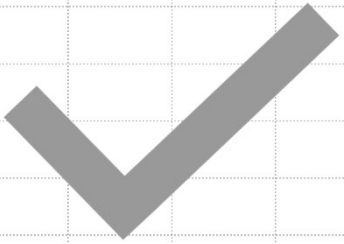


NGA Standards of Practice 2022

Sally Hurme
Greg MacKenzie
Julia Nack
Anthony Palmieri
Paul Stengel

1

WHY NOW



2

Time for Updates

- Last revision 2013
 - Following 3rd National Guardianship Summit

3

4th National Guardianship Summit 2021

- National Guardianship Network
- NGA member and sponsor
- 150 delegates
- 4 virtual days
- 6 working groups
- 22 recommendations
- [Fourth National Guardianship Summit -
_Adopted Recommendations \(May 2021\).pdf](#)
(syr.edu)

4

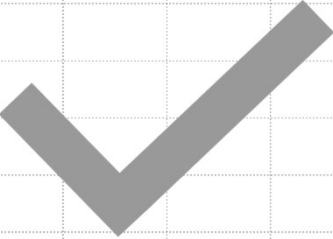
Key Summit Recommendations	Develop an enforceable Bill of Rights
	Meaningful due process after appointment
	Restoration of rights
	Require consideration of supported decision making
	Eliminate plenary guardianship
	Adopt Uniform Act

5

Key Uniform Act Provisions	No guardianship where LRA meets needs
	Specific court findings before certain rights removed
	Triggers for modification/restoration
	Lawyer as advocate
	Use of protective arrangements

