Transforming Guardianship

How One Guardianship Agency is Implementing Supported Decision-Making in Ohio

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Agenda

• Overview of APSI
• Ohio’s Guardianship and I/DD Service Systems
• SDM in Ohio: Opportunities and Challenges
• What APSI is Doing: 5 Case Studies
• Next Steps
Overview of APSI
APSI’s History

- Ohio’s unique private guardianship agency
  - Corporate guardian
- Non-profit organization
- Created in 1983
  - Merger of “community” and “institution” guardianship agencies
- Funded by Ohio Department of Developmental Disabilities
  - Statutes and regulations provide parameters
APSI’s Role

• Consistent mission and service
  • Guardian of the person only
    • Or alternatives to guardianship of the person
  • Adults with I/DD
  • Statewide service

• Change in scope over past decade
  • Guardian of last resort
  • Significantly reduced number of clients
  • Most clients have dual diagnoses (MH/DD) and/or complex medical conditions

• Referrals/requests for service reviewed by APSI staff for acceptance or placement on waitlist
  • Some counties make direct appointments
APSI’s Organization

- 9 offices in 5 regions
- 75 PSRs: protective service representatives
  - Average caseload 45-60 individuals
- 6 RPDs: regional program directors
- Medical specialists provide support on complex issues and after hours

Source: dvmaps.net (c)
APSI’s Numbers: July 2017-June 2018

• 3,534 clients
• 24,984 in-person visits
• 580 long-term moves
• 7,868 after-hours calls
• 10,178 medical informed consents
• 6,514 service informed consents
• 680,000+ miles traveled
• 12 restorations (18 in FY2019!)
Ohio’s Guardianship and I/DD Service Systems
Ohio’s County System

• Ohio LOVES its county system
• 88 county boards of developmental disabilities
  • Governed by 7-member appointed board
    • Selected by county commissioners (5) and county probate judge (2)
  • Led by superintendent
  • Funded by state, federal, and local dollars
    • Local dollars = property tax levies voted by residents
    • Funding varies widely by county

• 88+ county probate judges
  • Elected to 6-year terms
  • MANY duties including guardianship
    • Some also have juvenile/domestic/general jurisdiction
  • Ohio constitutional age limit (70)
Ohio’s I/DD System

• Cabinet-level office: Ohio Department of Developmental Disabilities
  • Funding streams
  • Rules, regulations, and oversight
  • Statewide policy initiatives
  • Administrative support
  • Delegated Medicaid authority to administer waivers

• County boards manage services
  • Service and Support Administrators (SSA)
  • Locally funded services
  • Waiver match funding (with some exceptions)
Ohio’s I/DD System In Transition

• Different pace in different areas
• Rebalancing institutional and community services
  • 8 state-run developmental centers
  • Private ICFs from 6 to 100+ beds
  • 3 HCBS waiver programs
• Privatizing services to become conflict-free
• Reviewing day services and employment
Ohio’s Guardianship System

• 2017: 47,000+ guardianships statewide
• County probate courts = superior guardian
  • Judges and magistrates
  • Court investigators
• Supreme Court of Ohio
  • WINGS group
  • Civil rules and rules of superintendence
• Columbus Dispatch “Unguarded” series (2014)
  • Exposé on guardianship, highlighted bad actors
  • Led to Rule 66
    • Consideration of less restrictive alternatives
    • Annual reports and plans
    • Complaints reviewed by court
SDM in Ohio
SDM on the Move

- Many county boards have become very interested in SDM
  - Collaboration with NRC-SDM
  - Trainings for staff, advocates, and families
  - Often spurred by a local SDM champion
  - Focus on transition-aged youth
- Limited statewide coordination
- Some counties include probate judges in discussions/trainings
SDM Opportunities

• Decent state laws on guardianship
  • Less restrictive alternatives must be considered
  • Right to counsel and expert evaluation
  • Right to annual review hearing with counsel and evaluation

• Lots of low-hanging fruit
  • Plenty of “easy” restorations due to decades of over-reliance on guardianship

• Culture of advocacy
  • State and local advocacy support
SDM Challenges

• Disparities in awareness and acceptance of SDM
  • County to county
  • County board to probate court
  • Other professionals
  • Families
  • Theory to practice

