

Improving Accountability Efforts for Adult Guardianships

Reducing the total number of cases of
abuse and neglect in Virginia

Hannah Kay Byrum

Master of Public Policy Candidate

The Frank Batten School of Leadership and Public Policy

March 23, 2022

Prepared for the Virginia League of Social Services
Executives



FRANK BATTEN SCHOOL
of LEADERSHIP and PUBLIC POLICY



Applied Policy Project Disclaimer

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University of Virginia Honor Pledge

On my honor as a University of Virginia student, I have neither given nor received unauthorized aid on this assignment.

A handwritten signature in black ink, appearing to read "Hunt R. By" followed by a flourish.

March 23, 2022

Acknowledgements

I would like to thank and recognize several individuals whom without, this project would not be possible:

To Rebecca Morgan and the Virginia League of Social Services Executives for their guidance and support throughout my Applied Policy Project. It has been an incredible honor being able to work with you all as we work towards improving accountability efforts in Virginia's adult guardianships.

To James Pickral of Commonwealth Strategy Group for connecting me with the League for my Applied Policy Project as well as helping me find my passion for government relations and advocacy.

To Professor Andrew Pennock of the Frank Batten School of Leadership and Public Policy for advising my project, challenging, and supporting me, and your constant encouragement over the last year.

To my APP Group and Marisa for always being willing to read over my papers, provide feedback and support me. You all helped get me through Batten, and I am so thankful for you.

To Morgan for constantly answering my FaceTimes, reading over my papers, and sending my links on creating data maps. I do not think I could have done all of this without you.

To my Hollins University Advisors, Dr. Courtney Chenette and Dr. Edward Lynch, for pushing me to pursue my policy passions and dreams. I am forever grateful to you both and Hollins.

To my soon-to-be husband, Alec, for supporting me since 2012, tutoring me in all my math classes, always putting a smile on my face, and loving me unconditionally.

Finally, and most importantly, my parents, Randy and Angela, without you, I would not be who I am today. You have supported me in all my endeavors, wiped away endless tears, challenged me, and are my biggest cheerleaders. From dance to field hockey to swim meets to endless horse shows, Hollins, Germany, and grad school, you have been there through it all and I am so lucky. Thank you for the sacrifices you made to get me to where I am.

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DEFINITIONS

Incapacitated Person: “an adult who has been found by a court to be incapable of receiving and evaluating information effectively or responding to people, events, or environments to such an extent that the individual lacks the capacity to (i) meet the essential requirements for his health, care, safety, or therapeutic needs without the assistance or protection of a guardian or (ii) manage property or financial affairs or provide for his support or for the support of his legal dependents without the assistance or protection of a conservator.” as defined by the Code of Virginia (Virginia General Assembly 2020).

Adult Guardianship: “an individual appointed by the Court who is responsible for an adult’s personal affairs” by the Courts of the Commonwealth of Virginia (FAQS: Appointment of Guardians and Conservators For Incapacitated Adults, 2021).

Abuse: As it related to adult guardianships, abuse could be financial, physical, emotional/psychological to an incapacitated individual, as defined by the United States Department of Justice (Mistreatment and Abuse By Guardians and Other Fiduciaries 2021).

Neglect: As it related to adult guardianships, is the failure to fulfill the responsibilities and duties as a guardian, outlined by the Code of Virginia (Code of Virginia n.d.).

ABBREVIATIONS

The League – The Virginia League of Social Services Executives

VDSS – Virginia Department of Social Services

LDs – Virginia Local Departments of Social Services

DARS – Department of Aging and Rehabilitative Services

AG – Adult Guardianships

EXECUTIVE SUMMARY

The Commonwealth of Virginia has a very limited understanding of the challenges that adult guardianships face. Particularly, as it relates to abuse and neglect that is done to an incapacitated individual by the guardian. This is caused by a lack of information, which occurs because the Commonwealth does not require any state-wide automatic data sharing across agencies, particularly between local departments. The Commonwealth also does not have many systems in place that can easily identify cases of abuse and neglect, ultimately impeding policy makers, advocates, and other stakeholders within this system from providing support and protections to incapacitated individuals. This further prevents the agencies from having a comprehensive understanding of the challenges that adult guardianships face as well as identifying and supporting guardians and incapacitated individuals. These barriers hinder progress in providing and strengthening the protection to incapacitated individuals, as well as providing necessary support and resources to the guardians. Lastly, the lack of overall, comprehensive understandings impedes local departments and DARS from accurately identifying trends of intentional and unintentional abuse and neglect within adult guardianships.

Virginia is home to over 12,000 adults who require guardianship across the Commonwealth and its 120 local departments (Department of Aging and Rehabilitative Services State Fiscal Year 2021 2022). Adult guardianships are for those 18 years of age and older who the Virginia Circuit Court has deemed “incapacitated”¹ (FAQS: Appointment of Guardians and Conservators for Incapacitated Adults, 2021). Across the localities, there may be as few as nine cases and as many as 2,400 cases of public and private adult guardianships overseen at the local department level (Virginia Local Departments Adult Guardianship Interviews 2022).

The Virginia League of Social Services Executives (The League) should implement policies that accomplish the following: identify and reduce the number of cases of abuse and neglect; provide support, accessibility, and education to guardians regarding their role; and deter purposeful abuse and neglect from occurring. This report identifies five policy alternatives that aim to accomplish these goals:

¹ An incapacitated person, as defined by the code of Virginia, is an adult who has been found by a court to be incapable of receiving and evaluating information effectively or responding to people, events, or environments to such an extent that the individual lacks the capacity to (i) meet the essential requirements for his health, care, safety, or therapeutic needs without the assistance or protection of a guardian or (ii) manage property or financial affairs or provide for his support or for the support of his legal dependents without the assistance or protection of a conservator (Virginia General Assembly n.d.).

- Alternative 1: Update the current Department of Aging and Rehabilitative Services current online system to allow for more data collection;
- Alternative 2: Provide an electronic filing report option;
- Alternative 3: Implement a “Guardian Training Manual” that will be physically and electronically distributed to guardians upon appointment by the court system;
- Alternative 4: Establish and conduct random audits of guardianships; and
- Alternative 5: Maintain status quo

Each of these alternatives was evaluated using a combination of five criteria: effectiveness, budgetary costs, social costs, political feasibility, and administrative feasibility. After interviewing 16 people and researching best practices from other states, each criterion was scored on a scale from 1-5 and given a cumulative score to determine the best alternative The League should pursue.

It is recommended that The League pursue a combination of Alternative 2: Provide an electronic filing report option and Alternative 3: Implement and distribute the “Guardian Training Guide”. When operating in conjunction, these alternatives will accomplish The League’s goals of reducing the total number of cases of abuse and neglect across adult guardianships as well as provide ample education for guardians regarding their responsibilities.

CLIENT OVERVIEW

The Virginia League of Social Services Executives is a professional organization of leaders within the local departments of the Virginia Department of Social Services (VDSS) (Local Department of Social Services n.d.). The League works to support localities in all matters social services including adult services, child services, government assistance programs, as well as advocate for the staff and constituents living in the communities served by each local department (LD`s). The League partners closely with VDSS and the Virginia Department of Aging and Rehabilitation Services (DARS) to serve and advocate for the aging population of the Commonwealth. Partnerships like this and the one between The League, VDSS, and LDs maintain operations across all areas of social services, including the Virginia Public Guardianship Program, Adult Protective Services, Adult Guardianships, the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid, as well as services like adoption and childcare assistance (Department of Social Services 2021).

