

**OPG Commission meeting  
Director Report  
12.21.2022**

Purpose: The Director Report will provide information about new matters, updates about the previous month's matters, and next steps for the following month. The Director will provide the Director Report to all Commission members. Questions about the Director Report will be addressed at the Commission meetings, if necessary. Commissioners are encouraged to reach out to the Director directly for any questions in between meetings.

Attachments for the 12.21.2022 meeting:

- Attachment 1: SCAO/Judicial provided a FY 2023 Budget Summary as of 12.01.2022
- Attachment 2: JBC presentation materials
- Attachment 3. NGA Newsletter Fall 2022

**I. Budget and Administrative Update.**

- a. I previously provided the monthly budget summary report for provided to me from Hugh Wilson, Judicial Budget Manager. **See Attachment 1.**
- b. I previously provided the JBC FY24 continuation Budget Request and presentation JBC materials. The JBC presentation materials are attached as a courtesy.
  - i. Chair Bennett-Woods, America Paz-Pastrana and I attended the JBC hearing on 12.15.2022. There were no questions. JBC Vice-Chair and Representative Shannon Bird offered a compliment that she was glad to hear that our program was doing so well and progressing in such a short amount of time.
  - ii. 01.27.2022 is JBC Figure Setting
  - iii. 03.27.2022 is the Long Bill Introduction

- c. The SMART Act hearing will be held either January 17 or January 18, 2022. I will need at least one Commissioner to be in attendance and to testify
- d. Client Visit Verification System is completed, and guardians began using the system on 12.13.2022.
- e. Human Resources Update.
  - i. We will repost for the 16<sup>th</sup> Judicial District Public Guardian position after the new year. We have posted twice for this position. The OPG is experiencing a larger general workforce shortage that other agencies acknowledged at that JBC hearing on 12.15.2022
  - ii. We interviewed 3 qualified candidates for the 7<sup>th</sup> Judicial District Public Guardian last week. We are calling references and plan to make an offer this week
  - iii. Denver Public Guardians and Case Management Aide training continues with shadowing of experienced guardians and the Deputy Director
  - iv. Since we are down a guardian due to an emergency, the new staff will assist in coverage as a part of their supervised training
- f. With the assistance of the Attorney General's Office, we are considering filing Motions to Intervene in Mental Health proceedings under CRS §27-65-111(6). The COPG will be notified of these proceedings and may present evidence.
  - i. Update: Specific client information was sent to Mr. Finke last week so that he can begin filing the Motions
- g. The Honorable Elizabeth D. Leith of the Denver Probate Court approached me about the 2<sup>nd</sup> Judicial District Court submitting a proposal for funding of a COPG Public Guardian for the Criminal

REACH Docket. Judge Leith submitted the proposal for funding and has kept me updated

II. **Stakeholder Engagement Plan – In progress.**

III. **Colorado OPG Pilot Program Commission and Operating Policies Updates – No updates.** Please note that Commission and Operating Policies are available on the OPG website: <https://colorado-opg.org/opg-in-depth/>

a. **OPG Email Policy – Completed.** To be posted on OPG website.

b. **Policy 5. Colorado OPG Fiscal Policy – Client Emergency Fund – In Progress.** Was part of the Final Report – will be removed from further Director Reports.

c. Reviewing and updating protocols as part of the Spring meetings to assess the procedures, caseloads, etc. of the office.

d. **Trainings and Projects – Ongoing.** A list will be provided quarterly.

e. **Intake Eligibility, Prioritization and Referral Process.**

i. Update on number of registered users, referrals, accepted cases, etc. as of **12.19.2022.**

1. 83 Active guardianships

2. 19 Partial referrals

3. 20 clients passed away since CO OPG appointment

4. 19 Hold status for 6 months (now includes OBH/CHMI-Ft. Logan/Pueblo referrals that are non-OBH/Momentum contract referrals)

5. The OBH/Momentum dedicated caseload is full and all 12 guardianships are active

6. 35 Declined referrals – pre-Hold status
  1. 29 Denver declined referrals
    - a. 5 - Family available to serve
    - b. 16 - Expired/Incomplete information
    - c. 1 – Not appropriate referral
    - d. 2 - Not adult
    - e. 1 - Withdrawn by Ft. Logan
    - f. 4 - No OPG Capacity
  2. Not incapacitated – 2
  3. Texas referral - 1
  4. Nebraska referral - 1
  5. Alaska referral – 2
  
7. 82 streamlined referrals (Non-Denver County) – Declined
  1. Adams County – 4
  2. Alamosa County - 1
  3. Arapahoe County – 13
  4. Boulder County – 4
  5. Broomfield County - 1
  6. “Denver County” - 2
  7. El Paso County – 18
  8. Garfield County – 1
  9. Gunnison County – 1
  10. Huerfano County - 3
  11. Jefferson County – 9
  12. Lake County - 1
  13. La Plata County – 2
  14. Larimer County - 4
  15. Las Animas County - 2
  16. Mesa County – 1
  17. Montrose County – 2
  18. Otero County – 3

19.Pueblo County – 3

20.Weld County – 7

- IV. **Colorado OPG Strategic Plan.** Draft previously provided – no updates.
- V. **Stakeholder Outreach – Ongoing.** A list can be provided if requested.
  - a. The COPG and public guardianship was highlighted in the National Guardianship Association Newsletter, Fall 2022 edition published 12.2022. **See Attachment 3.**
- VI. **Data gathering and Final Report – Completed.** The Final Report was submitted to Pite Creative Services, Inc. on 12.07.2022. The digital copy is scheduled to be completed on 12.27.2022 at which time I will email it to Legislative Services (LS). LS will distribute it to the appropriate committee members.



