

# KANSAS GUARDIANSHIP PROGRAM

# KGP

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To: Representative Bob Bethell, Chair  
House Aging and Long Term Care Committee  
Re : HB 2108  
From: M. Jean Krahn, Executive Director  
Date: February 10, 2011

The Kansas Guardianship Program (KGP) is a volunteer-based model of providing guardianship or conservatorship services. We recruit, train and monitor community volunteers to serve as court appointed guardians or conservators for persons who meet program eligibility criteria. These individuals have limited financial resources (Medicaid recipients) and do not have family members willing or appropriate to assume guardianship or conservatorship responsibilities. In FY 2010, the KGP served 1500 individuals through the efforts of more than 820 volunteers.

The KGP was initiated in 1979 under the administration of Kansas Advocacy and Protective Services, Inc. The 1995 Kansas Legislature established the program as a separate public instrumentality pursuant to K.S.A. 74-9601 et seq., as amended. The program is governed by a seven member board of directors, six of whom are appointed by the Governor and one by the Chief Justice. The KGP is funded through State General Funds.

### The Model - A 32 Year Collaboration with Adult Protective and Legal Services

This model involves a collaborative working relationship with the Kansas Department of Social and Rehabilitation Services (SRS).

### Referrals for Guardianship or Conservatorship Nominees

Persons served by the KGP are identified by SRS Adult Protective Services and State Hospital social workers who make formal requests to the KGP for an approved volunteer to be nominated to the court for appointment as guardian or conservator. The needs of the potential ward and conservatee are matched with the abilities and interests of the volunteer.

### Legal Services Support

SRS legal services petitions the court for the trial to determine the need for an initial or successor guardianship or conservatorship. The District Court determines the need for and level of guardianship or conservatorship services and appoints the guardian or conservator.

Secretary of SRS serves as surety on the conservator bond (KSA 59-3069(g))

In 1987, the Legislature passed legislation which provided that the State would serve as surety on the bond of any conservator serving in the Kansas Guardianship Program. The purpose of the action was to save the cost of purchasing private conservator bonds required by statute.

KGP Training, Monitoring, Support and Assistance

Following the court appointment, the KGP provides training, monitoring, information and support to a volunteer throughout the duration of guardianship or conservatorship. This includes oversight of a written monthly reports of advocacy activities undertaken on behalf of the person, and, the availability of a monthly stipend for out-of-pocket expenses.

KGP brings to Kansas a unique and cost effective volunteer-based model of providing guardianship or conservatorship services. This cost effective collaboration represents a significant savings to the State of Kansas. In considering this proposed legislation, we believe it is critical to ensure for a continuing collaboration which reflects and enhances the current elements including:

- a referral process for guardian or conservator nominees,
- legal resources to petition for guardianship or conservatorship and other needed legal services,
- a conservator bonding resource,
- ongoing APS collaboration to assist in meeting the needs of the people served.