

OFFICE OF PUBLIC GUARDIAN
ANNUAL REPORT
June 30, 2008

The Office of Public Guardian provides guardianship and other court-ordered supervision when a person is unable to make basic life decisions and there are no friends or family to serve.

Under Vermont law, the Office of Public Guardian is authorized to provide guardianship to adults who:

- have developmental disabilities, or
- are age 60 or older.

Guardianship may be limited (e.g., medical only) or full (residential, employment, habilitation, contracts, legal, medical, financial). Guardianship is provided to people with developmental disabilities under the authority of Title 18 and to elders under the authority of Title 14. In all, the Office of Public Guardianship currently serves as guardian for 675 Vermonters.

In addition to serving as guardian, the Office of Public Guardian

- serves as **representative payee** for government paid benefits for 289 individuals. Many of these are under public guardianship but some receive representative payee services as an alternative to guardianship;
- provides **case management supports** where this service can provide a less restrictive alternative to guardianship;
- **supervises 31 offenders** with developmental disabilities placed on Act 248 commitment or Order of Nonhospitalization after being found not competent to stand trial;
- arranges for **court-ordered evaluations** for approximately 85 Probate and Family Court guardianship cases per year;
- provides **public education** on guardianship and alternatives to guardianship;
- **recruits and assists private guardians** and assists in developing **individualized alternatives to guardianship.**

The Office of Public Guardian is staffed by 30 full time employees: 25 public guardians with offices in 11 towns throughout Vermont, a two-person representative payee office in Rutland; a public safety specialist; and the program director and administrative assistant in Waterbury.

Total Caseload

As of June 30, 2008, the Office of Public Guardian caseload was as follows:

Guardianship (DD/Family Court)	581
Guardianship pending (Family Court)	10
Guardianship (60+/Probate Court)	51
Guardianship pending (Probate Court)	3
Act 248 pending	3
Act 248 and ONH	31
Case management	7
Total unduplicated **	675

When compared with last year the number of Probate Court/+60 guardianships is steady (51 vs. 52).

In contrast, the caseload of individuals with developmental disabilities continues to show an upward trend. The table below summarizes this trend:

OPG DS Caseload

2001	572
2002	584
2003	581
2004	594
2005	602
2006	613
2007	604
2008	631

At the end of June 2008 the OPG/DS caseload had increased by 59 cases when compared with the June 30, 2001. This growth had occurred without any staff increase except for the one-time increase in caseload capacity resulting from capacity created by merging the Department of Aging and Disabilities and the Department of Developmental and Mental Health Services public guardianship programs. In 2008 OPG hired a public safety specialist who is assuming responsibility for part of the Act 248 caseload.

The program has participated in a variety of initiatives to train and support private guardians and to create and provide training on alternatives to guardianship, such health care agents. While these efforts will continue, most of the OPG DS

** 11 individuals were both under guardianship and also under ACT 248 or ONH.

program growth results from youth aging out of SRS custody resignation or removal of private guardians, and commitments under Act 248. Alternatives to guardianship hold out little hope of stemming the tide of new cases from these sources. The self advocacy movement has campaigned against the restrictions of guardianship, yet many self advocates continue to state privately that they wish to remain under guardianship.

ANALYSIS OF NEW CASES

People with Developmental Disabilities

Court petitions were filed for guardianship or Act 248 custody for a total of 43 new individuals with developmental disabilities in FY08. Three Act 248 cases and three petitions for guardianship were dismissed and did not come onto the OPG caseload.

The new cases were in the following status as of June 30, 2008:

Act 248	1
Act 248P	5
GS Pending	8
Guardianship	23
Case Management	0
TOTAL	37

The reasons for the person coming onto DD Guardianship were as follows (pending cases are included)

SRS Age-out	8
Private guardian resigned	3
Private guardian unsuitable or medically unable	10
Self neglect/abuse/exploitation	9
New age/health issues	1
TOTAL	32

Private guardians resigned or were removed for a variety of reasons, including ill health, other responsibilities, and conflict with the individual.

Most of the cases of abuse, neglect or exploitation had involvement from APS.

Training of guardianship evaluators is a continuing priority to train these critical gatekeepers to consider and feel comfortable with suggesting alternatives to guardianship.

People Age 60 and Over

The creation four years ago of a position for a Public Guardian with primary responsibility to work out alternatives to guardianship for aging Vermonters has been effective in keeping this caseload steady.

Turnover in this program is high because many individuals are of advanced age and in poor health: 36% of the total caseload (19 people) passed away in FY2008 and were replaced, in turn, by new individuals.

Individuals in this group are typically more time-consuming than others because of complex financial and medical issues and the lack of a unified service system for individuals who are aging. The high proportion of individuals who pass away in a year of guardianship due to their medical frailty makes this particularly stressful work.

ANALYSIS OF CLOSED CASES

A total of 51 Office of Public Guardian cases closed in FY'08; this is considerably fewer than the number closed in FY'07 (78).

There were fewer deaths in FY'08 than in FY'07 (29 in '08; 40 in '07) and also fewer who moved to independence (7 in '08; 17 in '07).

We continue to seek private guardians as an alternative to public guardianship; in FY'07 7 private guardians took over for individuals already under our guardianship.

The table below indicates the reasons (Independent, Private Guardian, Moved Out of State, Deceased, Case Dismissed, Person not Eligible) for case closure.

OPG Cases Closed in FY'07

	Ind.	Priv. Gdn	Out of State	Dec'd	Dism'd/ Not DD Or Not Act 248 eligible	Public Gdn	Total
Probate/+60 Guardianship	1	3		16			20
Services	4	1	2	13			20
GS Pending	1				3		4
Act 248						1	1
Act 248 Pending		1			2		3
ONH	1						1
Case Mgt (DD)		2					2
Total	7	7	2	29	5	1	51

Staffing Pressures

There are 28 staff who carry a caseload but some of these staff have other duties. Their other duties add up to 3.90 FTE, leaving 24.1 FTE staff for direct service caseload. This yields a direct service average caseload of 28 individuals per full-time worker.

When everything is going smoothly, a caseload of this size is feasible, but it is inherent in a program that serves such vulnerable individuals that things do not go smoothly. Consumers experience complex medical or financial or legal or

mental health issues that may require a worker's full-time attention for days at a time, or half their attention for weeks. Staff go on vacation or get sick or have family emergencies requiring doubling up of coverage. Further, this is not an office job. Staff drive long distances, some as many as 18,000 miles per year, to be present at medical appointments, court hearings, visit homes, and check in personally with the people they serve.

Staff report increasing pressures from the increasing numbers of individuals with autism spectrum disorders whose complex needs are often not well understood or addressed by schools and developmental services programs. The program is becoming responsible for increased numbers of individuals with offending behaviors and facing increased expectations for monitoring of these individuals.

Conclusion

Providing guardianship to many of the state's most vulnerable citizens is a privilege and responsibility. The program does not have a waiting list, and guardians respond quickly to new situations. Guardians are available and on call at night and on weekends for emergency situations. The Office of Public Guardianship staff is dedicated and experienced, and enjoys unique, longstanding relationships with many of the people they serve. They want to provide quality guardianship supports to every individual in the program at all times, but current caseload pressures can make that impossible. As always, the Office of Public Guardian welcomes suggestions about how we can do our work more efficiently or effectively.