

Protecting Adults in Maine: Objectives to sustain Goal 2 activities

Prepared by Vanessa Bell, MPPM Project Director, USM Muskie School of Public Service

The following outlines three separate objectives, along with strategies to implement and expected outcomes, identified during the Systems Transformation Grant years that would, if funded, continue efforts to protect the rights of aging adults in Maine.

Conservatorship Reform

A conservator is an individual or organization appointed by probate court to protect and manage the finances and property of a person in need of protection from exploitation or mismanagement of his or her funds. Once established, the court monitors conservatorship for financial exploitation.

Maine probate courts and public conservators are seeing more aging adults enter the system with significant assets. The current systems do not have the necessary policies and practices in place to appropriately monitor assets of these individuals on an annual basis. Therefore, financial exploitation is often unnoticed and vulnerable aging adults are losing assets. Conservatorship reform is needed to strengthen both public and private practices to better identify and prevent financial exploitation and abuse of Maine's aging adults.

Potential Strategies Potential strategies include developing a credentialing system for conservators and enhancing public policies to strengthen case supervision and court oversight. Involving current guardianship stakeholders is critical to conservatorship reform.

Expected outcomes include revisions to statutes, public policies and procedures such as requirement of criminal background checks for proposed conservators; mentoring program to include training retirees as mentors, auditors and monitors; and accessible training materials for all conservators.

Implement an annual reporting process and monitoring program utilizing volunteer retirees

Currently, **public** entities must file annual reports with probate courts on all guardianship and conservatorship cases. Although some courts do require **private** guardians and conservators to file annual reports, this is not a statewide standard of practice. A statewide effort to implement an annual reporting process for all guardians is needed to help identify potential cases of abuse and exploitation.

Additionally, probate courts have limited resources to thoroughly follow up on annual reports. Right now staff review reports for any major issues. The best approach is to have a trained volunteer visit a protected individual to assess the situation firsthand and report back to the court. The volunteer would also remind the protected person of his or her rights, including the right to ask the court to terminate or limit a guardianship or conservatorship. Establishing a volunteer monitoring program would supplement an annual reporting process to further identify and prevent cases of abuse, neglect and exploitation, which would better protect aging adults in Maine.

Strategies Propose statute change that would require all parties to file annual reports. Review AARP's established monitoring training program that trains retired persons to volunteer to monitor guardianship and audit conservatorships. Adapt or implement similar program in Maine in two pilot sites. Build online training component to sustain program beyond project.

Expected Outcomes An established monitoring program that is capable of identifying cases of abuse, neglect and exploitation while ensuring persons under guardianship and conservatorship know they have a right to review the protections imposed upon them.

Development of core training program for Court Visitors

Another issue affecting adults in Maine is that no training exists to teach Court Visitors about their roles and responsibilities to the probate courts. A court visitor is a person appointed by the probate court who represents the eyes, ears, and common sense of the court. Visitors are critical to probate proceedings as they interview the prospective guardian and/or conservator and assess the alleged incapacitated's current and proposed living arrangements. The visitor's report to the court provides a judge with a better opportunity to make an appropriate judgment on behalf of the alleged incapacitated person.

The creation of a core training program addresses the need to have Court Visitors who collectively and consistently gather better information in order to protect the rights of adults in Maine. Stakeholders in the Systems Transformation grant have adopted a "six pillars" of capacity methodology created by the American Bar Association and the American Psychological Association and are currently embedding the pillars throughout probate forms. The core training program is needed to educate visitors about this new methodology.

Strategies to develop a core training include working with Court Visitors and probate staff to outline roles, responsibilities and essential functions of Court Visitors; embedding the "six pillars" of capacity throughout training materials; and developing an accessible online training environment.

Expected outcomes include revisions to standards of practice such as job description of Court Visitor and requirement of criminal background checks for proposed guardians and conservators; increased protection of publicly available information; online training for Court Visitors and components for Guardians ad litem.

All products would be added to the state maintained website www.maine.gov/guardianship, which was created during Systems Transformation grant. The site currently houses an online tutorial about guardianship and *A Guide to Understanding Adult Guardianship and Guardianship Alternatives in Maine*.