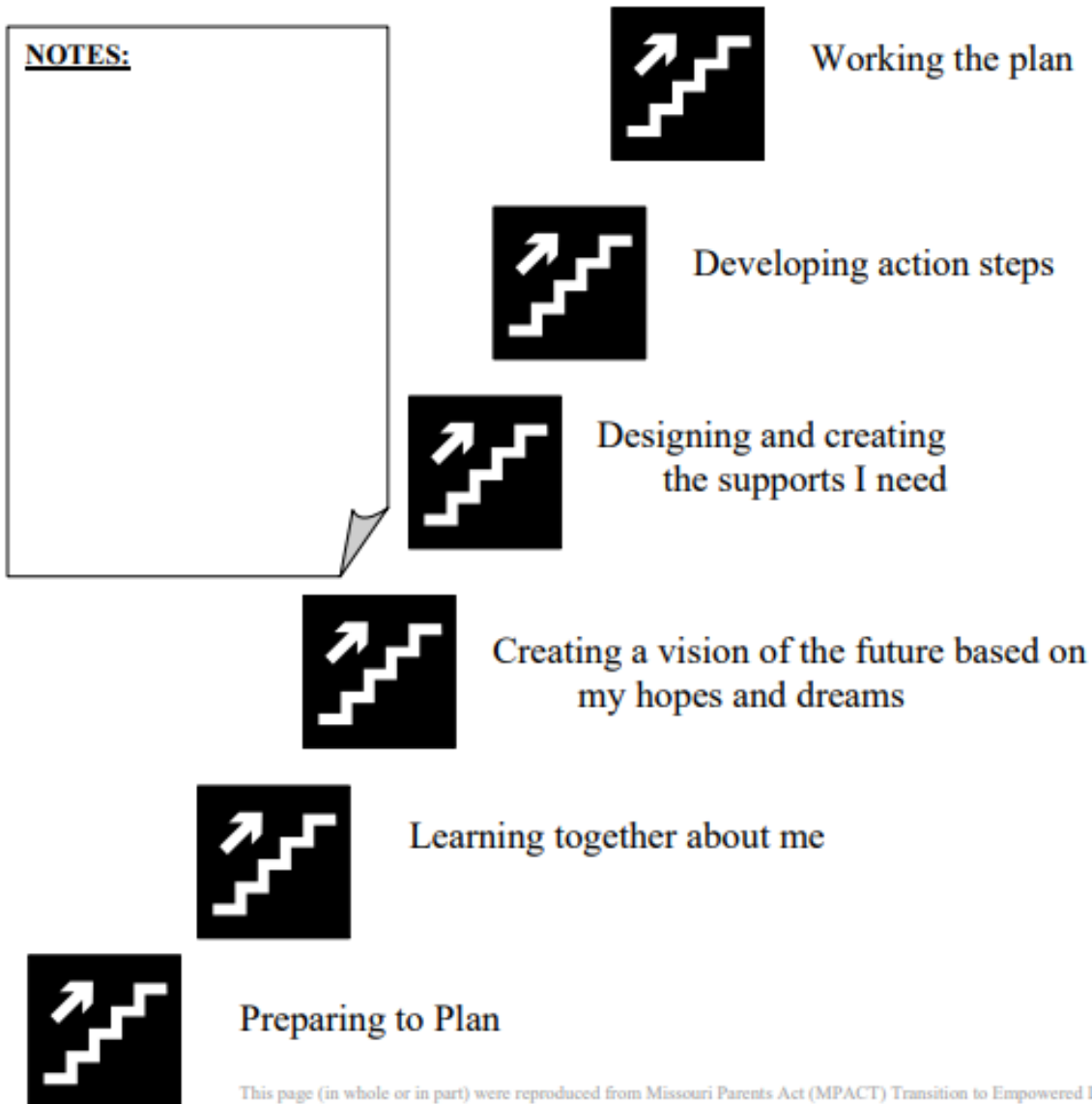
PERSON-CENTERED PLANNING

How your plan works...

Every person centered plan is different; each plan is tailored to the individual. Nonetheless, there should usually be a particular progression in any one's plan.