• Lack of a tangible alternative/proof of concept
  • Need to generalize non-I/DD methods like POA

• Individuals with limited “natural supports”

• History of using APSI/guardianship to make things "easier"

• Skewed understanding of guardian’s role

• Culture of protection
  • Fear of causing harm, being at fault
What APSI is Doing
APSI’s SDM Principles

• Involve individual in decisions to the maximum extent possible
• Least restrictive service that is appropriate to the person’s needs
• Continuum of services
• No need to hang on to clients who don’t need us
• Recognize the lack of natural support for some clients
  • But also embrace the family at its level of involvement and understand people change
APSI’s SDM Path

• Decade of focus on reducing scope
  • Inc. restorations and successors
  • Limiting new cases by priority
• Meeting in November 2017 to explore SDM
  • Focus on individuals
  • Start with “easy” cases
• County board partnerships
  • Collaboratively identify potential for restoration
• Strategic plan re continuum of services
  • Defining and communicating alternatives
• APSI Institute in April 2019
  • Training for APSI staff and external groups
APSIs SDM Continuum

- Prior to appointment
  - Guardian of last resort flow chart
  - Targeted Decision-Making

- Ongoing guardianship
  - Annual plan section on restoration
  - Empowering self-advocacy

- Restorations
  - Guardianship to Restoration Transition
Case Study: TH & JL

- Two individuals living in ICFs offered exit waivers
- County board requested that APSI become guardian
- No other identified decision-making needs
  - Disagreement between county board and provider
- Met with JH and JL, offered to be “chosen representative/protector”
  - Defined limited role for team and service plan
- Discussed options and supported during process of choosing whether to accept waiver
- TH declined waiver, JL accepted and chose new residence and provider
  - APSI involvement ended
TH & JL: Reflections

• Very easily could have become lifelong guardianships
• Connection between residential changes and guardianship
• Shows importance of critical APSI review of requests for service
• Vestiges of APSI as the solution to a misidentified problem
Case Study: J-Lo

• 55 year old man served by APSI since 1998
• Identified by APSI and county board for restoration
  • Not because he always makes the decisions we would make
• County board facilitated expert evaluation and filed with court
• J-Lo, APSI, county board, and provider testified at hearing
• Judge approved restoration
J-Lo: Reverberations

- Meeting with judge before hearing
- Self-advocacy by J-Lo
- Testimony by long-time provider
- Specific example of recent self-advocacy
- Consistent positive message
- Positive effects
  - Judge
  - SSA Director: “one of my favorite work experiences” in 13 years
  - J-Lo at APSI Institute
Case Study: JT

• 28 year old man served by APSI since 2008
• Requested restoration in 2017 then withdrew request at hearing
• Identified by APSI and county board for restoration
• JT expressed concern about losing APSI support
• APSI agreed to remain in voluntary “protectorship” role after restoration
  • Time-limited for 6-12 months
JT: Post Script

• APSI rep continued monitoring and assisting with advocacy
  • Selection of new provider with housemates (also APSI clients)

• Clear communication about limited role

• Addressing concerns while resisting team (provider) requests to re-establish guardianship services
  • Identifying specific issues
  • Clarifying role of guardian
Case Study: KH

• 30 year old woman served by APSI since 2010
• Mother was her guardian
  • Not a positive dynamic
  • KH hospitalized, transferred to developmental center
• Relationship between KH and mother improved over time with APSI involved
  • KH moved back in with mother, receives minimal services
• Identified by APSI and county board for likely restoration
  • Mother is also supportive of restoration
Next Steps
Next Steps for SDM

- Continued collaboration with counties
- Spreading the message
  - 101/Breadth: to people who haven’t heard
  - 201/Depth: building on knowledge and experience
- Using the expertise at NRC-SDM!
- Celebrating and sharing our successes
- Implementing processes and clarifying expectations at APSI
  - SDM leads in each region
Questions?

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My Questions

• What do you think?
• What are other guardianship organizations doing?
• How can we create organizational process while remembering that SDM “isn’t a process, it’s a paradigm”?
• What guidance can we give our staff to balance dignity of risk with our responsibility to make decisions in the person’s best interest while we are the guardian?