PROBLEM OVERVIEW AND BACKGROUND INFORMATION

Virginia is the leading state in policy relating to adult guardianships and their associated programs (Improving Virginia's Adult Guardian and Conservator System 2021). Other states have begun to model their adult guardianship systems after Virginia, with Nebraska and Oregon being the most prominent (Improving Virginia's Adult Guardian and Conservator System 2021). Despite being considered a leader of conservatorship and guardianship programs, Virginia lacks a large amount of data and accountability safeguards that focus on the perspective of the guardian. Virginia lacks training on the scope of the guardians' role and accessibility to assistance if questions arise. This lack of information can unintentionally result in guardians making mistakes, leading to the abuse and neglect of those they oversee. In other cases, due to the lack of accountability and oversight measures, some guardians purposefully abuse and neglect those in their care.

Contributing Factors to Abuse and Neglect in Virginia

The main elements that influence the number of cases of abuse and neglect in adult guardianships are the challenges that guardians must overcome to effectively carry out their duties as a guardian, such as correctly completing the annual filing report in a timely manner. The first main contributing factor to abuse and neglect –intentional and unintentional– in Virginia are the barriers to education that guardians receive to inform them of their legal responsibilities, including the language used with existing materials. The second barrier is accessibility with regard to how a guardian can carry out their duties and responsibilities effectively and safely.

When considering education efforts, 92% of local departments reported that majority of the failures to file the first AFR was due to confusion over the filing timeline (Virginia Local Departments Adult Guardianship Interviews 2022). It also specifically noted that the same guardians who failed to file the AFR after they filed their initial report cited confusion on when their 12-month period began for the missed deadline (e.g., does the 12-month period start at the time of the initial report being filed or does it start at the appointment of the guardian). Additionally, LDs reported that there was a lack of presentable information that could be distributed to guardians that will provide the guardian with a list of resources available to them if the guardian needs additional assistance, or if the guardian feels they are no longer fit to legally be responsible for the incapacitated individual. The lack of resources available to guardians is a contributing factor to the unintentional neglect occurring in guardianships (Virginia Local Departments Adult Guardianship Interviews 2022).

Consequences of Inaction

Should Virginia choose inaction on addressing abuse and neglect in adult guardianships, the main result would be allowing a flawed system to continue to function, leaving one of Virginia's most vulnerable populations at risk for increased financial and physical exploitation and neglect. The incapacitated individual is already losing many of their rights when they enter a guardianship situation, but failure to pursue intervention could also cost the incapacitated individual their savings or homes and could lead to the incapacitated individual being placed into an institutional setting. They may also experience increased mental health disorders, including depression, anxiety, and suicidal thoughts (Dari Pogach and Erica Wood 2019).

Virginia's Adult Guardianship Program

The League has estimated an approximate 12,000 cases of adult guardianship in Virginia. Of the 12,000 cases, 1,049 of those falls under Virginia's public guardianship program, where a designated guardian from the Circuit Court is appointed by the state to the incapacitated individual (Improving Virginia's Adult Guardian and Conservator System 2021). When an incapacitated individual has a private guardian, that guardian is typically someone from the incapacitated individual's community. The Joint Legislative Audit and Review Commission identified that private guardians are often a family member, spouse, attorney, friend, or entity such as an assisted living facility (Improving Virginia's Adult Guardian and Conservator System 2021).

Current Technical Procedures for Adult Guardianships in Virginia

The Commonwealth requires several procedures be completed by guardians and the members of local departments as outlined by the Code of Virginia (Virginia General Assembly 2020). The most integral item is an annual filing report (AFR), which must be provided by the guardian by a designated filing deadline. These report deadlines differ for each guardian and are contingent on when a guardian was appointed by a Circuit Court (Virginia General Assembly 2020). The AFR and initial report² serves the purpose of providing an overview of the emotional, physical, medical, financial, and living situations of the incapacitated adult, so that local departments know if interventions are necessary (Department of Aging and Rehabilitative Services State Fiscal Year 2021 2022). The form must be hand-written or typed, and then mailed, e-mailed, or hand-delivered to the local department in their jurisdiction. At the time of delivery, the form must be accompanied by a \$5.00 filing fee which is then used by the LD to provide services to adults in need of protection (Virginia General Assembly 2020). Table Two outlines the different information that must be included in the AFR when it is submitted by the guardian.

² The Annual Filing Report and Initial Report are identical in information. The same template for the form is used for all guardianship reports including the initial report, annual filing report, and final report.

**Table Two: Information Included in the
Initiation and Annual Filing Report Provided by Legal Guardians**

A description of the current mental, physical, and social conditions of the incapacitated person
A description of the incapacitated person's living arrangements during the reported period
Medical, educational, vocational, and other professional services provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care
A statement of whether the guardian agrees with the current treatment of habilitation plan of the incapacitated individual
A recommendation as to the need for continued guardianship, any recommended changes in the scope of the guardianship, and any other information useful in the opinion of the guardian
A statement of frequency and the nature of the guardian's visits with and the activities on behalf of the incapacitated person
The compensation requested and the reasonable and necessary expenses incurred by the guardian

(Virginia General Assembly 2020)

To better gain a deeper understanding of how adult guardianships operate in Virginia, an interview with local departments in Virginia was conducted to gain a deeper understanding on how guardianships operate at a local level. The following sections discuss the background information that was collected via the interviews with the local departments.

Interview Demographics

Due to the lack of data available on adult guardianships that would highlight trends and challenges within the program, virtual interviews with willing members of LDs were held. These interviews supplemented some of the crucial information missing in adult guardianships, particularly from the local department's perspective and insight. The interviews included a variety of employees across various levels of local departments of social services with at least one LD from each region to attempt to prevent any potential bias that would occur by only interviewing certain regions or employees higher up on the professional hierarchical chain within LDs. Table One shows the employment titles of the individuals who were interviewed by region.

Table One: Employee Titles Interviewed

Region	Titles Interviewed
Eastern Region	→ Connect Program Coordinator → Director → Family Service Supervisor for Adult Protective Services → Family Service Specialist II → Family Service Specialist III
Northern Region	→ Adult Protective Services Supervisor → Program Manager for Adult Protective Services → Family Services Specialist III
Central Region	→ Casework Supervisor → Family Service Specialist II → Family Service Specialist III
Piedmont Region	→ Family Service Specialist for Adult Protective Services → Family Service Supervisor for Adult Services
Western Region	→ Agency Director → Family Service Specialist for Adult Services

(Virginia Local Departments Adult Guardianship Interviews 2022)

During the interview process, 16 members from 15 local departments across Virginia were interviewed regarding the adult guardianship program and how it operates within their locality and region. Figure Two shows the location and representation of the different localities and regions. Across the 15 localities interviewed there were a total of 4,457 adult guardianship cases represented with the largest concentration of these being in the Northern Region (Virginia Local Departments Adult Guardianship Interviews 2022). Socioeconomic and geographical differences across these regions impact the number of cases and availability of guardians in each locality. For instance, the Western, Piedmont, and Northern regions are home to larger counties which would increase the ratio between guardianships and caseworkers as well as impact the distance from VDSS reporting locations. Alternatively, the Central and Eastern regions have more compact counties meaning fewer LDs can cover a smaller area and number of cases. In other words, a 75-mile radius in the Western region will cover fewer counties than in the Central region. Figure Two highlights each VDSS region, pinpointing which localities were interviewed.