## Attachment 2. OPG JBC presentation materials

### JUDICIAL DEPARTMENT FY 2023-24 JOINT BUDGET COMMITTEE HEARING AGENDA

**Thursday, December 15, 2022**

**9:00 am – 2:30 pm**

**2:00-2:15      OFFICE OF PUBLIC GUARDIANSHIP (OPG)**

Main Presenters:

- Sophia M. Alvarez, Executive Director

Supporting Presenters:

- Deb Bennett-Woods, Chair – OPG Commission

Topics:

- Introduction and Opening Comments: Slide 1
- Common Questions: Pages 1 - 2, Questions 2-5 in the packet
- Admin Services for Independent Agencies: Page 1, Question 1 in the packet
- Additional Items: Slides 2 -4

JUDICIAL DEPARTMENT – OFFICE OF PUBLIC GUARDIANSHIP  
FY 2023-24 JOINT BUDGET COMMITTEE HEARING AGENDA

Thursday, December 15, 2022

Office of Public Guardianship

2:00 pm – 2:15 pm

ADMIN SERVICES FOR INDEPENDENT AGENCIES

1. Please provide the Agency's perspective on creating an administrative services unit for independent agencies. *The OPG is committed to efficiency of costs, maximizing the return of our work, and using our budget wisely. An administrative services unit would be beneficial for the OPG.*

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

2. Please provide a description, calculation, and the assumptions for the fiscal impact of implementing the provisions of the Partnership Agreement, including but not limited to changes in annual leave accrual, holiday pay, and paid family and medical leave. If your department includes employees who are exempt from the Partnership Agreement, please indicate whether or not you intend to implement similar benefit changes as those required for covered employees. Please provide a breakdown of the fiscal impact of implementing the provisions of the Partnership Agreement for: a) employees who are subject to the Agreement, and b) employees who are exempt from the Agreement. *The OPG will examine these changes and will determine in cooperation with the Judicial Department as to what is implemented.*
3. Please describe the implementation plan for new programs added to the Department from one-time stimulus funds (such as the CARES Act, ARPA, and one-time General Fund), as well as any challenges or delays to program implementation. *The OPG received one-time General Funds in 2019 from Probate fees to fund the Department. The OPG has not received any other type of funds.*