6

WHAT WE DID

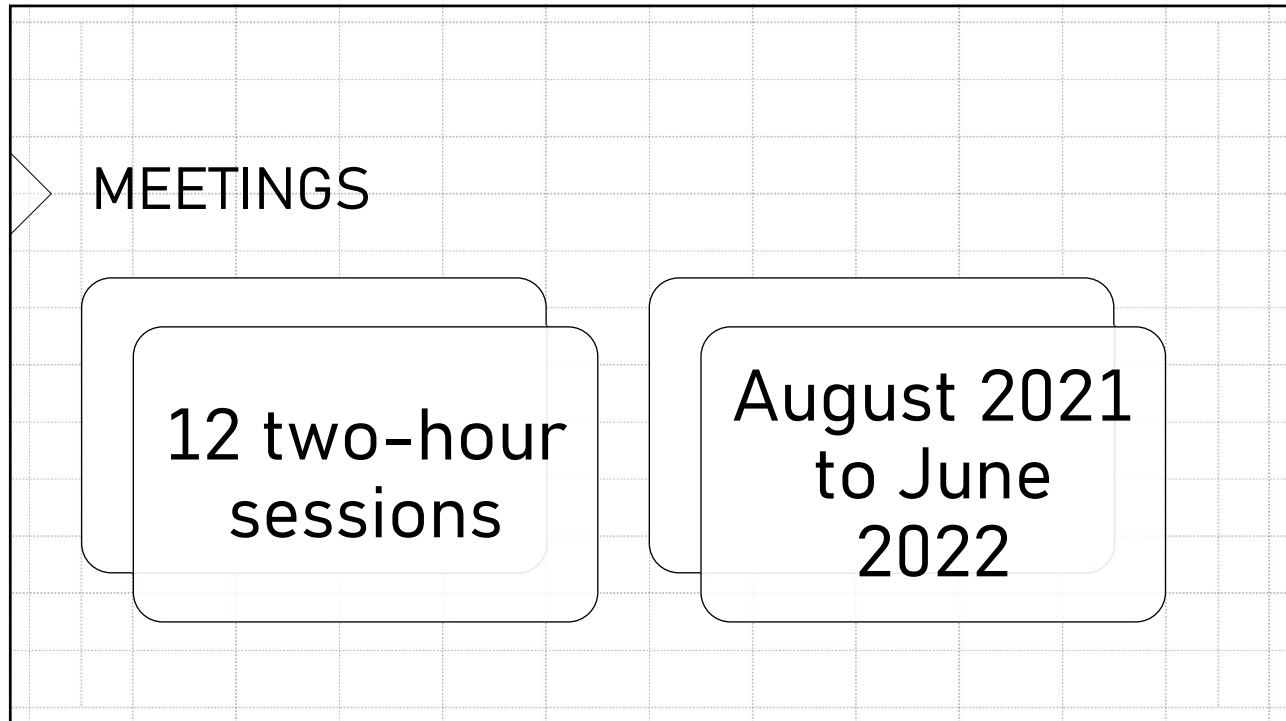


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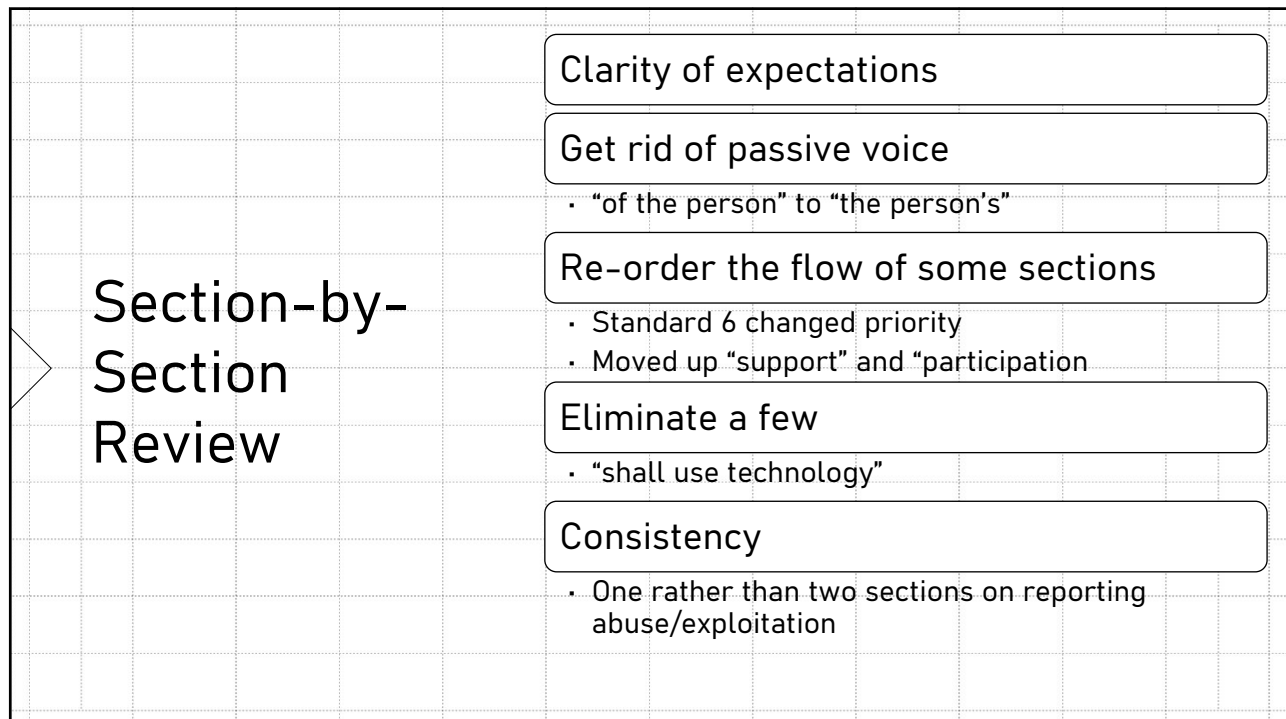
TEAM

