




Does This Person Need a Guardian?

WORLD ELDER ABUSE AWARENESS DAY CONFERENCE
JUNE 15, 2023

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Panelists


- ▶ Jamie Majerus, CPA, CFE, CIA, Branch Audit Manager, MN Judicial Branch; WINGS MN Co-Facilitator
- ▶ Genevieve Gaboriault, Deputy Ombudsman for Long-Term Care; WINGS MN
- ▶ Robert A. Mcleod, Partner, Taft; WINGS MN
- ▶ Anita Raymond, LISW, Director, Center for Excellence in Supported Decision Making, VOA MN; WINGS MN Co-Facilitator



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Hilda and Henry


- ▶ Ages 82 and 83, living in their home in a vibrant friendly Minneapolis neighborhood.
- ▶ Previously completed HCDs and POAs, each naming the other, with grandson Harvey as alternate.
- ▶ Harvey lives in Hudson WI: a teacher and busy single father of three teenagers. He doesn't know he's been named.
- ▶ Henry has always taken care of everything: finances, bill-paying, hiring yard and household help, enabling Hilda to live a happy life of leisure, volunteering, traveling, etc.



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Hilda

- ▶ Henry recently died. Though grief-stricken, Hilda tells Harvey she's fine, and doesn't want to bother him or have him worry. He obeys her and stays away.
- ▶ Months later, neighbors notice unmown yard, overflowing trash cans; Hilda is seen walking in the neighborhood crying, ungroomed, wearing the same clothes, often not appropriately dressed for the weather.
- ▶ Hilda denies any trouble: "please leave me alone"
- ▶ Neighbor Nick contacts you, stating Hilda needs POA naming him so he can get her straightened out



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Small Group Discussion: 5 minutes


- ▶ How will you address this in your role?
- ▶ What else would you want to know? What will you be looking for in your involvement?
- ▶ Can you help Hilda identify needs and how to get help addressing those needs?
- ▶ Should you support Nick's efforts to step in to help Hilda with decision making?
- ▶ Should you contact Harvey?
- ▶ Does Hilda need a Guardian/Conservator?



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Hilda's Story Continues


- ▶ Harvey contacts you with concerns about Nick inserting himself into his grandmother's life.
- ▶ Hilda told Harvey not to worry about her because Nick is helping.
- ▶ During a visit, Harvey notices several cards and letters from Nick, expressing his love for her, that she's the grandmother he never had
- ▶ Also, Hilda receives several calls, telling Harvey it's her new boyfriend Bill. His car broke down and he needs \$1000 so he can fix it and come meet her in person.



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Summary Discussion

- ▶ What is the tipping point in moving from supporting Hilda's right to make bad choices to protective interventions (MAARC Report; Guardianship / Conservatorship)?
- ▶ Does Hilda have the right to choose her supporter (Nick)?
- ▶ Do we need to protect Hilda from Bill?
- ▶ Can we support Hilda in decision making and address risk and safety concerns?



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Resources



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DEPARTMENT OF HUMAN SERVICES

WINGS Working Interdisciplinary Networks of Guardianship Stakeholders

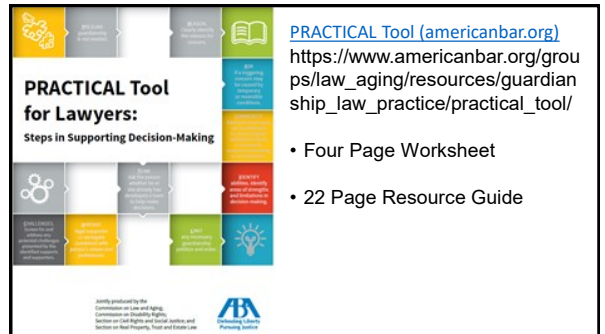
CESDM Center for Excellence in Supported Decision Making

Is guardianship the most appropriate intervention?

- Why is guardianship being requested? What need does the person have that is the real cause for the guardianship request?
 - Move forward if a specific need for guardianship is identified.
- What specific decision is being requested regarding a guardian? What decision needs to be made?
 - Move forward if the specific decision regarding a guardian is identified.
- Can the person communicate a preference about the decision that needs to be made?
 - Yes: Move forward if the person can communicate a preference about the decision.
 - No: NCT able to communicate preference.

Guardianship Decision Tree
<http://wingsmn.org/wp-content/uploads/2022/08/Guardianship-Decision-Tree.pdf>

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PRACTICAL Tool for Lawyers:
Steps in Supporting Decision-Making


PRACTICAL Tool (americanbar.org)
https://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice/practical_tool/

- Four Page Worksheet
- 22 Page Resource Guide

Jointly produced by the Commission on Law and Aging, Commission on Quality Aging, Section on Civil Rights and Social Justice, and Section on Real Property, Trust and Estate Law.



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Minnesota GUARDIANSHIP INFORMATION LINE

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