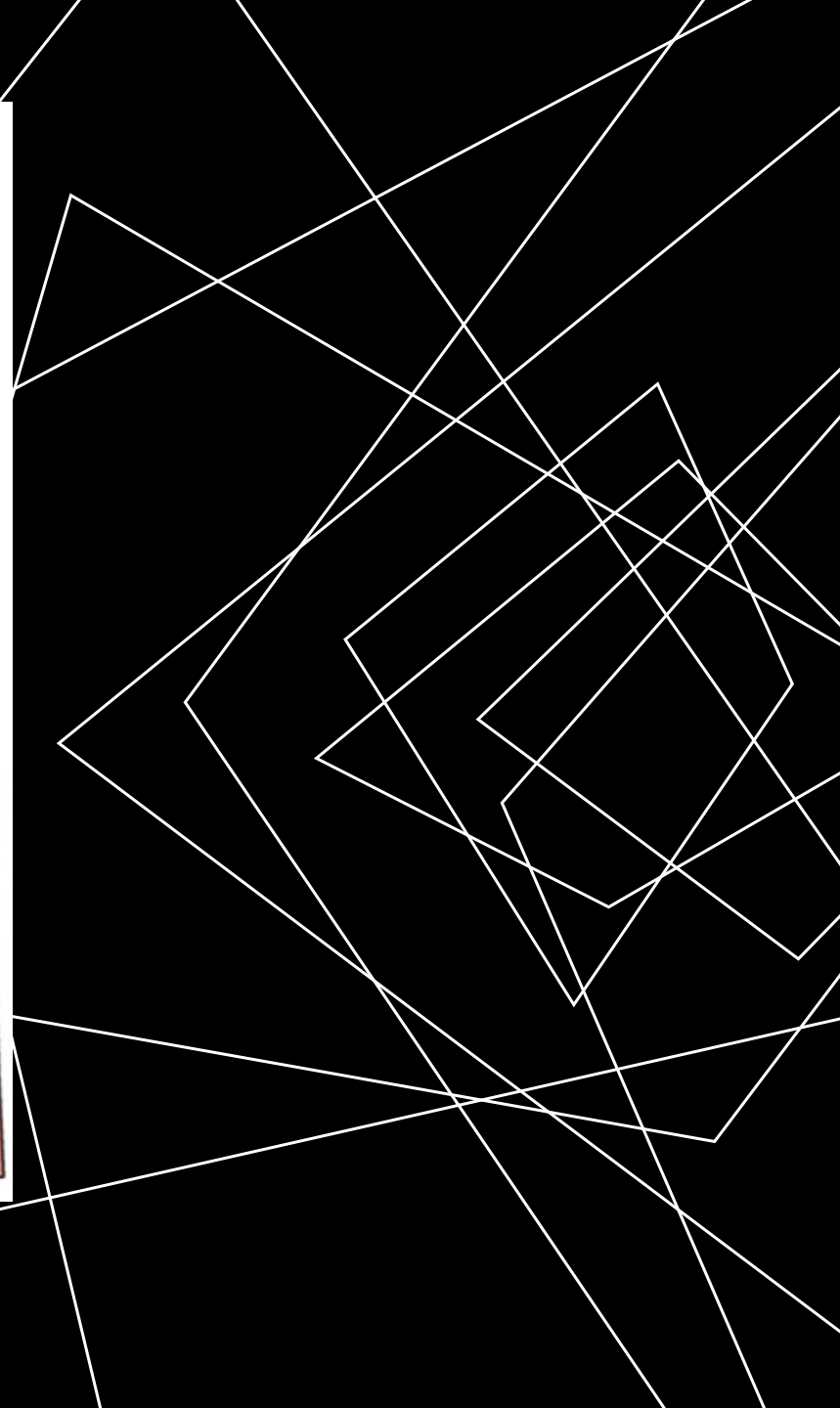
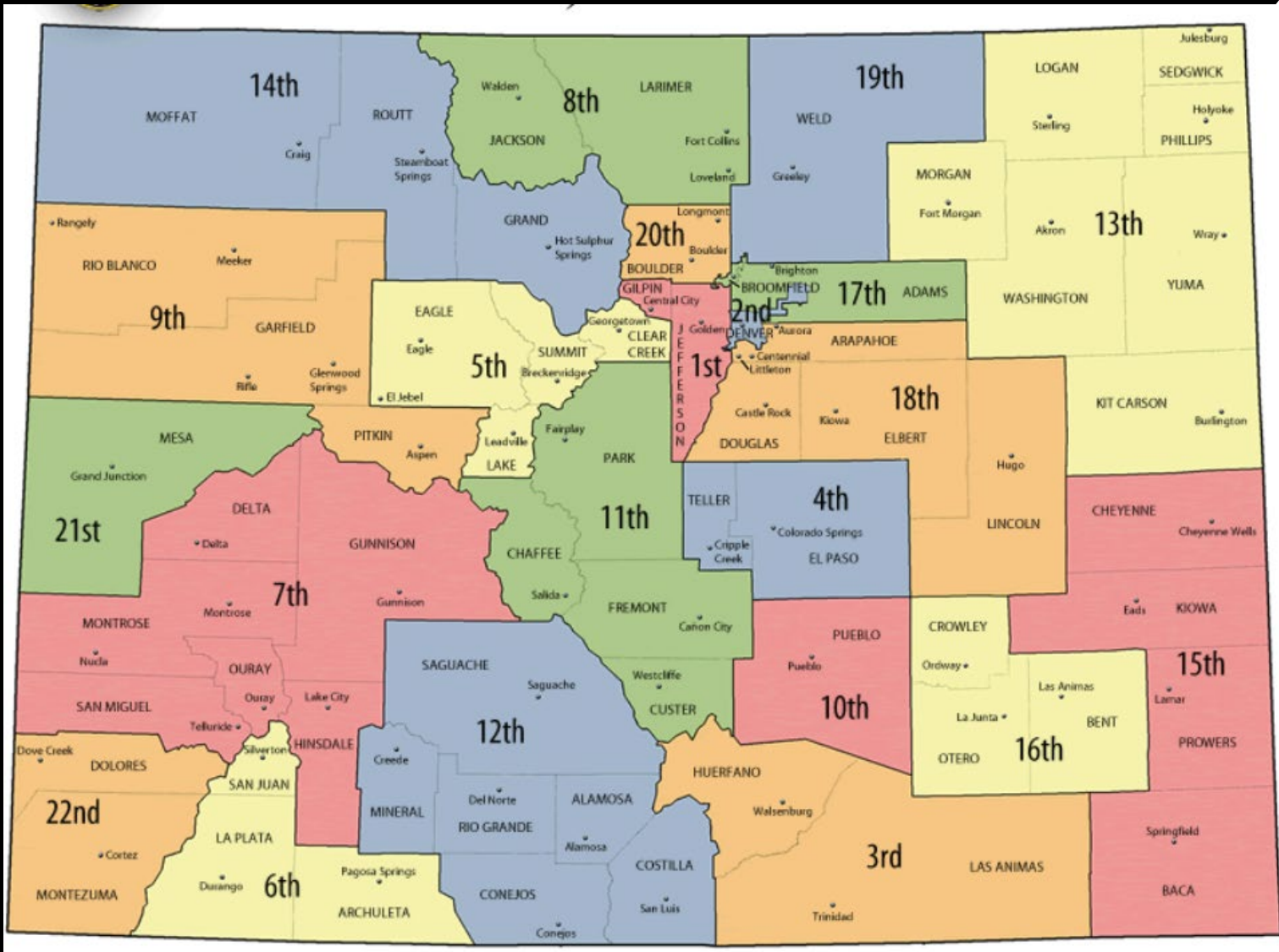


4. Please identify how many rules you have promulgated in the past year (FY 2021-22). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis. *Not applicable as the OPG did not promulgate any rules in the past year.*
  
5. How many temporary FTE has the Department been appropriated funding in each of the following fiscal years: FY 2019-20, FY 2020-21, FY 2021-22, and FY 2022-23? For how many of the temporary FTE was the appropriation made in the Long Bill? In other legislation? Please indicate the amount of funding that was appropriated. What is the department's strategy related to ensuring the short term nature of these positions? Does the department intend to make the positions permanent in the future? *Not applicable as the OPG was not appropriated temporary FTE in any of the stated fiscal years.*

An abstract graphic consisting of several thin, black, overlapping lines that form various geometric shapes and polygons, primarily located in the upper left and center of the page.

# COLORADO OFFICE OF PUBLIC GUARDIANSHIP

JBC Hearing 12.15.2022



UNMET NEED

2,754 – 3,736 estimated number of individuals requiring public guardianship in Colorado

REFERRALS

288 total referrals to OPG

INITIAL COST SAVINGS DUE TO APPROPRIATE HOUSING

\$2,988,140

- 9 clients from CMHI Ft. Logan and Pueblo
- 15 from hospitals

OTHER COST SAVINGS

\$10,000 – pre-paid burial arrangements for 10 clients

SNAPSHOT

EXPANSION  
DURING PILOT

Established a “Hold Status”

