

Setting the Record Straight: Guardianship Protects & Respects

Recent front page articles in the Star Tribune coupled with the opinion piece of Rosalie Kane (Protected services, outdated) would lead readers to believe that Minnesota's guardianship system is an antiquated and inflexible system that is intended to meet some agenda other than the needs of the ward or protected person (vulnerable adult). In fact, the focus of our guardianship system is two-fold: assuring due process protections for the rights of the vulnerable adult and meeting the needs of the vulnerable adult, whether those needs are temporary (like recovering from a traumatic brain injury) or permanent (like living with progressive Alzheimer's disease).

It is the guardian's role to see that the vulnerable adult's medical, housing and other necessary needs are met in a way that restricts their freedoms only to the extent necessary. Contrary to author Kane's opinions, nursing homes are never considered the first choice for persons with disabilities. Allowing someone to live in their own home is always the starting point in selecting housing options. Unfortunately, despite these efforts, living at home is sometimes not the best choice for every vulnerable adult. Whether a person with a disability is able to live at home is entirely dependent on whether the services they need are available, whether the person will accept those services, and, if so, whether they have the money to pay for those services or are eligible for government benefits that will pay for those services. If either the services or the ability to pay for them are not available, or if the person with the disability will not cooperate with necessary services, the guardian has no choice but to look for alternative housing options, whether that be an apartment with services, an assisted living facility or

a nursing home. The choice is entirely dependent on the vulnerable adult's needs, willingness and ability to cooperate, and financial situation.

The statement that community care is usually cheaper than institutional care is only true if a vulnerable adult's needs are minimal. And if that were the case, placement in a nursing home would never be appropriate for anyone. Guardians deal with the needs of persons with disabilities on a daily basis and know about community programs and alternative housing options as that is their job. Our organization also offers continuing education which furthers a guardian's knowledge of options and resources.

It is also the guardian's job to take into account the preferences of their client.

Unfortunately, sometimes those preferences can't be honored, as when a person with a disability lacks insight into their ability to live at home and refuses to accept services that will allow him or her to live there safely. What your readers don't hear are the many success stories of the disabled person who is moved from a garbage house and whose guardian helps them move to a housing setting that allows them to get their needs met and interact with others. Or the vulnerable adult who is found wandering and confused and whose guardian is able to return them home to live with some regular monitoring. These stories happen every day but aren't considered "newsworthy" because they do not have headline appeal.

For more information on how professional guardians address a client's preferences and needs, I invite you to read the Minnesota Association for Guardianship and

Conservatorship's Bill of Rights found in the organization's Standards of Practice (www.minnesotaguardianship.org). These rights have been incorporated into recent law because they are the gold standards by which professional guardians do their job. The rights that persons with disabilities retain while under guardianship include the right to services individually suited to the person's conditions and needs and the right to due consideration of the person's preferences and opinions. These are rights guardians diligently protect on behalf of the people they serve.

A handwritten signature in black ink that reads "Nick Newton". The signature is written in a cursive, flowing style.

Nick Newton, President

Minnesota Association for Guardianship and Conservatorship (MAGiC)