

**GOVERNOR'S COUNCIL ON DISABILITIES
AND SPECIAL EDUCATION**

ALTERNATIVES TO GUARDIANSHIP WORKGROUP

MEETING MINUTES

Videoconference Host:

Governor's Council
550 W. 7th Avenue, Suite 1220
Anchorage, Alaska

Videoconference

Meeting Date

Tuesday, September 5, 2023
11:00 a.m. – 12:30 p.m.

Attendees:

Lisa Wawrzonek
Michele Girault
Art Delaune
Alina Krol
Sabrina Richmond
Samantha Kennett
Shelly Vendetti-Vuckovich
Maggie Winston
Ric Nelson
Elizabeth Joseph

GCDSE Staff:

Jamie Kokoszka
Rich Saville
Robert Tasso
Samantha Vetter

Prepared by: Sheila Garrant, Peninsula Reporting

WELCOME

PURPOSE OF THE WORKGROUP

Why are we Here?

Lisa Wawrzonek, with the Alaska Court system, described the purpose of the meeting as follows:

- Although Alaska's court system has an ongoing multi-year Guardianship Improvement Project, there are many things the court system can't address.
- The Office of Public Advocacy (OPA), which has been the court system's public guardians for 40 years, has had exceedingly increasing caseloads, causing difficulties for guardians to fulfill their duties. There have been a lot of guardianships put in place that are not effective.
- OPA issued a letter to the court that they are no longer accepting appointments until they get the caseload to a manageable level. It is still being worked out through the court system whether or not OPA is mandated. Even if required, that doesn't change the fundamental issue of too many cases per guardian.
- The pathway to supported decision-making agreements (SDMA) was the other component that shifted during COVID. SDMAs are something that would be an alternative to guardianship. It could be used within a court order.
- Alaska is generally a full guardianship or nothing state, and that's what the Guardianship Improvement Project is looking to change, not just within the court system, but also within the community, to use the right tools for the right need and not pile everything into a guardianship.
- The goal is to bring back SDMAs enacted in 2018, give it a sustainable home, and identify agencies willing to take on the component as part of its regular offering. This would be important to the court because if a court visitor identifies someone who could benefit from an SDMA, it is challenging for the court visitor or a judge to say, "Try this first," and hold the petition while figuring out an SDMA.
- The other component is having a workgroup on alternatives to guardianship. The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), a court and community group looking to improve guardianship, was a very active workgroup when it started in 2017 and led to supported decision-making agreements being enacted. During COVID, WINGS lost momentum, and at the same time, other alternatives came about, especially regarding older adults. Options include powers of attorneys, healthcare proxies, bill-paying services, and representative payees.
- Several states have public guardian offices, which are experiencing much of the high caseloads as Alaska has. Alaska also needs private, professional guardians, meaning they are their own business. There is no organizational guardianship in Alaska. Several states have volunteer guardianship programs.
- There is an opportunity to discuss other appointment options for people without trusted individuals to keep them out of the system. Many people can't afford a private, professional guardian. The gap is something between public

guardianship and volunteer guardianship. While there needs to be court involvement, the court can't create it.

Feedback From the June GCDSE Roundtable Town Hall Discussion

Jamie Kokoszka shared a summary of the feedback from the June discussion as follows:

- Concerns about protecting the most vulnerable adults and protecting adults' right to choose and act on their own behalf (including the dignity of risk).
 - Individualized and flexible tools for supporting autonomy and protecting the most vulnerable adults.
- There should be fluidity among decision-making strategies to meet people's changing lives.
- There is a need for increased education for stakeholders, the public, and professionals, whether government or private, particularly financial institutions.
 - Transition points into adulthood, residential environments, and declining or improving health conditions affecting decision-making.
 - Cohorts of helping people are needed, volunteer or paid. Untapped human resources for this: vetted, trained, monitored volunteers (faith-based groups), private professionals (paid guardians or supporters), provider agency staff, and recruited/trained family members.
- Any organization/agency/state effort to create, lead, or implement change must include people who have lived experience with disabilities or experience as a family member.

Jamie Kokoszka reported that the Governor's Council has hired a contractor to work with Council staff to revamp the SDMA pages on its website. Other agencies are also updating their SDMA website resources.