2 Denver County Guardian-Designees

EXPANSION  
DURING PILOT

2 Office of Behavioral Health/Momentum  
Guardian-Designees

EXPANSION  
DURING PILOT

7<sup>th</sup> Judicial District Guardian-Designee

16<sup>th</sup> Judicial District Guardian-Designee

INTANGIBLE  
COST SAVINGS

“It impressed me in many ways. They placed me in a home. They helped me get established in this place I'm living at. They helped me get established with shoes and clothes. I'm waiting for a winter jacket for my birthday, my own winter jacket. I have my own pair of shoes on. I got my own pants, my own shirts. Not at a grab bag. It's really from Amazon and they're really mine. I don't have to dig in grab bags or get second best or anything. I got my own clothes. Erin helped me with it. I'm impressed and thank her for it. She helped me a bunch.”—Sam—Client

SNAPSHOT



# The National Guardian

NEWS FROM THE NATIONAL GUARDIANSHIP ASSOCIATION

Fall 2022

## GUARDIANS SAVE LIVES, GUARDIANSHIP OFTEN UNDERFUNDED

By Tom Scherberger



Sophia Alvarez recalls her first case as the founding director of Colorado’s new Office of Public Guardianship two years ago.

A man had been calling 911 repeatedly, several times a day, and had made 22 trips to the emergency room in the previous 30 days. He had diabetes and was wasting away in a hotel where he had been inappropriately placed by social workers. After her office was appointed guardian, the man moved into better housing and received the medical and mental health treatment he needed. Two years later, he’s off diabetes medicine and he’s stopped calling 911 and making costly trips to the emergency room.

It’s the kind of case Alvarez says underscores the need for well-funded public guardianship offices. Not only do public guardians help people who can’t help themselves; they ease the burdens on the whole system, saving tax dollars in the long run.

The Colorado office is a pilot project to determine if a public guardianship system should be established statewide. After many years of study and debate, including several task force reports on the pressing needs of people with no resources, the Colorado General Assembly finally established the office in 2017, but didn’t fund it until late 2019. By the time Alvarez was able to hire a staff, the Covid pandemic created more

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### PRESIDENT’S MESSAGE: #PUBLICGUARDIANFUNDING



After pilgrimaging 50,000 miles, criss-crossing the globe and connecting with the greater guardianship populace, my presidency has made two concepts crystal clear: ① Most guardians are performing saintly work, and ② public guardians are perhaps the equivalent of Saint Mother Teresa of Calcutta.

While they don’t typically tackle the calamities of leprosy and tuberculosis, public guardians often address other serious tragedies: isolation, loneliness, depression, and dysfunctional families. The moniker “dysfunctional families” may not adequately explain the minefield that guardians, and specifically public guardians, tiptoe through to ensure life-saving actions and preservation of dignity and justice for vulnerable persons.

In many locales, not-for-profit service organizations and governmental entities fulfill an important public purpose by serving persons who are legally incapacitated and whose safety, health, and welfare requires protection for the individual and public’s good. Public guardianship programs are often adored by first responders (e.g., police, fire, EMTs), jailhouse staff, and mental health personnel because guardianship frequently alleviates heavily burdened public services.

*Continued on page 2*

## CONT'D: GUARDIANS SAVE LIVES

challenges. "It's been difficult," Alvarez said. But the office managed to serve some 90 clients, who range in age from their 20s to 91. "We've been able to expand services even with the pandemic," she said. "I'm very proud of our program actually."

Alvarez believes she has the data – and success stories – to be able to demonstrate the success of the limited pilot program. The need is there, she says. "Lots of people in Colorado need guardians but can't get one because there are no public guardians." But further expansion will require funding, a perennial issue in virtually every state.

Very little research has been done on guardianship, says Heather Connors, executive director of the Center for Guardianship Excellence in Massachusetts, which is trying to fill that void with a series of its own reports on the state of guardianship. No one really knows how many public guardians are in the U.S., she says, but the reality is "very few states have a comprehensive safety net for people who need a guardian."

The last major national study of guardianship was in 2005 by the University of Kentucky and the American Bar Association Commission on Law and Aging, which was a follow-up to a 1981 study. "Not surprisingly," the study states, "and, regrettably, similar to the 1981 study was the assertion, by nearly every program in every state, of a critical lack of funding, which translated into circumscribed services for wards and inadequate staffing to meet ward needs."

The system varies widely from state to state. Missouri has elected public guardians, called public administrators. Some, like Florida, have satellite offices overseen by a state agency independent from social service providers. But many others are run by local social service agencies, what the 2005 study called "the conflict of interest model."

States like Colorado and Massachusetts are still a work in progress. "Massachusetts has been working on creating an office of public guardianship for 30 years and have been told it's too expensive," Connors says. "Our research has been trying to find out how costly it is not to have public guardianship."

## CONTINUED: PRESIDENT'S MESSAGE

Simultaneously, the blight of many public guardianship programs are woe-ful or even nonexistent appropriations. Shockingly, not all jurisdictions have public guardians. There is often a disconnect between the expectations of the public, the media, policymakers, and legislators to properly care for and protect incapacitated persons and the proper funding of public guardianship. Even successful public guardian systems, those programs with mission clarity, flawless execution, and strong practices, procedures, and policies, operate in a fiscal world of living "paycheck to paycheck" with the constant threat of their purse-strings being tightened. And heaven forbid, the occasional politician with a hankering to scapegoat (or wrongly accuse) a public guardian, and the public's trust and funding can quickly deteriorate.

There are many private professional guardians, corporations and sole practitioners, that bear 20, 30 and 40 percent of their caseloads without the opportunity to charge a fair, reasonable, and sustainable fee. The guardians are expected to serve the client, the court, and the public pro bono. Pro bono is a Latin term meaning for the public good and refers to professional services provided at no cost or a very low cost. Pro bono has connotations of volunteerism but largely that is not what's happening in many courtrooms throughout the country. Some judges are frequently coercing, cajoling, and influencing professional guardians to take pro bono appointments for indigent clients. When I started the Palm Beach County Guardianship Integrity Assurance Program in 2011, it was commonplace for judges to appoint guardians to take a pro bono case with an unspoken promise of a quid pro quo appointment to a well-paying case. Those days are happily over but the "arm twisting" continues in many jurisdictions.