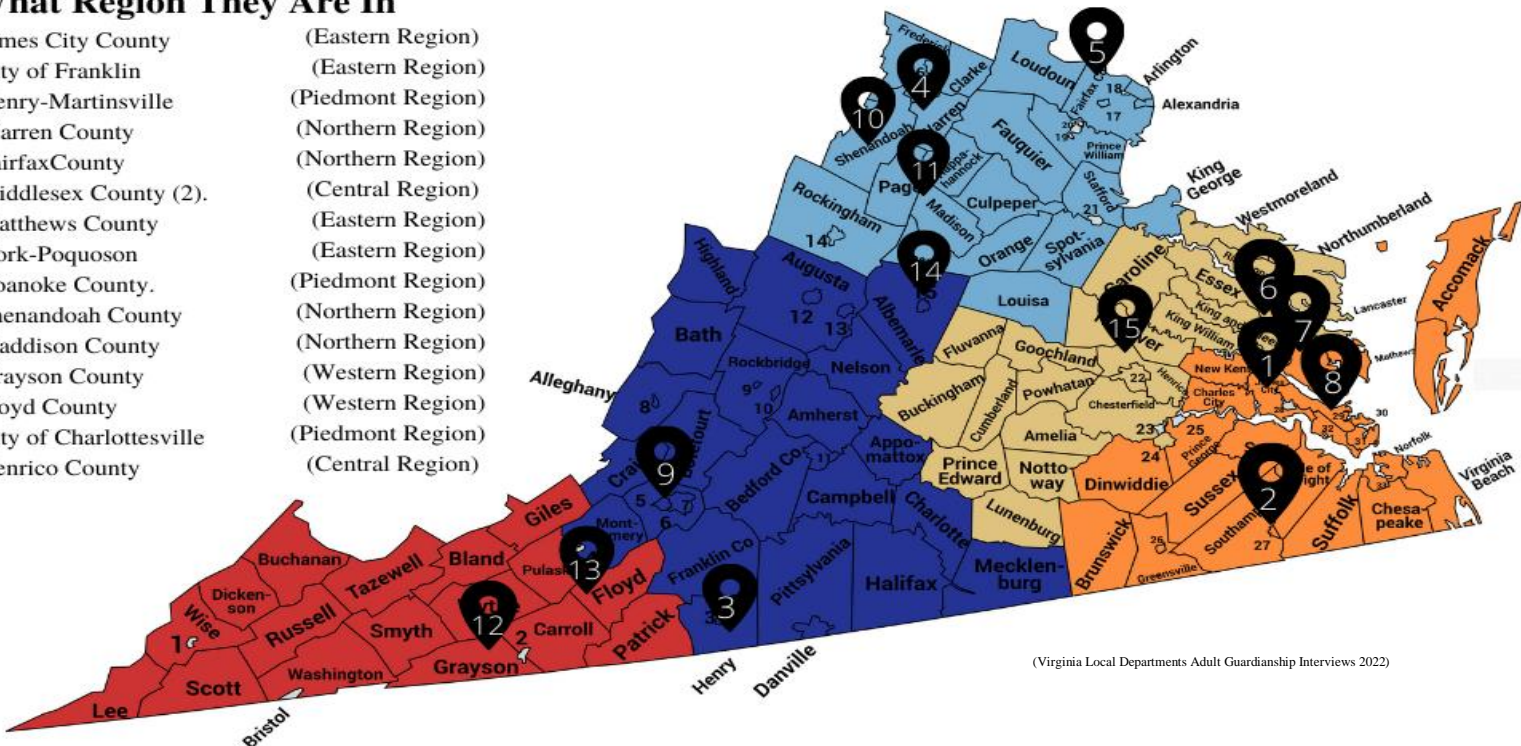
Figure Two: Local Departments Interviewed and Their Regional Location

Virginia Department of
Social Services Regions

- Western Region
- Piedmont Region
- Northern Region
- Central Region
- Eastern Region

Localities Interviewed and What Region They Are In

- | | |
|-----------------------------|-------------------|
| 1. James City County | (Eastern Region) |
| 2. City of Franklin | (Eastern Region) |
| 3. Henry-Martinsville | (Piedmont Region) |
| 4. Warren County | (Northern Region) |
| 5. Fairfax County | (Northern Region) |
| 6. Middlesex County (2). | (Central Region) |
| 7. Matthews County | (Eastern Region) |
| 8. York-Poquoson | (Eastern Region) |
| 9. Roanoke County. | (Piedmont Region) |
| 10. Shenandoah County | (Northern Region) |
| 11. Maddison County | (Northern Region) |
| 12. Grayson County | (Western Region) |
| 13. Floyd County | (Western Region) |
| 14. City of Charlottesville | (Piedmont Region) |
| 15. Henrico County | (Central Region) |



(Virginia Local Departments Adult Guardianship Interviews 2022)

Current Timeline for Filing an Annual Filing Report (AFR)

The current filing process for filing an AFR is time consuming and confusing from start of guardianship to finish due to the two filing reports that must be completed within the first 12 months of guardianship; the first “initial report” is due four months after a guardian has been appointed and the second is the AFR which is due on an annual basis. The lack of clarity of what a guardian must complete during the first 12 months of a guardianship has been reported by staff at LD to result in missed filing deadlines of the AFR by guardians (Virginia Local Departments Adult Guardianship Interviews 2022). Members of the LD’s that reported this issue stated that this could be a result of a guardian submitting the initial report being filed on time and the guardian not realizing an additional report is due eight months later (Virginia Local Departments Adult Guardianship Interviews 2022). Every guardianship in Virginia follows the timeline outlined in this report under Figure Three for the first 12 months as a guardian (Virginia General Assembly 2020).

Figure Three: Timeline for Filing Reports in The First 12 Months of Guardianship



(Virginia General Assembly 2020)

Current Process for Missed Filing of Annual Filing Reports

On a bi-annual basis, the local departments compile and submit a list of guardians who have missed their filing deadline for their annual report (Virginia General Assembly 2020). Once the list has been compiled, it is submitted to the Circuit Court which issues a summons for the guardian to appear in court. If the guardian is summoned to court for a missed filing deadline, they are asked to provide reasoning for the missed filing (Virginia General Assembly 2020). During the court hearing, the guardian must certify under oath that the information they have provided is correct and true to their own knowledge and should the guardian be found to have not been truthful in their report, face up to \$500 in fines (Virginia General Assembly 2020). Figure Three provides a general overview of the process of a missed filing deadline of the AFRs.

Figure Four: Missed Filing Deadline of Annual Filing Reports Cycle



(Virginia General Assembly 2020)

EXISTING RESEARCH AND HOW IT CONNECTS TO VIRGINIA

Several barriers have been identified to improving guardianship services and accountability. One major barrier is the lack of accurate and accessible information regarding guardianships (Hurme and Wood 2002). The lack of accessible information, such as how many times a guardian has missed an AFR deadline and why, is caused by limited resources, including limitations within the current online system as well as manpower within localities.

This struggle is not unique to Virginia — limited information on guardianships is prevalent in many states. A 2018 report, completed by the Jordan Institute for Families at The University of North Carolina at Chapel Hill School of Social Work, asserted that states facing difficulties in enforcing and improving accountability in adult guardianships, such as Virginia, lacked accessible, user-friendly data systems that benefitted both individual guardians and caseworkers (Fields et al. 2018). It is crucial to understand and address how the Department of Social Services and the Department of Aging and Rehabilitative Services can work with the Virginia Circuit Courts to improve the system that aims to support and protect individuals. Without a sound foundation, one cannot address the individual responsibilities of guardians exclusively and successfully because the system itself has crucial gaps that must be resolved first.

JLARC has also identified the lack of accessible information barriers in Virginia when conducting the October 2021 report. They found that there is an absence of comprehensive, universal standards for guardians to be held to, which makes it impossible to standardize care for those receiving guardians (Improving Virginia's Adult Guardian and Conservator System 2021). The greatest barrier to improving individual accountability is the absence of a centralized process for filing complaints regarding a private guardian and their actions or lack thereof (Improving Virginia's Adult Guardian and Conservator System 2021).

The research surrounding the lack of information highlights the importance of maintaining guardianship case information that will be valuable in both tracking case information which includes the frequency of abuse and quality of guardianship services; all of which play a vital role in understanding the court's *parens patriae* or its duty to protect those who are unable to protect themselves and the efficacy of the law (Hurme and Wood 2002). The lack of information and reporting on guardianships gained the attention of two U.S. Senators, Elizabeth Warren (D-MA) and Robert P.