STEPS IN THE PROCESS

NOTES:



This page (in whole or in part) were reproduced from Missouri Parents Act (MPACT) Transition to Empowered Lifestyles training modules that were created in partnership with the University of Missouri Kansas City Institute for Human Development. Funding was provided by the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration.

PERSON-CENTERED PLANNING

Person Centered Planning Process Summary

Name: _____

Outcome/Goal: _____

<input type="checkbox"/> Home	<input type="checkbox"/> Social/Relationships
<input type="checkbox"/> Work	<input type="checkbox"/> Health & Safety
<input type="checkbox"/> Rec/Leisure	

Related Activity To Accomplish Goal	Action Needed To Complete Activity	Timeframe	Responsible Person/Party

PERSON-CENTERED PLANNING

My Typical Schedule or "Best Case Scenario"

Individual's Name: _____

Planning Date: _____

Staffing Plan Start Date: _____

Staffing Plan End Date: _____

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Note
12:00 AM								
1:00 AM								
2:00 AM								
3:00 AM								
4:00 AM								
5:00 AM								
6:00 AM								
7:00 AM								
8:00 AM								
9:00 AM								
10:00 AM								
11:00 AM								
12:00 PM								
1:00 PM								
2:00 PM								
3:00 PM								
4:00 PM								
5:00 PM								
6:00 PM								
7:00 PM								
8:00 PM								
9:00 PM								
10:00 PM								
11:00 PM								
CODE	HOURS	# OF WEEKS	TOTAL HOURS	RATE	TOTAL EXPENSE		COMMENTS	
FAM-FAMILY	0.00		0.00		\$ -			
FR-FRIENDS	0.00	0.00	0.00		\$ -			
S-SELF	0.00	0.00	0.00		\$ -			
C-COMPANION	0.00	0.00	0.00		\$ -			
SCH-SCHOOL	0.00	0.00	0.00		\$ -			
P-PAID STAFF	0.00	0.00	0.00		\$ -			
O-OTHER	0.00	0.00	0.00		\$ -			
W=WORK	0.00	0.00	0.00		\$ -			
TOTALS	0.00		0.00		\$ -			

From: Ric Crowley, 1999 MACROW; ALLEGAN MASTER TEMPLATE – 168 Hour Schedule

PERSON-CENTERED PLANNING

Quarterly Support Plan

Name: _____

Outcome/Goal: _____

How this is linked to my person-centered plan: _____

<input type="checkbox"/> Home	<input type="checkbox"/> Social/Relationships
<input type="checkbox"/> Work	<input type="checkbox"/> Health & Safety
<input type="checkbox"/> Rec/Leisure	

Related Activity (Temporary or Ongoing)	Completion Date	Support Need	Intensity		Source of Resources		
			Frequency	Duration	Paid	Unpaid	

Guide to Guardianship Overview

A Guide To Guardianship & Alternative Options For People with Intellectual and Developmental Disabilities



At 18 years old all individuals, including those with intellectual and developmental disabilities, reach the legal age of majority. This means that parents can no longer make decisions legally on behalf of their children.

What is a guardian?

A guardian is a person (18 years of age or older) or agency appointed by a court to make personal decisions for an individual who is incapable of making some or any decisions independently. New Jersey law allows for limited guardianship. This means a guardian could make some decisions in some areas, but not all areas of an individual's life. Find out more about the role of a guardian, bit.ly/njguardianshipresponsibilitiesguide

Where do I begin?

All guardianship appointments require a Judgment rendered by a Superior Court Judge.

Families can pursue guardianship by:

- representing themselves (pro se) through an attorney
- with assistance of the Bureau of Guardianship Services (BGS)

Pro Se: means "without a petitioning attorney." The proposed guardian represents themselves in court.

Through an attorney: Families can hire an attorney at their own expense to complete the entire process. This is the only option if guardianship is to be of person and property.

Assistance from Bureau of Guardianship Services (BGS): This process is for guardianship of the person *only*. BGS is only able to assist individuals who are eligible to receive services from the Division of Developmental Disabilities and if no one else is available to serve as a guardian.