The court's predicament is understandable. Looking down from the bench, the judge sees a vulnerable and compromised person, oftentimes at the lowest point of their life, desperate for interventions, services, or some tough compassion. The person sorely needs a guardian. There is too frequently no family willing or suitable to be appointed guardian. There are no assets and income to afford a private professional guardian. The most pressing problem to solve is literally standing before the judge. If there are no public guardian programs or no public guardians with the workload capacity to accept the case (some public guardians are forced to take the case regardless), the judge commences with the bulldozing and applying pressure on the private professional guardian. The judge can take solace for successfully solving the immediate problem. However, the victory is shortsighted because the court is creating several ancillary problems, including:

- The true need to properly and fully fund public guardianship is hidden and masked.
- The judge has unwittingly placed greater financial pressure and emotional stress on a good and conscientious guardian.
- The judge has set the guardian up for failure, especially a new or inexpertly skilled guardian.
- The guardian may become disgruntled and dissatisfied; in some jurisdictions, there is a guardian shortage already.
- The forced appointment can serve as rationalization or justification for

*Continued on page 3*

## CONTINUED: PRESIDENT'S MESSAGE

dishonest actions by the guardian. (Remember, fraud is a human condition, everyone is susceptible.)

- A system is inadvertently created of potentially lesser quality services for underrepresented and downtrodden persons, and possibly higher quality services for privileged and affluent persons.

#PublicGuardianFunding pays homage to all of those professionals struggling and persevering to provide high quality guardian services to indigent, low-income, and other marginalized clients. This includes public, corporate, and private guardians. All guardians deserve to be compensated fairly and reasonably; paid commensurate with their expertise, experience, education and results achieved. All guardians deserve a fair wage! All guardians deserve financial security! It's time public policy matches state appropriations for guardians of last resort.

For all of our NGA members, please know that we are all connected by "good, ethical and benevolent guardianship" as a way to better protect those needing protection. Your passion to better protect the dignity and respect of significantly incapacitated persons needing guardianship is truly appreciated. Remember to register for the upcoming Coffee Chat: *Stressed Out? Tips to Manage Stress in Your Life* on December 19 and maybe we can talk about solutions to forced pro bono appointments. Stay tuned for more information about the Virtual Colloquium on

Guardianship (May 17-18, 2023). Please reach out and let me know your thoughts on #PublicGuardianFunding.

Warmest regards,

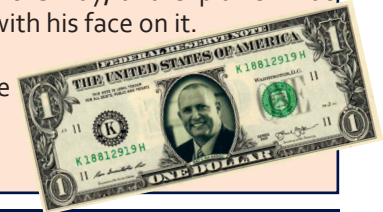


### ANTHONY'S FINAL THOUGHTS

NGA has a tradition of asking the outgoing president a few questions at the end of the year, and Anthony was willing to share his reflections.

He shares some unexpected things from the year (including an emergency airplane landing during one of his many flights), discusses who helped him along the way, and explains what prompted him to print currency with his face on it.

His questions and answers can be found [here](#).



## 2022 BOARD OF DIRECTORS

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# 2023 BOARD ELECTION RESULTS AND LEADERSHIP

## EXECUTIVE COMMITTEE

### President



**Heather L. Connors, Ph.D., NCG** is the executive director of The Center for Guardianship Excellence, where she strives to ensure that those in need of guardianship have guardians trained to support their values, goals and preferences. In her prior role, as the director of research for Guardian Community Trust, she designed and launched the Guardianship Academy which provided training on issues surrounding guardianship. It was that work that provided the foundation and inspiration for The Center for Guardianship Excellence and the work she is doing today.

Heather began exploring guardianship as an undergraduate intern and has continued in the field throughout her educational and professional career. She is a published author and has taught undergraduate and graduate level courses in aging, sociology and qualitative research methods. In addition to her professional work and volunteer efforts with NGA, she serves on the boards of multiple organizations including the Center for Guardianship Certification, and the Central Massachusetts Agency on Aging. She is a member of the Massachusetts Guardianship Policy Institute and serves on the advisory committee for Public Guardian Services.

Heather earned her Doctorate of Philosophy in Gerontology Policy Studies from the University of Massachusetts Boston where she completed a dissertation titled *Autonomy vs. Protection: A Comparison of Physicians, Elder Law Attorneys, and Protective Service Case Managers*. She earned a Master of Science in Gerontology from the University of Massachusetts and a Bachelor of Arts in Sociology from the College of the Holy Cross.

### President-Elect



**Shannon Butler, NMG** is the founder, owner, and primary service provider at Ethical Solutions LLC. She is the only Certified Master Guardian in the state of Minnesota and has more than 25 years of experience in the mental health field.

Shannon prides herself in providing professional, ethical, quality individualized services to vulnerable populations and specializes in challenging and complex cases.

### Secretary/Treasurer



**Carleton Coleman** is a past president of NGA and is a familiar face to anyone who has attended the conference the last few years. He has 25 years of service with the Georgia Department of Human Services, working with the aging and disabled adult population. He is a caring and compassionate individual who is genuinely concerned about the well-being of others. Carleton believes in treating people with dignity and respect. He expects the same of his staff, and is always reminding staff to treat the clients served through the public guardianship office in the same manner as they would their own family member.

