

TWIN FALLS COUNTY
BOARD OF COMMUNITY GUARDIANS
VOLUNTEER HANDBOOK

**A GUIDE TO IDAHO LAWS ON
GUARDIANSHIP**

As the populations of Idaho and the Nation continue to age, more and more problems will arise for elderly people who are alone, frail or disabled. The longer we live, the greater our chances are of becoming impaired, and it is a stark reality that we may find ourselves alone, afraid, and too confused or weak to care for or protect ourselves. In our mobile society there is often not enough familial or societal support to meet the needs of the older impaired adult.

Many older Idahoans will live to an elderly age, protected and cared for by loving family members and friends. It will never be necessary for some to relinquish their decision-making rights and responsibilities. Others will plan carefully and make provisions for their care far in advance of sometimes-necessary intervention, by establishing durable powers of attorney and trust instruments. Still others will find themselves incapacitated, mentally and physically, and in need of protective services. These are the elderly who may be in danger of losing their life, liberty or property without external help.

In situations where incapacitated adults have no available family, or whose family members are unable or unwilling to provide the necessary and complex care involved, the Courts may appoint others to assist these persons in providing for their basic needs. A person appointed by a Court and given the authority to make some or all decisions for another person is known as a Guardian. A Volunteer Companion is someone that visits a designated ward on a regular basis and act as a second set of eyes and ears for the Board of Community Guardians. This person is not the care provider or guardian, but the time they spend with a ward helps us monitor their situation and ensure they are receiving the benefits and care they are entitled to and need. If the Court Orders include management of the estate of the incapacitated person, the manager is called a Conservator. The person to be cared for is called the “Ward”.

This guide is an introduction to and an explanation of the major concepts and procedures of current law. This is just a guide and only provides a general overview!**

Incapacity

The statutes presume a person is physically and mentally competent until it is shown that he/she is incapacitated. The Court decides whether a person is incapacitated. “Incapacity” means a legal, not medical, disability and is measured by function limitations and it is construed to mean or refer to any person who has suffered, is suffering, or is likely to suffer substantial harm due to an inability to provide for his/her personal needs for food, clothing, shelter, health care, or safety, or an inability to manage his/her property or financial affairs. A simpler definition would be any person who is unable to perform the normal tasks of daily living and who requires help from others in order to cope with those demands.

Severe medical problems that interfere with their ability to manage their lives are common. Most suffer from some degree of mental confusion or dementia. Some are depressed, alone and isolated.

Goals of Guardianship

Guardianship is a powerful mechanism for protecting and restoring the rights of an incapacitated person who is unable to exercise those rights himself. It is in this light that Guardianship serves as an advocacy tool.

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In 1982, the State of Idaho enacted legislation that provides for Guardians, Volunteer Companions and Conservators for disabled, aged and otherwise impaired and vulnerable adults. It is expected that the great bulk of impaired people in need of such assistance will be older adults with minimal income. The law was likely a response to community concerns about impaired adults who have no one to handle their affairs or care for these citizens.

Because imposing a Guardianship on a person is such a drastic legal measure, the law provides that there must first be a necessity for such action, determined by a Court. This usually involves a finding of inability to care for self or manage property, or incapacity.

Court action is necessary in establishing Guardianship. The petition or application is submitted to the District Court, where a judge will resolve the Guardianship application. The petition is designed to provide the Court with the information necessary to determine the issues of incapacity or disability of the proposed Ward, the qualifications of the proposed Guardian, notice to other interested persons, jurisdiction of the Court, and other pertinent information.

DEFINITIONS

Incapacitated person - any person (except “developmentally disabled”) who is impaired to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning himself.

Ward - a person for whom a Guardian or conservator has been appointed.

Conservator - a person appointed by the court to manage the estate of a ward. *****The T.F.C. BOCG does not do Conservators*****

Estate - all property belonging to a person.

Guardian - a person appointed by the Court to provide care and supervision over an incapacitated person.

Guardian Ad Litem - a person, normally an attorney, appointed by the Court, on a temporary basis to represent the legal interests of the alleged incapacitated person.

Least Restrictive Alternative - the development of maximum self-reliance and independence of the incapacitated person is always the goal of the Court.

Volunteer Companion - appointed by the Board of Community Guardians to visit a designated ward on a regular basis and report back to the Coordinator, the status of said ward.