What should I read?

- **Pro Se:** forms, instructions and other resources can be found at:
 - bit.ly/njcourtsguardianship
- Visit:
 - **Guardianship Go Bag:** bit.ly/guardianshipgobag
 - **Future Planning Webinars:** bit.ly/fiwebinars
 - **Planned Lifetime Assistance Network of New Jersey (PLAN/ NJ):** bit.ly/planNJ
 - **Bureau of Guardianship Services (BGS):** FAQs, fact sheets, roles of a guardian, and family guides to the court process can be found at: bit.ly/bureauguardianship

**** Type all links exactly as seen including any capital and lowercase letters, and numbers. ****

What is the process?

Identify a guardian or co-guardians Complete a **psychological or medical evaluation within a month of filing.** Receive a **court recommendation:** Based on the psychological evaluation, a recommendation is made as to whether legal guardianship is needed **File paperwork with the court:** After getting forms signed and notarized they will get filed with the Superior Court in the individual's county of residence. **Conduct a hearing (if necessary):** If the Public Advocate does not oppose appointing a guardian, the court reviews the paperwork and signs Judgment. **Obtain a court Judgment:** Once the court signs the Judgment appointing a guardian, the individual and his/her family will receive a copy of it.

****Processing Time Varies****

Alternatives to Guardianship

- **Living wills** make your wishes known, whatever those wishes may be, and should summarize your medical care wishes as well.
- **Durable Power of Attorney for Health Care:** When you create a living will, you may also want to designate a person to make health care decisions on your behalf through this type of legal document.
- **Person-Centered Planning:** involves a group of people, family and/or friends who focus on the individual's vision of what he/she would like to do in the future. It is an ongoing process. **Supported decision-making:** a series of relationships, arrangements and agreements designed to assist an individual with a disability to make decisions and communicate to others about the individual's life. <https://bit.ly/supporteddecisionmaking> For a full list of alternative options and other end of life planning resources, visit: bit.ly/endoflifegobag

A Guide To Supported Decision-Making

What is a Supported Decision-Making?

A series of relationships, arrangements and agreements designed to assist an individual with a disability to make decisions and communicate to others about the individual's life.

Guide to Supported Decision-Making Overview

At 18 years old, all individuals, including those with intellectual and developmental disabilities, reach the legal age of majority. This means that parents can no longer make decisions legally on behalf of their children.

Where do I begin?

- National Resource Center for Supported Decision-Making : supporteddecisionmaking.org
- Supported Decision-Making Teams: Setting the Wheels in Motion: bit.ly/sdmwheelsinmotion
- Guide -The Right to Make Choices: International Laws and Decision-Making by People with Disabilities: bit.ly/righttomakechoices
- Supported Decision-Making and Understanding My IEP: bit.ly/understandingiep
 - Sample* Supported Decision-Making Form for IEP Meeting: bit.ly/sdmsampleform
- Pairing Advance Directives with Supported Decision-Making: bit.ly/pairingsdm
- The Family Guide to Transition Services in New Jersey (pages 22-24): bit.ly/familyguideservices
- Prepare Your Child for Age of Majority and Transfer of Rights: bit.ly/preparingageofmajority
- Decision-Making Supports: bit.ly/sdmfactsheet
- Spanish Resources: thearc.org/download-free-future-planning-resources-spanish

What is the process?

- Choose who the individual would like to have as a Supporter (can have more than 1)
- Decide which life decisions they may help the individual with. These may include:
 - obtaining food, clothing and a place to live
 - physical health
 - mental health
 - managing money or property
 - getting an education or other training
 - choosing and maintaining services and supports
 - finding a job
- Choose how the supporter should help. This may include:
 - Giving information in a way the individual can understand
 - Discussing the good things and bad things (pros and cons) that could happen if the individual makes one decision or another
 - Telling other people the individual's wishes
- If choosing more than 1 supporter, decide how they will act. These could be:
 - Jointly (work together to help)
 - Successively (For example: Supporter #2 helps me if Supporter #1 is not available)