Casey, Jr. (D-PA) who wanted the U.S. Department of Health and Human Resources and the U.S. Department of Justice to provide data and additional information on adult guardianships and conservatorships as a result of the media attention on the conservator case of Britney Spears (Reiter 2021). When addressing the reporting issues, the study completed at the Brookdale Center for Healthy Aging at Hunter College was the primary source for addressing reporting. This report highlighted the current process for filing in New York and is identical to the filing process in Virginia. Currently in both states there is the initial report and an annual report — both intended to help inform the Circuit Court whether the guardian is fulfilling their responsibilities) (Callahan, Romanick, and Ghesquire 2016). On average, the time between when the case was filed and the initial report was 237 days despite the statute requiring no more than 120 days between when the case to be a guardian was filed and when the initial report is due (Callahan, Romanick, and Ghesquire 2016).

Data Tracking Within Adult Guardianships

To address accountability, upgrading the internal system Virginia has been using for tracking is an integral consideration.

The National Center for State Courts and The State Justice Institute released a joint report on Guardianship/Conservatorship Monitoring that could improve data collecting elements at the state level. The report identified a massive gap in available information including reporting issues and lack of measures that aid in identifying abuse and neglect. This lack of information is a consistent contributing issue to guardianship accountability over the last three decades (Robinson, Holt, and Boyko 2020). The report suggested frameworks of how to collect information that will assist in identifying and addressing any changes that have occurred over the life of the case (Robinson, Holt, and Boyko 2020). The framework would also work by establishing online “tabs” that are used by the caseworkers in their internal online case system. These tabs will identify and respond to problems that may arise in a case, such as fraud, mismanagement, neglect, or abuse, and finally addressing the aspect of properly and adequately protecting the individuals who are subject to guardianships (Robinson, Holt, and Boyko 2020).

The tabs suggested by Robinson, et. al, include the case, client information, probates, and court orders, as well as warrants issued and returned. The tab also includes the appointments, review, and monitoring for each court order as well as reasons for warrants (Robinson, Holt, and Boyko 2020).

The Court Statistic Program as well as the National Open Court Data Standards provide solid frameworks for data collecting with the goal of the data collection (Robinson, Holt, and Boyko, 2020). Aspects from the Court Statistic Program (CSP) and the National Open Court Data Standards (NODS) are incorporated into the framework provided in the 2020 guardianship monitoring report and act as the starting point for the current recommendations (Robinson, Holt, and Boyko, 2020). It was noted that not all aspects of the NODS or CPS were included in the recommended framework, however priority was given to those aspects of the framework that was specific to guardianships (Robinson, Holt, and Boyko, 2020).

Online Filing Option to Improve Initial and Annual Report

At an individual level, filing the initial and annual reports as a guardian online would improve the current system because it increases accessibility within filing options for guardians, and removes obstacles such as time limitations to how the AFRs can be filed. There is currently no research or evidence that addresses the efficacy of this method. However, similar to filing one's taxes electronically, there is an array of benefits that can come from allowing the online submission of the reports, such as increased take-up rates for on-time filing, reduced failures in successfully submitted AFRs, and the removal of barriers to file, such as having to drive long distance to a post office to mail the AFR and filing check. According to the IRS, in 2018, approximately 90% of individual taxpayers filed electronically versus in person (Six reasons 90 percent of the people will e-file their taxes, 2018).

The concept of using online systems to allow for filing or scheduling to improve accessibility is not limited to just filing one's taxes. Access to technological scheduling has been shown to improve and streamline communication in multiple disciplines across the medical field. A study led by Ted Palen showed that there was an increase in the number of doctor appointments that were scheduled when the individual was given the chance to schedule online versus in person (Palen, Ross, and Power, 2012). In this study, there was a statistically significant increase (95% CI) in the number of scheduled and attended appointments that were made online versus in-person or over-the-phone (Palen, Ross, and Power, 2012). When applied to guardianships, expanding the option to file AFRs to an online *and* in-person option, should lead to an increase in the number of AFRs that are filed on the designated filing deadline for each guardian.

Limitations of the Literature

Limitations with Data

One major limitation to the evidence presented on tracking guardianships and guardianships in general is the lack of information regarding guardianships at both the state and national level. This is likely due to the lack of media or political attention that guardianships have not had in the past but is continuing to gain such attention in different states and at the federal level. Having information readily available regarding the number of guardianships, the number of missed reports, the number of summons a person has received and the demographics associated with each guardian is crucial in addressing and implementing new adult guardianship policies.

Limitations with Accessibility

The primary limitation with data is that there is no information available to determine how effective implementing an online portal for submitting the annual and initial reports, as well as paying the filing fee online, would be for guardianships. There are other disciplines that could be used to base the framework off of, as well as provide supporting evidence in favor of implementing online submissions for guardians.

Interview Results for the Alternatives

After gaining an understanding how industries are improving their operational systems between an organization and the individuals who are members of that organization. To gather a more comprehensive understanding of how adult guardians interact with local departments; this section provides an analysis of the data collected by the interviews. The following information provides a comprehensive break-down of the interview questions that pertained to the different alternatives and how guardians interact with caseworkers at LDs. This section is focused on questions 5-13a of the interview questions which pertain to operations of the LDs interviewed and how each of the alternatives could improve or hinder the day-to-day operations of the local departments.

Table Three: Break-Down of Interview Responses

Question 5: On a scale from one to ten, how satisfied do you believe guardians in your locality are with the current annual report filing process? One being very dissatisfied and ten being very satisfied.	Average score: 5.72
Question 6: How would you classify the current process for filing the annual reports when considering user-friendliness? Please rate on a scale of one to ten with one being incredibly not user friendly and ten being very user friendly.	Average score: 5.31
Question 7: When considering the total number of cases, you deal with for adult guardianships, how many cases would you say include some form of financial abuse/financial mismanagement of the incapacitated individual's funds? This could be intentional or unintentional.	Average score: .53 ³
Question 8: If there was a single component to Virginia's guardianship program and how it operates in your local department, that you could change, what would that component be?	<ul style="list-style-type: none"> • Six respondents discussed AFR changes • Six respondents discussed training options for AG • Two respondents discussed home-visits • One respondent discussed expanding the guardianship program • One respondent discussed establishing a

³ Most of the local departments did not have any data to share on this information and answered with either a "0" or "unknown" answer.

	dedicated AG employee for LDs
Question 9: From the few ideas that I have floated to you, do you have any thoughts or feedback for them? Are there any that stand out as particularly beneficial to your guardians and LD or any that may not help out with efficiency within the LD as much?	50% of respondents selected AFR changes as beneficial 37.5% of respondents selected the training option 12.5% of respondents selected audits as an
Question 10: If an annual training for non-professional guardians became a mandatory component of becoming and maintaining guardianship status, what single component do you believe MUST be included in the training?	87.5% of respondents stated training on responsibilities 12.5% of respondents states that a resource list be made available to guardians
Question 11: How confident are you in your ability to identify cases of abuse and neglect in adult guardianships? Please rate on a scale of one to ten with one being not confident at all and ten being very confident.	Average score: 5.03
Question 12: If changes in the operational proceedings of adult guardianships changed (how guardians file annual reports, data collection by case workers, trainings), do you believe those changes would be beneficial, not beneficial, or have no effect on the department and to the guardians under your department?	Average score: 7.97
Question 13: When considering the current online system, PeerPlace, for collecting and storing information on guardianship cases, do you believe that the online system allows for sufficient collection of information on cases that assists in the identification of cases of abuse and neglect?	<ul style="list-style-type: none"> • Eight respondents answered “no” • Six respondents answered “yes” • Two respondents answered “unsure”
(Virginia Local Departments Adult Guardianship Interviews 2022)	

CRITERIA

There are several policy alternatives that The League could advocate to be incorporated into DARS' policies and procedures to address abuse and neglect in adult guardianships. The following five criteria evaluate the projected outcomes of each of the policy alternatives. Each criterion will be scored on a scale of 1 to 5, with 1 being poor, 2 being unfavorable, 3 being neutral, 4 being favorable, and 5 being excellent.