General Duties and Responsibilities

The individual who is appointed by the Board to serve as the Volunteer Companion shall carry out diligently and in good faith, the general duties and responsibilities; shall at all time be subject to the control and direction of the Court. As a volunteer, you will visit a designated ward on a regular basis. You may be asked to transport wards to health care appointments or other outside events.

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The Volunteer Companion shall:

- Become and remain personally acquainted with the Ward, the spouse of the Ward and other interested persons associated with the Ward and who are knowledgeable about the Ward, the Ward's needs, and the Ward's responsibilities,
- Exercise authority only as necessitated by the Ward's limitations
- Encourage the Ward to participate in decision-making
- Maintain valid driver's license and car insurance, if transporting Ward

Standards of Conduct for the Volunteer Companion

This section will provide only a general overview of the standards of conduct you will be expected to observe.

The standards of conduct are based upon a "reasonable person" standard. That is, did the Companion act as a reasonable person would in a similar set of circumstances? The Volunteer Companion should always act in the best interest of the Ward. Sometimes the best interests of the Ward may conflict with the best interests or beliefs of the Volunteer Companion. In these cases the Companion should staff the matter with the Coordinator.

Termination of Companionship

The Board of Community Guardians may terminate the Companionship in any of the following circumstances:

- The Ward is deceased
- No further need for the Guardianship (i.e., came into some money, family stepped in...)
- Any mistreatment or exploitation of the Ward

Board of Community Guardians

Idaho law provides that counties can create Boards of Community Guardians to serve as Volunteer Guardians for county residents who are incapacitated, indigent, and for whom there are no other available resources for assistance with Guardianship matters. Usually, this means there are no family members willing or able to serve in this capacity.

The Twin Falls County Commissioners have chosen to fund a Board of Community Guardians. That board acts as an administrative body that assists in recruiting, training and monitoring the activities of Volunteer Companions and Wards.

The Coordinator is charged with the responsibility of receiving all referrals, screening and investigating possible wards. The Coordinator is also charged with the responsibility to carry out the decisions of the Board of Community Guardians and has the duty to recruit, train, assist and monitor the activities of the Volunteer Guardians. The Coordinator then reports back to the Board.

When the Board of Community Guardians is appointed as the Guardian of a person, the Board, through the Coordinator, will assign the case to a Volunteer Companion who serves as an extension of the Board of Community Guardians.

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Qualifications for Companions

- Must be a Twin Falls County resident in the state of Idaho and over 18 years of age
- Interviewed and screened by the Board of Community Guardians through the Coordinator
- Cannot be a convicted felon or have any prior violent-crime convictions and willing to consent to a criminal background check
- Good communication skills, the ability to work with professionals using tact and concern, and time to spend with your new companion.

Being a Volunteer Companion

The primary responsibility of a Volunteer Companion is to ensure that the Ward's rights are protected, and that the Ward's basic needs of shelter, food, clothing and safety are being met.

As a Volunteer, you will visit a designated ward on a regular basis and act as a second set of eyes and ears for the Board of Community Guardians. You are not the care provider or guardian, but the time you spend with a ward helps us monitor their situation and ensure they are receiving the benefits and care they are entitled to and need.

Many of our wards have some mobility and as a volunteer, you may take them shopping, for a walk in the park or out for lunch or coffee. Many wards just like to sit and visit or play cards. Our wards live in assisted living or skilled nursing facilities, with a few certified family homes.

Training

The Board of Community Guardians c/o the Coordinator will provide ongoing training and support to the Volunteers. This training is provided through written materials, individual conversations and personal meetings. Volunteer Companions are strongly encouraged to contact the Coordinator for information and possible resources when they have questions or need assistance.

Eligibility of Wards

Becoming a Ward means the Court has determined a person is incapacitated and lacks appropriate alternatives for meeting their own needs or managing their financial affairs.

In order for the Board of Community Guardians to be appointed as the legal Guardian the potential Ward must be over 18, have no appropriate family able or willing to take on the Guardianship, and meet the limited income guidelines. The Board of Community Guardians only accepts referrals that have absolutely no other options; we truly are the last resort.

Confidentiality

A Volunteer Companion has a responsibility to maintain confidentiality regarding the affairs of the Ward. Any disclosure of information about the Ward should be limited to what is necessary and relevant to the issue being addressed.