Virtual Content

- Visit:
 - Future Planning Webinars: bit.ly/fiwebinars
 - Planned Lifetime Assistance Network of New Jersey (PLAN/NJ): bit.ly/planNJ
 - Let's Talk About Supported Decision-Making: <https://bit.ly/letstalksdm>
- Watch
 - Stand By Me: An Overview of Supported Decision-Making and Guardianship Alternatives : www.youtube.com/watch?v=Jgz8InOIUpE
 - Disability Rights New Jersey - Supported Decision-Making: disabilityrightsnj.org/resource/supported-decision-making/

**** Type all links exactly as seen including any capital and lowercase letters, and numbers. ****

Benefits of Supported Decision-Making

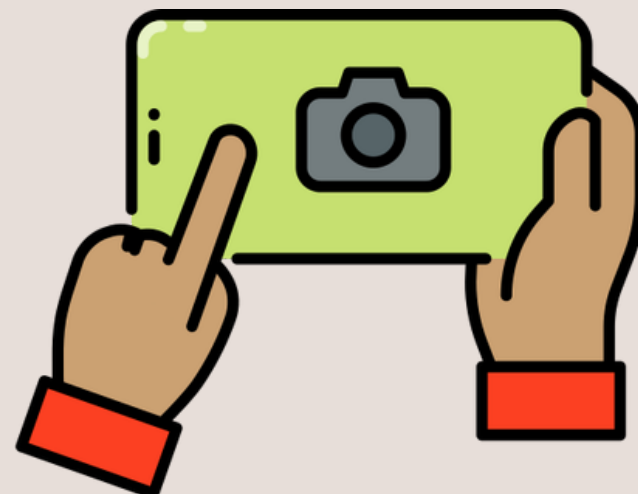
- It is the least restrictive option for when your child turns 18.
- Helps people with disabilities to:
 - Understand information, issues, and choices
 - Focus attention on decision-making
 - Weigh options
 - Ensure that decisions are based on their own preferences
 - Interpret and/or communicate decisions to other parties.
- Studies have shown that people with disabilities who exercise greater self-determination have a better quality of life, display more independence, and are more likely to be employed and to be involved in the community.
- Guardianship is difficult to modify or terminate.



Healthcare Advocacy Program



Healthcare Advocacy
for SSI, Medicaid information



The Family Institute



The Family Institute
for DDD, guardianship, and
housing information

Tell Us What You Think & Want to Learn More About!

Our Survey



THANK YOU FOR JOINING ME!

Rebecca Nash

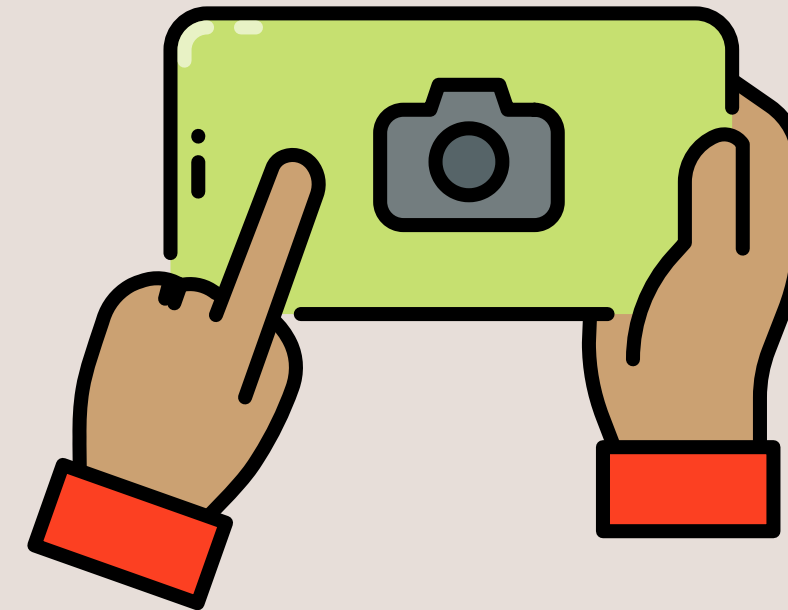
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planningforadulthoodlife.org



THANK YOU