Effectiveness

The effectiveness criterion measures the reduction in the total number of cases of abuse and neglect in adult guardianships⁴.

The ideal policy alternative that would be selected will reduce the total number of cases of abuse and neglect. This includes reducing barriers that guardians and caseworkers face as well as improving accessibility to resources.

Costs

The cost must be considered in two different capacities: the social costs, or the cost the guardians incur, and the budgetary costs, or the costs that the Commonwealth incurs. Both are necessary in determining the best alternative.

Social Costs

The social costs associated with each policy are the costs incurred by the guardians themselves.

Direct costs would be attorney fees. The average cost for an attorney in elder law is \$283 per billable hour (Clio, 2021). Additionally guardians incur indirect costs including the cost of their time. The cost of time to guardians in Virginia is assumed to be the average salary, approximately \$22 per hour (Hourly Rate in Virginia, 2021).

Budgetary Costs

The budgetary cost would be the cost that the state incurs to support the operation of a policy including the costs for additional jobs, costs of third-party contractors, and the costs for updating the current system used by VDSS and LDSS.

⁴ It is particularly important to note that due to the lack of centralized data that was available for the purpose of this research on abuse and neglect in adult guardianships, effectiveness is measured in combination to existing research that relates to the general functioning of the alternative in question.

Administrative Feasibility

Administrative Feasibility is important for the alternatives because these policies ultimately change the current processes that VDSS and LDSS workers have in place. This could be measured by an increase in hours worked by employees, as well as if there is a need for hiring additional supporting staff and caseworkers. This will also be measured on a low, medium, high scale representing the likelihood that the LDSS can withstand the demand of each alternative. Through interviews with local department interviews, understanding how each policy would impact the day-to-day operations of each department will provide a clearer understanding of the feasibility for each alternative.

Political Feasibility

Political feasibility is important because each of these alternatives cannot be implemented without being passed and funded by the General Assembly of Virginia and signed by the Governor of Virginia. Each alternative will receive a score of 1-5. If an alternative receives a high rating, then there is a greater chance of the policy being funded if funding is applicable as well as a strong likelihood of it passing. To determine the level of feasibility for each alternative I will interview professionals who are familiar with the landscape of the Virginia General Assembly, who also will be able to help me identify those who may be in opposition to the proposed policies. And what the agencies think. Additionally, these interviews will help identify potential legislators who would be a good fit for Chief Patron and or Co-Patrons on both the House and the Senate.

ALTERNATIVE INTERVENTIONS TO IMPROVE ADULT GUARDIANSHIPS

The five policy alternatives below are being evaluated for consideration in a response to the desire by The League and other agencies to reduce the total number of cases of abuse and neglect, intentional and unintentional in adult guardianships. For each alternative there is a brief overview and explanation of the alternative in action, furthered by a breakdown of the evaluation of the alternatives where it provides their scoring and an explanation of the scoring. Following Alternative 5: Maintaining Status Quo, an outcome matrix is shown that provides a total overall score, as well as a comparative and comprehensive breakdown of each alternative's score.

Alternative 1: Updating PeerPlace to Include More Information

Alternative one focuses on updating PeerPlace and how it would expand the current characteristics of data collection on adult guardianship cases. During the interview process, 50% of respondents stated that PeerPlace does not allow for sufficient collection of data on guardianship cases without flagging the guardianship case for an adult protective services (APS) case to subsequently be opened (Virginia Local Departments Adult Guardianship Interviews 2022). One way that this could be improved is by having simpler ways to make and mark specific information on cases besides a “notes” section on the case itself. This could be in the form of boxes that are checked after each contact with the guardian or incapacitated individual that would not be time consuming but also provides enough details so that if the case needed to have additional monitoring, it is more easily identifiable.

Alternative 1 Analysis: Updating PeerPlace to Include More Information

Effectiveness:

This alternative would score **favorably (4)** on effectiveness. This additional information would allow for guardianship cases to be monitored in a more efficient, internal capacity that would ultimately identify cases of abuse and neglect. It could also provide additional insight as to what challenges guardians within the locality and region are facing.

In action, effectiveness in this alternative would look like an increase in the total number of cases identified. The increase in cases identified does not necessarily represent an increase in new cases occurring but rather, within the first year, represent the cases that already existed within the system.

Social Costs

This alternative would score **favorable (4)** for the social costs that guardians would incur. In this alternative, guardians would not incur any additional costs or spend additional time outside of their normal parameters. It does not receive a score of 5 because it does not save the guardians any time.

Budgetary Costs

This alternative receives a score **unfavorable (2)** due to its large fiscal impact. In a 2020 fiscal impact statement for House Bill 1658, which created a central registry for DARS, the update to their internal system cost a one-time fee of \$500,000 and an annual maintenance fee of \$50,000 (Department of Planning and Budget 2020 Fiscal Impact Statement n.d.). Additionally, the update required the creation of a position specially for staffing the registry costing \$100,000 plus benefits (Department of Planning and Budget 2020 Fiscal Impact Statement n.d.). While House Bill 1658 is not an exact match for this alternatives update, it is a close estimate of what the total budgetary cost would be.

Administrative Feasibility

This alternative receives a score of **unfavorable (2)** due to the time that PeerPlace may be temporarily down for the update as well as the time it would take for LDs to learn the new features such as tab navigation and new placement for text boxes. The time for learning will vary based on employee comfortableness and adaptability to the new online systems.

Political Feasibility

Due to the large financial cost associated with this alternative, it receives a score of **poor (1)**. House Bill 1658 was continued to the 2021 legislative session and in 2021 and was left on the table during the 2021 Special Session II (Christopher Head n.d.).

Alternative 2: Allowing for an Online Filing Option for Annual Reports

This alternative focuses on expanding the current AFR filing process to be both a paper version, constituting the current processes, as well as an online filing option. This alternative is suggested as a result of the survey results that were conducted. Employees from the local departments interviewed were asked two questions regarding the filing process for adult guardians. The first question was “How satisfied the employees believed the guardians under the LD’s are with the current process for filing the annual report?” which was evaluated on a scale of one to ten with one being very dissatisfied and ten being very satisfied. The average score on this question was a 5.72 (Virginia Local Departments Adult Guardianship Interviews 2022). The second question asked the employees to rate how user-friendly the current filing process for the annual reports on a scale of one to ten, with one being not user-friendly and ten being very user-friendly. This question received an average score of 5.31 (Virginia Local Departments Adult Guardianship Interviews 2022).

This alternative would create a user domain on the DARS website, such as an “Adult Guardianship” tab, that guardians could file their annual reports and pay for the filing fee associated with the annual report online. Once the report has been filed, the report would then be routed to the respective case within PeerPlace, and a notification email would be sent to the respective employee within the local department.

This alternative would be an option for filing versus being a mandatory filing process due to regional issues such as bandwidth access and estimated age demographics within a certain LD or region that may contribute to technological difficulties that guardians may face.

Alternative 2 Analysis: Allowing an Online Filing Option for AFRs

Effectiveness:

This alternative would score **favorably (4)** on effectiveness. This expansion to filing options would remove barriers that guardians may encounter that could hinder their ability to complete their annual filing reports in a timely manner. Expanding accessibility would ultimately result in fewer cases of failure to fulfill guardianship duties or neglecting to complete guardianship duties.

In action, this alternative would look like a decrease in the number of filing errors that occur and an increase in the total cases that are filed on time.