### Past President



**Anthony Palmieri** is the Deputy Inspector General in the Palm Beach County Clerk of the Circuit Court & Comptroller, Division of Inspector General. Anthony is a nationally-recognized expert and speaker on investigating silver collar crimes, monitoring guardianships, and collecting guardianship data; and he has been quoted in the *Wall Street Journal*, the *New Yorker*, the *Palm Beach Post*, and the *Orlando Sentinel*. His expertise and contributions to the field were acknowledged recently in a Netflix "Guardians, Inc." documentary and as a Barry University Distinguished Alumni Award recipient. During his year as NGA president, he travelled more than 50,000 miles to spread NGA's message of "good, ethical, and benevolent guardianship."

## BOARD MEMBERS

**Karen Digh Allen, Esq., NCG**, has served as Callaway



County Public Administrator for 25 years after working for various Missouri state agencies as legal counsel dealing with nursing home licensure, social services, and corrections.

Karen is a member of Missouri's Working Interdisciplinary Network of Guardianship Stakeholders (Mo-Wings) and the Missouri Supported Decision Making Consortium. She serves the Missouri Association of Public Administrators (MAPA) as Co-Chair for the MAPA Legislative Committee and is Vice Chair for the Missouri Association of Counties Steering Committee on Policing/Justice/Mental Health. Karen is active on the national level with the National Association of Counties where she focuses on mental health issues and the importance of improving mental health services throughout our nation.

**Eric O'Connor, NCG** attended Robert Morris University,



completing degrees in human resources and business management. He holds FINRA Series 7, Series 66, Series 63, and Series 6 qualifications, is a Circle of Wealth Advisor, and is an Authorized Practitioner of the Nelson Nash Institute. In

*Continued on next page*

# NGA BOARD ELECTION RESULTS, CONTINUED

2017, Eric received certification as a National Certified Guardian (NCG) and in 2021 he was honored as the recipient of the National Certified Guardian Excellence Award. In 2019, he was selected to participate in a committee that will oversee changes and enhancements to the Pennsylvania Guardianship Tracking System (GTS) that was implemented by the Commonwealth in 2018. In 2020, Mr. O'Connor earned the designation of Certified Medicaid Planner™ (CMPTM). Mr. O'Connor is also the acting chairman of the board for the Beaver County Children and Youth Services advisory board.

**Kristine Santiso, NCG**, is a master's level licensed social worker who has 23 years of experience in the social services field. Currently working as a critical care social worker at Penn Highlands Healthcare, Kristine focuses her daily tasks on assessment, intervention and discharge planning for those individuals who need intensive care. Much of her day is focused on problem solving and formulating discharge plans to ensure they are appropriate and safe. She is also involved in end-of-life decisions, educating patients and families on community services, and working closely with medical personnel. When not at the hospital, Kristine focuses her attention by teaching part time for Northern Pennsylvania Regional College where she educates



the next generation of social workers. Independently, Kristine provides power of attorney and guardianship services to those who are in need. Kristine has thrown herself into building the Pennsylvania Guardianship Network to allow for continued support, education, and guidance to those offering guardianship services throughout the state.

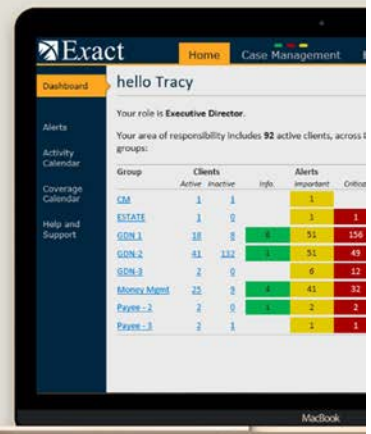
**Lisa Wawrzonek** is currently the statewide guardianship compliance officer and court visitor administrator for the Alaska Court System. Lisa's 22-year career began as a court visitor doing initial investigations and monitoring reviews for adult guardianship and conservatorship cases all over Alaska. In addition, she participated with the NGA affiliate, AS-AGA, the Alaska State Association for Guardianship and Advocacy, both as a board member and the administrator. Lisa compliments her professional guardianship experience with a personal role; volunteer guardian to one person in Anchorage. She also has 15 years of experience working with individuals and their families affected by Alzheimer's and other related dementias. Lisa has a bachelors degree in human services and a masters in gerontology. Lisa's personal hobbies include travel, cooking, and boating in the Prince William Sound with her husband, Rich.



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## MEMBER OF THE YEAR: ANGIE CASAVECCHIA, NMG



At the National Conference on Guardianship, Angie Casavecchia of Missouri was awarded NGA's Member of the Year award. This award is presented to a member in good standing who, among other things, practices guardianship that reflects NGA's Standards of Practice, demonstrates outstanding dedication to the guardianship community by volunteering with NGA and/or a state/local guardianship organization, and contributes to a positive image for guardianship

Angie has served for more than 12 years as a Missouri Public Administrator and oversees a caseload of between 450-500 at any given time. She is an active member of the Missouri Association of Public Administrators (MAPA), where she serves as the chair of the awards committee; chair of the ethics committee; and chair of the MAPA NGA committee. Over the years, she has served in other capacities, including arranging and hosting annual regional trainings and serving on various statewide MAPA annual conference committees.

In 2019, Angie adapted the NGA Ethical Principles into the

MAPA Ethical Principles (with permission from NGA). MAPA adopted these Ethical Principles as the Standard of Ethics used to guide all Missouri Public Administrators.

Within her guardianship office, Angie developed a restoration program for the clients and she has trained her case managers to implement the use of the least restrictive environment, individualized treatment, and self-direction for their clients. The goal of her office is to ensure that clients' values, morals, wishes and voices are understood and accepted when decisions are being made that impact their lives.

She has initiated holiday donation drives for clients and has formed a personal hygiene donation program. The program has succeeded in building a supply of personal products that also includes socks and underwear. The program has also led to the addition of new community partners in the region.