A Volunteer Companion must be extremely cautious about the release of personal information about their Ward. Permission or authority to share information about the Ward can come from two sources:

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- Special permission of the Court or the Board - permission to deal with emergencies or special circumstances.
- The Ward - if he/she is competent in that particular area.

Conflict of Interest

A Volunteer Companion must avoid compromising or self-serving influences and loyalties when addressing the needs of a Ward. Decisions must be made for the benefit of the Ward ONLY.

It is generally a conflict of interest for a Companion or his/her family member to be employed by or have financial interest in the facility/provider of supports and services received by the Ward.

INCOME AND BENEFITS

Misuse or Management of Funds

If the Court finds that the Volunteer Companion has innocently misused any funds or assets of the Ward's estate, the Court will order the Companion to repay or return funds or assets to the Wards estate.

If the Volunteer Companion has embezzled or converted a Ward's funds or assets for the Companion's personal use, the Companion will be prosecuted and dismissed as a Volunteer.

If there is ever a question about the propriety of the expenditure of a Ward's funds, discuss the matter first with the Coordinator.

Banking

- The Volunteer is **NOT** allowed to set up a joint account with the Ward or commingle the Ward's funds with the Volunteer's funds.

Establishing a relationship with the Ward

To effectively monitor supports and services as well as to advocate on behalf of the Ward, the Volunteer Companion should learn about the Ward's:

- Assessed needs
- Medical information
- Family history
- Social-friends and support network

If the Ward is in any type of institution (hospital or nursing home) the Volunteer Companion should regularly (minimum of monthly face to face contact) visit with the Ward to:

- Monitor physical and emotional condition
- Monitor the care and supports being provided
- Consult with the staff providing the supports and services
- Be an outlet for questions regarding such things as medical issues
- Provide friendship and conversation

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Monitoring Life Issues

A Volunteer Companion should monitor the person's life issues by identifying and evaluating the following:

- Current supports and services provided to the Ward
- Barriers to the Ward's ability to function within the current situation
- Satisfactions, modifications or changes needed in the current situation
- Potential benefits and risks of Ward's choices

Living Environment

Some things the Volunteer Companion should be aware of when in the Ward's home:

- Safety issues (fire extinguishers, hot water temps)
- Security issues (proper door locks, capability to call 911)
- Cleanliness (problem with rodents, is house sanitary)

Health Care

The Volunteer Companion should always make sure that medical needs are being met. Some questions to ask yourself when looking into this:

- Does the Ward have appropriate medical providers?
- Is transportation to appointments available?
- Is follow-up care and monitoring provided?

Personal Needs

It is also important for the Volunteer Companion to help ensure that clothing items are in good condition and personal hygiene and belongings are accessible and safe.

Maintaining a Paper Trail

There are many ways to keep records. And as a Volunteer Companion, there are many records to keep. Your record keeping does not have to be complex but it must be accurate and thorough. The Coordinator will rely on the adequacy of your records when preparing required reports. Inadequate record keeping or failure to keep records makes accurate reporting difficult at best and often impossible.

DOCUMENT AND REPORT TO THE COORDINATOR IMMEDIATELY ANY OF THE FOLLOWING:

- Any significant changes in the overall health or financial situation of the Ward.
- Any address changes.
- Any and all types of conflict.

ABUSE, NEGLECT AND EXPLOITATION

Volunteer Companions should be on watch for any signs of abuse. Some of the indications of abuse could be:

- Injuries that have not been treated properly
- Cuts, lacerations, puncture wounds, burns

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- Bruises
- Recent weight loss
- Poor hygiene
- Withdrawal
- Fear
- Depression

Reporting Abuse, Neglect and Exploitation

If you suspect there is abuse, neglect or exploitation you must contact your local Adult Protection Office at (208)736-2122 and the Coordinator immediately so further investigation can be done.

MESSAGE FROM THE BOARD

The Twin Falls County Board of Community Guardian would like to thank you for your consideration of being a Volunteer Companion. This process has the potential to be an incredibly rewarding experience and we could not do it without our Volunteers. There will always be people in Twin Falls County who need our help and being a Volunteer Companion is a wonderful way to give back to your community.

We welcome you to visit with us about our program if you have any questions or would like to get involved. This is a group effort and those in need cannot do it by themselves.

Please feel free to contact us through our Coordinator, Ashley Klauser at 208-736-5048 ext. 2246.