Social Costs

This alternative would score **excellent (5)** for the social costs that guardians would incur. In this alternative, guardians would not incur any additional costs or spend additional time outside of their normal parameters. In addition to no monetary cost the guardian would incur, it would also save the guardian time regarding filing. For this alternative, we will assume that the average person would save approximately thirty minutes to one hour of time driving to and from the post office for mailing the AFR and approximately 30-minutes for completing the report by hand. The total amount of time saved by guardians for physical mail in will vary based on region. Those in more rural areas of a region may experience longer travel times to a post office and therefore would save the most time filing online, whereas a guardian in a more urban setting would have a shorter drive time to a post office and would save a smaller amount of time filing online.

Budgetary Costs

This alternative receives a score **favorable (4)** since the costs of this alternative would be the standard de minimis fiscal impact of \$100,000 due to small budgetary cost of incorporating it into PeerPlace. There would be no additional updates to the system since those would fall under the normal functioning capacities of budgeted website maintenance.

Administrative Feasibility

This alternative receives a score of **favorable (4)**. The online filing system removes unnecessary barriers and steps in the employee process for guardianship cases such as scanning the mailed in AFRs and then rerouting them into the correct corresponding case or saving the case from an email and then rerouting it into the correct case. This alternative streamlines the current process that employees at LDs must complete.

Alternative 2 Analysis Continued: Allowing an Online Filing Option for AFRs**Political Feasibility**

This alternative receives a score of **favorable (4)** due to its minor updates to PeerPlace and will ultimately save guardians and caseworkers time and money which will gain political support from republican members of the legislature and will further protect a vulnerable population which will gain the support of the democrat member of the legislature.

Alternative 3: Mandatory Training Guide for Guardians

Alternative three focuses on providing training and resource opportunities for the non-professional guardians in Virginia. This training would be a mandated training that non-professional guardians would need to complete to obtain guardianship status. During the interview conducted for the purpose of this research, 100 percent of respondents said that training on responsibilities for non-professional guardians *must* be included in training efforts for non-professional guardians. The following topics have been determined as being essential by employees at LD's and LD leadership that non-professional guardians are educated on prior to their appointment as guardians:

- How to file the annual report,
- Legal responsibilities to the State as a guardian,
- Legal responsibilities to the incapacitated individual,
- Provide resources that are available to the guardians, including:
 - Who the point of contact is within the guardian's local department, and
 - Additional information on organizations within the region that can provide additional support

When determining the training modules, the language used should be in a digestible format that avoids legal jargon and is easy for non-professional guardians to read and understand, this can be accomplished by working with non-profits in the industry.

Virginia currently only has an adult guardianship Factsheet and video guide. Most of the information provided in the video and factsheet are in question-and-answer form and makes references to Virginia Law (American Bar Association n.d.). The Factsheet is currently only available as a PDF so the current usage of the video or Factsheet by guardians is currently unavailable (American Bar Association n.d.).

Alternative 3 Analysis: Mandatory Training Guides for Guardians

Effectiveness:

This alternative would score **favorable (4)** on effectiveness. Informing guardians in a way that is digestible, easily accessible, and presented in a way that guardians can remember their duties and responsibilities will reduce in the total number of inadvertent neglect and abuse. Additionally, it could reduce the total number of guardians who are unaware of their responsibilities as a guardian and is out of their depth with the responsibilities as a guardian. In action, this would look like a decrease in the number of cases where a guardian has filed their AFR incorrectly, missed filing deadlines, and an increase in resources available to guardians.

This alternative did not receive a score of excellent or favorable due to the likelihood that guardians would not read the material if there were no accountability measures taken to ensure the material was looked over. Measures such as a course they must participate in, or a short “test” at time of appointment that asks them questions regarding their responsibilities as a guardian that they must answer would move this score from a “4” to a “5”.

Social Costs

This alternative would score **favorable (4)** for the social costs that guardians would incur. In this alternative, guardians would experience a trade-off between time spent up-front reviewing the guardianship manual and time, energy, and resources searching for an answer via LD’s and VDSS. For the purpose of this alternative, we will assume that the total time spent currently from when questions arise by guardians to when guardians receive an answer is two-business days. This guardianship guide would reduce this to a hour or two of the guardian reviewing the guide.

Budgetary Costs

This alternative receives a score **favorable (4)** since the costs of this alternative would be the standard de minimis fiscal impact of \$50,000 due to the incorporation into DARS, the cost would cover the development and distribution of the guardianship training guide.

Administrative Feasibility

This alternative receives a score of **Excellent (5)**. This alternative would have a larger administrative impact on DARS and their ability to design and execute the Guardianship Training Guide. With the use of DARS’ policy analyst, an effective guardianship guide would be able to be designed and distributed to court systems in Virginia and guardians.

Alternative 3 Analysis Continued: Mandatory Training Guides for Guardians**Political Feasibility**

Due to the low maintenance of carrying out this program and low cost, this alternative would be considered **favorable (4)**. The low costs, low legislative maintenance, and time and money saved would gain support by both democrat and republican members of the Virginia legislature.

Alternative 4: Random Guardian Audit

This alternative aims at identifying financial abuse and mismanagement in adult guardianship cases. Those local department employees that participated in the survey indicated that there were cases they had identified but the total number was rare but local departments in larger localities noted that there was no way for them to accurately identify cases unless Adult Protective Services (APS) had previously indicated or investigated such an issue.

The audit would function as follows:

There are approximately 12,000 adult guardianships in Virginia and currently no procedures for guardians to have the financials of the incapacitated individual audited. As a preliminary effort to understand the total effectiveness of this program, for the first two years there would be 150 guardianship cases selected to be audited (the 150 cases would represent approximately 1.25% of total guardianship cases). A Certified Public Accountant (CPA) would be contracted by the Commonwealth. The costs for this alternative look at the cost to the state as well as the cost to the guardians. The state would incur the majority of the total costs, but audits do take time and would cost guardians the time it would take to complete the audit.

An area for consideration with this alternative is what will happen once a guardian is found to have mismanaged the funds. In this situation, the guardian would be removed as the guardian and the incapacitated individual would either be appointed a new guardian by the Circuit Court, or they would be moved to the waitlist for a public guardian if no other individual is available for appointment.

One industry that has implemented an industry-wide audit in Virginia is cemeteries. There are a few distinct differences between the proposed functioning of this alternative for adult guardianships and what has been implemented for cemeteries across Virginia, being who incurs the cost as well as who must do it. In the cemetery industry, every cemetery must complete an annual audit and the cost of the audit is paid for by the cemetery (Acts of Assembly Chapter 247 2004).

Alternative 4 Analysis: Random Guardian Audit

Effectiveness:

This alternative would score **favorably (4)** on effectiveness. Establishing an audit would accomplish two different aspects of identifying and reducing abuse and neglect in guardianships. It would act as a deterrent knowing that guardians could be selected to have their finances audited, it would also further identify cases of abuse and neglect in adult guardianships.

In action, within the first few years of implementation, this alternative would be considered “effective” when there is an initial increase in cases of financial mismanagement identified due to the additional steps being taken to aid in the identification process of abuse and neglect. Additionally, this alternative would be considered “effective” if after the first initial years of implementation, there was a decrease in cases identified due to the deterring effect the audit would have on guardian’s decision to mismanage the incapacitated individuals’ funds.

Social Costs

This alternative would score **poor (2)** for the social costs that guardians would incur. In this alternative, guardians would incur the cost of their time to have the finances audited. For many, the time that the audit would cost them, which will vary from audit to audit, will be a negative that they feel the guardianship program has.

Budgetary Costs

This alternative receives a score **poor (1)** since the costs of this alternative would be high. Based off industry standards for cemetery, one audit would cost approximately \$3,000 to complete. For the two years of auditing, it would cost the Commonwealth \$900,000. Additionally, as guardians are found to have mismanaged the incapacitated individual’s funds, the LD of the incapacitated individual will incur the cost of either providing a temporary guardian from the state until another guardian can be appointed or the cost of moving that incapacitated individual to the public guardianship waitlist (which can be up to \$2,000 per year).