In 2020, Angie was chosen by MAPA as the Public Administrator of the Year. The recipient of this award is judged on achievement as County Public Administrator, contributions to the Missouri Association of Public Administrators, and community service. When contacting Angie's family to arrange the PA of the Year award ceremony, Angie's sister said it best, "...but mostly, she devotes her life to helping people who need it. The more someone needs help, the more she digs in and does the work. It gives her purpose, and she is exceptional at it."

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## MEMBER EXCLUSIVE: VIRTUAL SPECIAL INTEREST GROUPS

As part of its recently-expanded member benefits, NGA is pleased to offer virtual special interest groups. These groups allow members with similar special interests to chat virtually with their peers across the country. Groups are beginning to form and the members of each group will determine the frequency and agendas for the calls.

### Starting a New Guardianship Business

Members of this group have started new guardianship businesses, are in the process, or are just thinking about it! Group members will learn from each other, share resources, and discuss lessons learned about the process of starting new businesses.

### Certification Study Group

Group members will work together to study for CGC's certification exam, discussing hypothetical questions and scenarios, and reviewing study materials. This special interest group does not take the place of NGA's Review Course webinar or printed study guide.

### Public Guardians

NGA has received requests for programming specific to public guardians, and this special interest group is intended to allow public guardians to discuss topics shared by those in the unique position of serving as a public guardian.

### Join a Group

Groups are forming now and the first calls will happen in the coming months, based on interest and availability of group members. If you are interested in joining one of these special interest groups, email [info@guardianship.org](mailto:info@guardianship.org) and sign up. Be sure to indicate which group(s) you wish to join.

These groups are exclusive to members, so remember to renew before the end of the year to guarantee your participation next year!

## CENTER FOR GUARDIANSHIP CERTIFICATION HONORS DANIELLE BOGGS, NCG



CGC recently named Danielle Boggs, NCG, as the 2022 National Certified Guardian Excellence Award winner. One of the highest honors bestowed by CGC, the award recognizes the person's exemplary work as an NCG and demonstrated knowledge of advanced guardianship concepts, ethics and issues.

Boggs, who became a National Certified Guardian in 2015, was nominated for her commitment to guardianship. For nearly 20 years, she has been a dedicated and hardworking caregiver who spends countless hours working for the betterment of others. During the presentation at NGA's conference, CGC's Michelle Keyser said, "Danielle is a leader and a champion for guardianship."

In 2013, Boggs was elected as a Public Administrator; and in that role she serves as a guardian and conservator for approximately 110 individuals.

She is committed to the guardianship community on the state and national levels. Her involvement with the Missouri Association of Public Administrators has been described as instrumental to the growth of professionalism within the organization. In addition to serving on several committees, one of the biggest tasks she has taken on is being part of the team that created the Standards of Practice ensuring that Missouri's standards are in line with NGA's standards. On the national level, Boggs is NGA's state affiliate representative for Missouri. She also serves as a board member for the Missouri Association of Counties and is a member of their mental health/justice/policing steering committee.

Boggs also volunteers in her community. She is board secretary of WC CapeAbilities, volunteers for Webster County Ozarks Area Community Action Corporation, the Hidden Waters Nature Park, the Marshfield Community Theatre and the Marshfield High School Booster Club.

## HOT GUARDIANSHIP BENCH

### Guardian Sets Reasonable Boundaries for Father Spewing Angry Vitriol *Matter of Guardianship of M.H., 965 N.W.2d 874 (N.D. 2021)*

By Heather Krumm, Esq., Redmann Law, P.C., The Boutique Law Firm in Bismarck-Mandan

Relationships are a key ingredient for a happy life, but not all relationships are healthy or beneficial. This is particularly true for vulnerable individuals who may be at risk of exploitation, abuse, or harassment. One of many balancing acts guardians must perform is in determining whether a relationship is in the best interest of the protected person and, if not, what to do about it.

Many states have been working to modernize guardianship laws, providing additional protections and creating a clearer framework for guardians. Although state laws vary (often significantly), historically, it was presumed that a guardian has the right to set limits on visitation or communication; however, the modern trend in state law is to set parameters on the guardian's role in this area. *See, for several examples, Guardianship and the Right to Visitation, Communication, and Interaction: A Legislative Fact Sheet* (American Bar Association, May 2018). In some states, such as California, a guardian's authority to restrict visitation without order of the court is constrained. In other states, including North Dakota, a guardian may restrict visitation when doing so is in the best interests of the person, and interested parties may petition the court for review of this decision. *See id.*; and see North Dakota Century Code § 30.1-28-12.2.

When making decisions as a guardian, these updated statutes should be read in concert with other resources, including the National Guardianship Association Standards of Practice. Of relevance here, Standard #4 requires guardians to promote social interactions and meaningful relationships consistent with the preferences of the person, unless it will substantially harm the person. A guardian should be aware of the protected person's friends, family, and social contacts, and the potential benefits and harms which may be presented by contact with these individuals.

It is essential that the guardian keep the person's needs and best interests at the forefront of this analysis, something that can be particularly difficult when there is a personal history of acrimony between the guardian

and the person initiating contact with the protected person, for example, ex-spouses.

In *Matter of Guardianship of M.H., 965 N.W.2d 874 (N.D. 2021)*, the North Dakota Supreme Court considered the issue of when a guardian may restrict or limit contact with a protected person. In this case, the appellant, M.H.'s father, challenged a district court decision denying his petition to remove the current guardian (M.H.'s mother) and appoint himself as guardian, and denying his request to remove contact restrictions placed by the guardian, restricting his ability to contact M.H.

Following multiple incidents of angry outbursts directed at M.H.'s staff which caused stress and anxiety in M.H., the guardian placed phone and visitation restrictions on the father. M.H. testified that she did not want her father coming to her apartment, and the district court determined that her testimony was competent. Based on this evidence, along with other evidence regarding the father's behavior, the district court found that the restrictions placed on the visitation were in M.H.'s best interests.