TOPICS

Jamie Kokoszka opened the floor for comments on the topics. Following is a summary of the comments on each topic:

Priority A – For supported decision-making agreements (SDMA) to have a sustainable and viable pathway for referral and implementation

- Priority A is on track and moving forward. The contractor hired by the Governor's Council is working with staff and partners toward making SDMA sustainable by identifying community providers willing to train and make SDMA part of their ongoing service provision.
- An issue at the roundtable related to details of SDMAs is that without a circle of support for an individual, it will be challenging to create a supported decision-making agreement. What was brought up in terms of education and intervention was to start having assertive intervention at the school district level as students transition before they lose the support circle they have in place.

- There will be a need to establish a go-to organization with the capacity to assist with resource navigation related to guardianship and alternatives to guardianship.
 - Guardianship and alternatives fall within the Center for Independent Living's five core services, and the IL Network is working to have at least one IL advocate in each region trained on the resources available related to guardianship.
 - There is a need to provide education to the court system related to SDMAs in order for it to have the knowledge to steer people toward organizations that could assist with obtaining an SDMA.

Priority B – Continued discussion on exploring alternatives to guardianship prior to submitting a petition for guardianship to court.

- This is an area of research: What are other states doing? Will this need statutory changes? Is there a way of establishing a voluntary pool for supported decision-making agreements or powers of attorney for individuals without a trusted individual or family for support?
- Looking at other options that can be implemented before seeking a court-ordered guardianship. Committee work is being done to discuss options, including education and probate rules.
- It would be beneficial to reach out with education and training to Hospice and home health services in Alaska, specifically social workers and chaplains within the services who regularly assist individuals and families with guardianship decisions and options.

Priority C – Alternatives to the public guardian for an appointment if/when needed.

Options include:

- Volunteer guardians
 - Agency personnel with a relationship to an individual using SDMA (manage conflict of interest)
 - Agencies that recruit and train volunteers
- Campaign alternatives to guardianship to educate the public on the options and process
- Push from OPA to reinstate organizational guardianship
- Look for other organizations like OPA
- Need of additional non-profits willing to be representative payees using special conservators
- Need to look for organizations that could provide training for volunteer guardians
- Encouraging peer-to-peer support and the development of relationships with caretakers
 - Could more peer relationships be part of the plan, or could more training be provided so peers can step in as needed as another alternative when appropriate?
- Aside from financial benefits, what else can be used to incentivize people to take on the responsibilities of being a guardian or assist with alternatives?
 - People hesitate to take on guardianship because of the complexity of navigating systems such as Social Security and other benefits. Many

people can manage the advocacy component but don't have the capacity or expertise to manage the financial part.

Establish clear pathways to creating Supported Decision-Making Agreements (SDMA)

- Alaska Legal Services
- Hope Community Resources
- Governor's Council on Disabilities and Special Education
- Centers for Independent Living.

Campaign to spread awareness of SDMA and other alternatives to guardianship.

- The Governor's Council on Disabilities and Special Education is working on developing a campaign to spread awareness of SDMAs.

Identify and overcome barriers to court.

- Begin to identify who can realistically do what
- Form a committee to determine the educational needs
 - Self-help centers, websites, training
- Self-certification forms
- Address barriers related to e-mail uploads for court reports.

Explore other alternatives to guardianship

- Volunteer guardians
- Professional guardians
- Conservatorships
- Power of attorney
- Representative payees
- Educational representatives
- Informed consent
- Vulnerable adult protection orders
- Court-appointed special advocates.

Other recommendations:

- Recommendation to pitch a project to Leadership Anchorage for them to help deal with the guardianship crisis in terms of holding focus groups or developing the feasibility study of creating a standalone agency to recruit volunteers to be guardians
- Recommendation to approach the LEND Program with a focused project
- Recommendation to utilize parent navigators to assist individuals in finding alternatives.

Jamie Kokoszka encouraged attendees to contact her with suggestions for the November meeting topics.

TIME AND DATE OF NEXT MEETING

The next meeting is scheduled for November 2, 2023 from 11:30 a.m. – 12:30 p.m.

ADJOURNMENT

The meeting ended at approximately 12:30 p.m.

DRAFT