Administrative Feasibility

This alternative receives a score of **neutral (3)**. This would require a limited amount disruption to the day-to-day operations of local departments other than providing any requested case information by the CPA.

Alternative 4 Analysis continued: Random Guardian Audit**Political Feasibility**

Due to the low maintenance of carrying out this program and low cost, this alternative would be considered **poor (1)**. While this alternative will be attractive to legislators since it will result in higher identification of abuse and neglect of incapacitated individuals as well as providing protection and support to those individuals. However, the cost will likely contribute to the lack of success this policy would experience.

Alternative 5: Maintain Status Quo

This alternative recommends that The League, DARS, and VDSS, continue business as usual without any changes.

Alternative 5 Analysis: Maintain Status Quo

Effectiveness:

This alternative would score **poor (1)** on effectiveness. Maintaining status quo is the easiest to implement but would not address reducing abuse and neglect in adult guardians.

Social Costs

This alternative would score **neutral (3)** for the social costs that guardians would incur. In this alternative, guardians would not incur any additional social costs than what they are already experiencing.

Budgetary Costs

This alternative receives a score **excellent (5)** since this would have no additional cost that the state would need to incur.

Administrative Feasibility

This alternative receives a score of **favorable (4)** This alternative receives this score since there would be zero disruption to VDSS, LD's or DARS day-to-day operations but does not receive a score of 5 due to the current dissatisfaction that LD employees are currently experiencing.

Political Feasibility

This alternative receives a score of **excellent (5)** since this alternative would not require any additional legislative proposals or action and would not disrupt Virginia politics.

Table Three: Outcome Matrix

	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>Alternative 3</i>	<i>Alternative 4</i>	<i>Alternative 5</i>
<i>Effectiveness</i>	4- would increase identification of abuse and neglect in adult guardianship cases.	4 – Expands options and increases accessibility.	4 – Reduces confusion for roles and responsibilities.	4 – Would identify more cases and likely deter guardians from financial mismanagement.	1 – Would not reduce the total number of cases of abuse and neglect and would not provide support to guardians or the incapacitated individual.
<i>Social Costs</i>	4 – \$0 additional cost to guardians	5 – No additional costs. Would save guardians times for mailing and completing the AFR.	4 – The upfront cost of reviewing the guide will save time in the long run for guardians.	2 – The time it would take to complete the audit would likely provide a negative experience to guardians.	3 – No additional cost to guardians.
<i>Budgetary Cost</i>	2- ~\$500,000 one time cost plus a ~\$150,000 annual cost	4- One time cost of \$100,000 and no maintenance cost	4 - Standard cost of \$50,000	1 - Would be a high cost of \$900,000 that the Commonwealth would incur.	5- No additional cost to the Commonwealth.
<i>Administrative Feasibility</i>	2 – Learning curves and update time	4 – Long term benefits outweighs the short-term drawbacks	5 – Saves times for LDs since the information is available online and electronically.	3- Minimal disruption to daily functions of LDs.	4 – No changes to the daily operations of LDs, VDSS, and DARS.
<i>Political Feasibility</i>	1 – Previous bill related in industry did not successfully pass two sessions.	4 – Low one-time cost-plus saving guardians and caseworkers' resources and time.	4 – Low cost and saves everyone time.	1 – The high cost and likely low yielding results would hinder political support.	5 – No additional legislative action.
<i>Final Score</i>	13	21	21	11	18

RECOMMENDATION AND IMPLEMENTATION

Recommendation

It is recommended that the Virginia League of Social Services Executives pursue *both* Alternative 2: Annual Training for Non-Professional Guardians, as well as Alternative 3: Expanding the Annual Filing Report to Include an Online Filing Option. Combined, both alternatives would advance LD's and VDSS' goals of preventing unintentional cases of abuse and neglect by educating the guardians on their responsibilities. These alternatives would also dismantle barriers that guardians face as a result of the lack of adequate support and education available to guardians, as well as filing AFRs.

Implementation

The implementation of both alternatives will dramatically improve confusion among guardians, reduce wasted time by guardians and caseworkers when it comes to responsibilities of a guardian, and will ultimately reduce abuse and neglect, both intentional and unintentional, in adult guardianships. Due to the complexity of guardianships, it is integral to keep in mind that the alternatives recommended need government funding, and therefore require preparation to have all legislative initiatives ready for submission prior to the filing deadline of the legislative session.

Expanding to an Online Filing Option for AFRs

In order to complete the option for an online option to file AFRs, The League will want to support legislation on this issue that is formed as a budget amendment. Since the current language of the code of Virginia does not explicitly state that AFRs must be submitted via mail or in-person, this policy is simply expanding the code to state that AFRs may also be filed through the electron submission system.

For example, § 64.2-2020. Annual reports by guardians, currently states “A guardian shall file an annual report in compliance with the filing deadlines in § 64.2-1305 with the local department of social services for the jurisdiction where the incapacitated person then resides. The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of \$5.” (Virginia General Assembly 2020).

When this bill is presented as a budget amendment, it is expanding the language to state “... The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and **shall be delivered in either paper form or electronically submitted** and shall be accompanied by a filing fee of \$5.”.

Outside of the legislative process of this alternative, once passed, all relevant agencies will need to work with the state contractor who is familiar with the DARS website. This contractor could then create a tab for Adult Guardians. Under this tab, there would be two additional actions that a guardian could follow: “Submit an Annual Filing Report” and “Guardianship Training Guide.”

Once the guardian has selected “Submit an Annual Filing Report,” they will be redirected to a screen that prompts them to fill out the basic information associated with their case and select which local department they belong to from a drop-down menu. This ensures that their case and all relevant information is routed to the correct local department. Once their basic information with the guardianship case is submitted, the guardian will press continue and then be redirected once more to the standard AFR that is prepared by the Office of the Executive Secretary of the Supreme Court. Once all of the information necessary for the AFR is completed, the guardian will submit.

When the AFR is submitted it will be re-routed to a caseworker associated with that guardianship case.

Guardianship Training Guide

The Guardianship Training Guide would be designed by DARS with the recommended modules that are in a language that is easily digestible for individuals who are not familiar with the legal language of a guardianship. This is critical in ensuring that it is an effective tool for guardians to return to should they develop questions or concerns.

The modules that should be included in the training option are as follows:

- How to file the annual report;
- Legal responsibilities to the State as a guardian;
- Legal responsibilities to the incapacitated individual;
- Provide resources that are available to the guardians;
 - Who the point of contact in within the guardian’s local department; and
 - Additional organizations in the region and locality that can provide additional resources

Additionally, at the successful development of the Guardianship Training Guide, it will be published online in an easily accessible location. It is recommended that it be published in a similar fashion to the online submission so that both are clear and within proximity of each other when a guardian goes to file online. This will contribute to a reduction in cases of guardians who have questions or misunderstandings regarding filing their AFRs.

Furthermore, after the successful completion of the design for this training guide, every Court that appoints a guardian should be stocked with physical, paper hand-outs that guardians can leave the courthouse with. This is a tangible document that guardians can flip through and ensures that the regions that may experience limited bandwidth or have a population that struggles with technology, still receive the necessary information. Each LD should also stock several of these hand-outs within their office, but it shall be the primary responsibility of the court systems to distribute the paper hand-outs of the guardianship training guide to guardians before they leave the courthouse.

States that have also implemented a training guide in booklet form that cover similar topics as what is recommended for Virginia include Alaska, Colorado, Delaware, and 29 other states⁵ (American Bar Association n.d.). Most of the guardianship guides provide an overview of responsibilities as a guardian, resources that are available to guardians, a breakdown of legal terms used during the guardianship process, and procedural processes for each milestone step as a guardian (American Bar Association n.d.).