The North Dakota Supreme Court determined that the standard of review on appeal for the visitation issue is the clearly erroneous standard, a very deferential standard of review. Applying this standard to the case at hand, the Court came to the conclusion that the district court did not misapply the law, and the record was sufficient to support the conclusion that the contact restrictions were appropriate under the circumstances.

Although not referenced by the Court, importantly, before restricting visitation, the guardian made attempts to structure the contact in a way that would minimize potential harms while still allowing the family contact to continue, and she actively communicated with the protected person to determine her wishes and needs before acting. Such steps ensure that the individual's needs are met while insulating the guardian should their decisions be challenged in court.

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## Wards with UK assets

It is always good to see so many Guardians, Conservators and Attorneys at the NGA conference each year and it has been frustrating that we have not been able to get to the last three conferences! I am often asked why we travel all the way across “the pond” to come to the conference and how we can work with you. The easiest way is to outline one of the cases that we have worked on alongside a US Guardian.

*Mr X was born, and grew up in the UK. He met an American lady and they moved over to the US and they married. Sadly the marriage broke down but he decided to remain in the US as by then he had a career there. There were no children. His parents remained in the UK and subsequently passed away, leaving him to inherit the house which he had grown up in.*

*Over the years, sadly dementia set in and ultimately a Guardian was appointed to support him. When going through his papers the Guardian found out that he owned the property in the UK, and had a bank account, a pension and some stock in the UK. They were unsure how these should be dealt with so contacted me on the advice of a colleague. I confirmed that as there was a property involved it would be necessary to have what is known as a Deputy appointed in the UK to deal with the property as well as the pension and the bank accounts. The Guardian obtained authority from the US Court for them to be able to instruct me. From there we proceeded with the application in the UK.*

*Because Mr X had indicated that he may wish to return to the UK at some point, and because he didn't immediately need to sell the UK property, it was agreed that we retain the UK property and rent it out to provide an income.*

*There were some people living illegally in the property and I was able to arrange for them to move out so that the property could be rented. We arranged for Mr X's pension to start being paid and also arranged for the sale of the small amount of stock that he held. We continue to work with the US Guardian, keeping them updated and providing the necessary information for their Court reporting. We also communicated and reviewed what we need to do for Mr X on a regular basis.*

Today more people are living and working in different countries around the world and it is not uncommon for them to retain assets in those countries, whether this is bank accounts, property, stock etc. If you have a client with UK assets, please feel free to contact me to discuss how we may be able to assist you with dealing with these. I appreciate that everyone's circumstances are different so an initial discussion on what the options are for your clients will hopefully be useful. I can be contacted by email or by phone, but please bear in mind that there is a time difference!

Otherwise we look forward to seeing you all in Dallas at the conference!

Adrian Mundell



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# MEMBER EXCLUSIVE COFFEE CHAT

**Stressed Out?  
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**Monday, December 19 at 1:00 pm Eastern**  
Learn more and register.

*If you register, please attend, or cancel your registration if your plans change so that we may offer the space to other interested members.*

## NEW SELF-STUDY COURSES

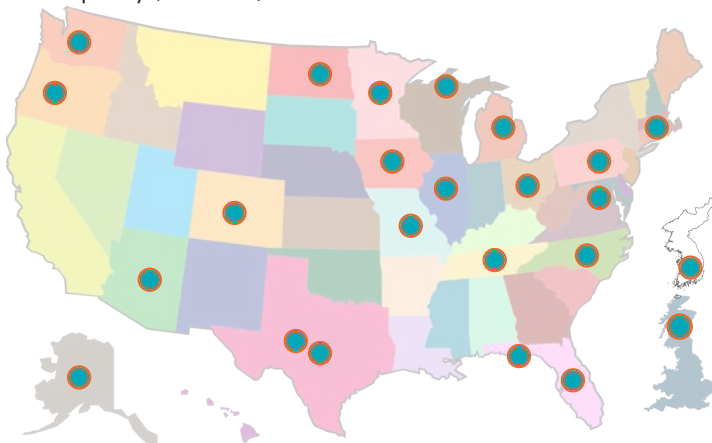
Do you need a few more continuing education credits before the end of the year? NGA has you covered! Check out the [self-study courses](#), featuring SIX new topics!

- Protective Orders and Limited Guardianships: Legal Tools for Sidelining Plenary Guardianship
- Maximizing Autonomy and Ensuring Accountability Rights-Based Post-Appointment Issues in the "New Normal"
- What's Working in Guardianship Monitoring: Challenges and Best Practices
- An Argument and a Roadmap for Regulating the Court-Appointed Professional Fiduciary
- Supported Decision Making: Potential and Challenges for Older Persons
- Addressing Abuse by Guardians: The Roles of Adult Protective Services, Law Enforcement, and the Courts

## WHERE WAS ANTHONY?

In President Anthony Palmier's president's message (page 1) he referenced traveling 50,000 miles to spread the message of good, ethical, and benevolent guardianship. Here's a list of his travels.

- |   |  |
|---|--|
| • North Dakota (virtual)                        | • NGA board meeting: Wisconsin                                 |
| • Texas (twice)                                 | • Florida (twice)  |
| • Missouri                                      | • Ohio   |
| • Michigan                                      | • Alaska   |
| • Arizona                                       | • Minnesota  |
| • CGC meeting: Pennsylvania                     | • NGA conference in Texas                                      |
| • NCPJ conference: Colorado                     | • Tennessee  |
| • North Carolina (virtual)                      | • Oregon   |
| • Washington (virtual)                          | • Korea Congress on Adult Guardianship (South Korea) (virtual) |
| • Massachusetts (virtual)                       |  |
| • Illinois (virtual)                            |  |
| • World Conference on Adult Capacity (Scotland) |  |



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