⁵ A complete list of all 32 states with a guardianship/conservator guide that meet the same format requirements as recommended for Virginia, and their corresponding links to the guides can be found on Appendix B.

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Appendix A: Local Department Interview Form

The information gathered in this survey will be utilized in a policy analysis exclusively for the Virginia League of Social Services Executives. Any identifying information will be blinded in the final analysis, however, answers from the questions may be used throughout the report. Currently, my report is looking at the current processes for adult guardians and how cases of abuse and neglect can be identified and ultimately better protect vulnerable individuals from such abuse or neglect. These interview questions aim to understand if the problem of abuse and neglect in adult guardianships exist, gather an understanding of what you, as the interviewee, think the scope of this problem is, and what you think about the current process. Currently, the alternatives are geared towards the following: maintain status quo (change nothing), change administrative processes including updating the internal system for case workers as well as allowing annual reports to be filed online, creation of an audit that randomly selects a set number of guardians to have the financials of the incapacitated individual audited by a CPA, and finally, training for non-professional guardians that is mandated by law to inform them of their legal responsibilities as well as resources available to them.

Background:

- 1) What region are you currently employed in?
- 2) What locality are you currently employed in?
- 3) What is your office title of your job?
- 4) How many individuals does your local department serve for adult guardians?

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- 5) On a scale from one to ten, how satisfied do you believe guardians in your locality are with the current annual report filing process? One being very dissatisfied and ten being very satisfied.
1 2 3 4 5 6 7 8 9 10
- 6) How would you classify the current process for filing the annual reports when considering user-friendliness? Please rate on a scale of one to ten with one being incredibly not user friendly and ten being very user friendly.
1 2 3 4 5 6 7 8 9 10

- 7) When considering the total number of cases, you deal with for adult guardianships, how many cases would you say include some form of financial abuse/financial mismanagement of the incapacitated individual's funds?
- 8) If there was a single component to Virginia's guardianship program and how it operates in your local department, that you could change, what would that component be?
- 9) Here are a few ideas that I have floated to you, do you have any thoughts or feedback for them? I understand that each alternative is not a "one-size fits all" solution and some may be more beneficial to local departments than others.
- 10) If an annual training for non-professional guardians became a mandatory component of becoming and maintaining guardianship status, what single component do you believe **MUST** be included in the training?
- 11) How confident are you in your ability to identify cases of abuse and neglect in adult guardianships? Please rate on a scale of one to ten with one being not confident at all and ten being very confident.

1 2 3 4 5 6 7 8 9 10

- 12) If changes in the operational proceedings of adult guardianships changed (how guardians file annual reports, data collection by case workers, trainings), do you believe those changes would be beneficial, not beneficial, or have no effect on the department and to the guardians under your department?

- a) Beneficial
- b) Have no effect
- c) Not beneficial

13) When considering the current online system, PeerPlace, for collecting and storing information on guardianship cases, do you believe that the online system allows for sufficient collection of information on cases that assists in the identification of cases of abuse and neglect?

- a) Yes
- b) Unsure
- c) No

13A) If no, what needs to change with PeerPlace with respect to Adult Guardians?

Appendix B: States with a Guardianship Guide and Their Corresponding Link to Guides

Alaska:

<https://public.courts.alaska.gov/web/forms/docs/pg-510.pdf>

Colorado:

[https://www.courts.state.co.us/userfiles/file/Probate/Guardian%20Manual%20\(Forms%20removed\)%2012-01-2015.pdf](https://www.courts.state.co.us/userfiles/file/Probate/Guardian%20Manual%20(Forms%20removed)%2012-01-2015.pdf)

Connecticut:

<http://www.ctprobate.gov/Documents/Connecticut%20Standards%20of%20Practice%20for%20Conservators.pdf>

Delaware:

<https://www.courts.delaware.gov/forms/download.aspx?id=85008>

Florida:

http://www.17th.flcourts.org/wp-content/uploads/2019/05/Guardian-Handbook_050919_final.pdf

Georgia:

http://gaprobate.gov/sites/default/files/probate/HANDBOOK_FOR_GUARDIANS.pdf

Hawai'i:

http://www.hawaii.edu/uhelp/publications/Deciding_What_if.pdf

Illinois:

<https://www2.illinois.gov/sites/gac/OSG/Documents/PRAGUIDE2007.pdf>

Iowa:

<http://www.state.ia.us/ddcouncil/Guardianship%20pdfs/Guardianship-Conservatorship%20Papers.pdf>

Kansas:

<https://www.kansaslegalservices.org/sites/kansaslegalservices.org/files/Basic%20Instructions%20for%20Guardians%20%26%20Conservators%20%282017%29.pdf>

Kentucky:

<https://www.kyguardianship.org/services/guardianship-in-kentucky>

Maine:

<https://www.maine.gov/dhhs/oads/trainings-resources/documents/AdultGxCxQuestionsandAnswers-2015October.pdf>

Maryland:

<https://www.disabilityrightsmd.org/wp-content/uploads/2011/12/Guardianship-Handbook-2011.pdf>

Massachusetts:

<http://www.massguardianshipassociation.org/wp-content/uploads/2011/06/3-Conservators-HandbookforConservators-Version1.pdf>

Michigan:

<http://michiganlawcenter.com/pdf/Conservators-Handbook.pdf>
http://michiganlawcenter.com/images/Guardians_Handbook_2012.pdf
<https://protectmymoneymi.org/help-for-court-appointed-conservators-in-michigan/>

Minnesota:

<http://www.mncourts.gov/mncourtsgov/media/CourtForms/GAC101.pdf?ext=.pdf>

Missouri:

https://www.lsmo.org/sites/lsmo.org/files/Guardianship_Con servatorship_2007.pdf

Montana:

<https://www.dphhs.mt.gov/Portals/85/sltc/documents/legaldeveloper/5GuardianConservatorships.pdf>

Nevada:

<http://www.nevadaddcouncil.org/wp-content/uploads/2013/10/Guardianship-Handbook.pdf>

New Mexico:

https://docs.wixstatic.com/ugd/fd2709_e0dd804b5e96429ebc0df7ac4d009bbb.pdf

New York:

<http://ww2.nycourts.gov/sites/default/files/document/files/2017-11/ENGLISH.pdf>

Ohio:

<http://www.ohiojudges.org/Document.ashx?DocGuid=327bbb3d-cd51-4f26-9e96-f71a6c49e081>

Oklahoma:

http://ou.edu/education/centers-and-partnerships/zarrow/oklahoma-transition-council/2012-oti-presentations-and-handouts/jcr:content/contentpar/download_2/file.res/Amber%20McConnell%20Guardianship-Handbook.pdf

Oregon:

<https://files.consumerfinance.gov/f/documents/help-for-court-appointed-guardians-oregon.pdf>
<https://www.gcaoregon.org/wp-content/uploads/2013/01/GCA-Standards-of-Practice.pdf>

Pennsylvania:

<https://www.eriecountypa.gov/media/349270/doc1120150rphans-handbook-11202015092046.pdf>

Rhode Island:

<https://www.ridlc.org/media/publications/ridlc-guardianship-booklet.pdf>

South Carolina:

<https://www.sccourts.org/selfHelp/FAQsFromACaregiver.pdf>

Tennessee:

http://circuitcourtclerk.rutherfordcountyttn.gov/pdf/conservator_handbook012610.pdf

Texas:

http://www.protecttheirmoneytx.org/sites/default/files/pdfs/court-appointed_guardians_of_the_state.pdf

Vermont:

<https://www.vermontjudiciary.org/sites/default/files/documents/Guardian%20Booklet.2018.pdf>

West Virginia:

http://www.wvdhhr.org/bcf/policy/social_services/guardianship/guardian%20and%20conservator%20handbook.pdf

Wisconsin:

<https://www.dhs.wisconsin.gov/publications/p2/p20460.pdf>