- Sally Hurme
- Greg MacKenzie
- Julia Nack
- Anthony Palmieri
- Paul Stengle

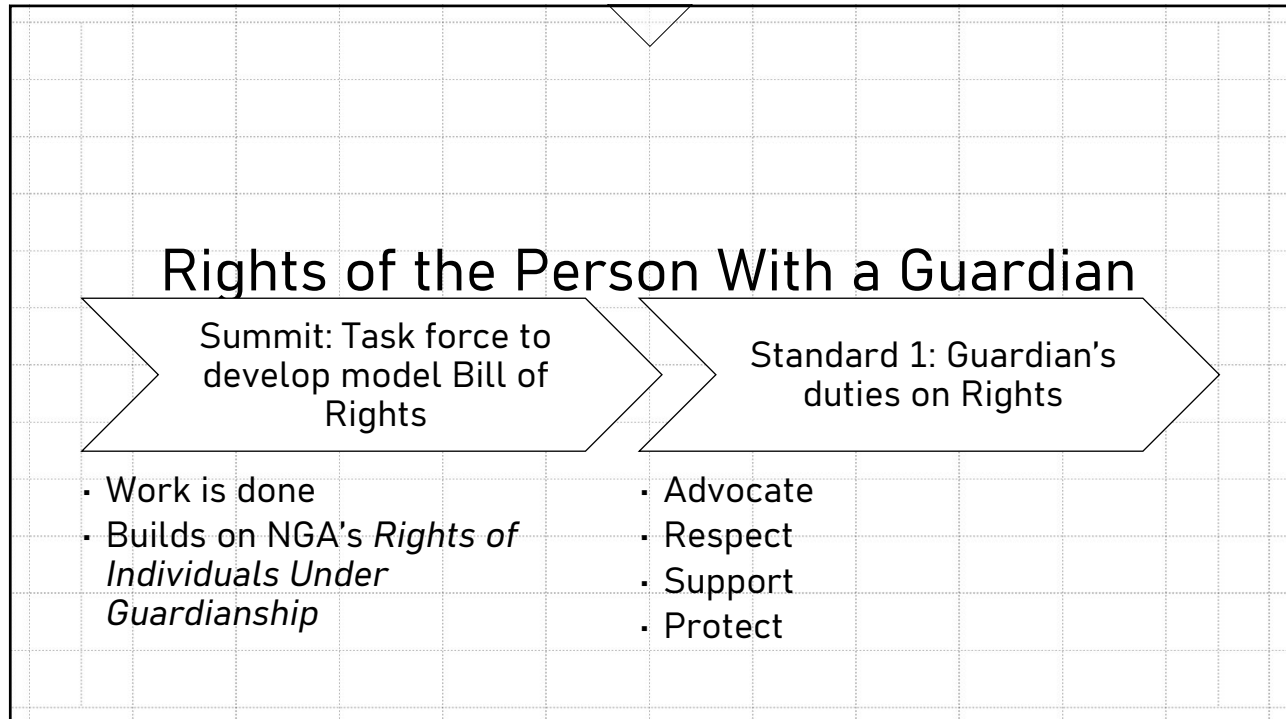
8



9



10



11



12

Standards: Restoration of Rights

1

Give notice of
right to seek
restoration

2

Not interfere

3

Actively
support

4

Petition when
appropriate

13

Centering on Preferences

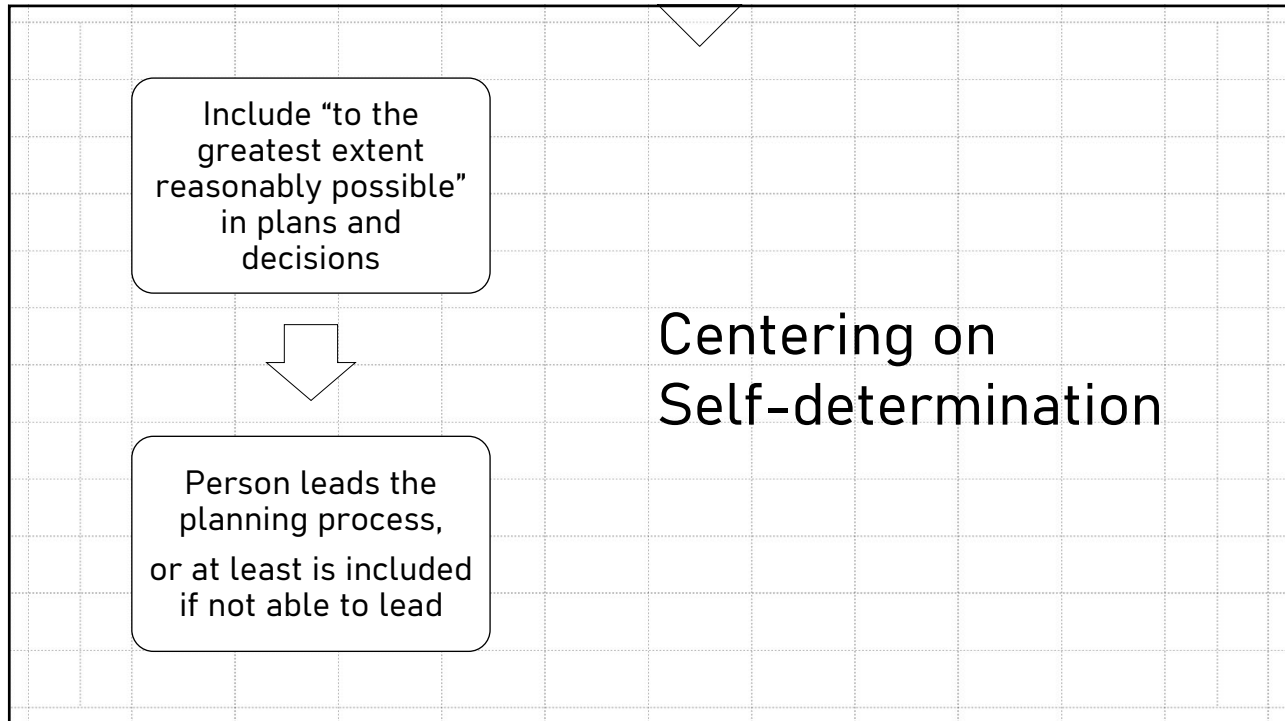
Defined "family" & defined "friend"

Who the person considers family or
friends

Or who the guardian reasonably
believes is the person's family or
friends

Communicate significant occurrence:
who the guardian believes the adult
would want you to communicate with

14



15

<p>Relation to Family & Friends: Standard 4</p>	Do not interfere	Do not interfere with relationships unless substantial harm
	Get	Get court approval for restrictions on family visits (more than 7 days) or friends (60 days)
	Prioritize	Prioritize person's current needs over "heirs"
	Use	Use conflict resolution approaches

16

Delegation: Standard 5

- Delegate with reasonable care, skill and caution
- Selecting agent
- Setting scope of work
- Monitoring compliance and performance

17

Making a Move? Standard 12

Seek prior court approval if

- To other state
- To setting that restricts ability to leave or have visitors

Priorities

- Meets needs in least restrictive manner reasonably feasible
- Allows continued social relationships without unnecessary restrictions

18

Fiduciary Defined: Standard 17



2013

used fiduciary without
explanation



2022

spells out what it means

19

Conflict of Interest: Standard 16

Defines “self-dealing”

Stresses the duty of loyalty to person

Forbids taking advantage of position as guardian

Discusses when to go to court if guardian must provide some direct service

Removes “impropriety” due to lack of a firm definition

20

Guardian of Estate: Standard 18

Person's current needs come before preservation of estate

Need to manage, but not eliminate, risk

Confirms Medicaid planning when necessary

Requires bonding

21

Other Guardian Causing Harm



If reason to believe



Violation of standards



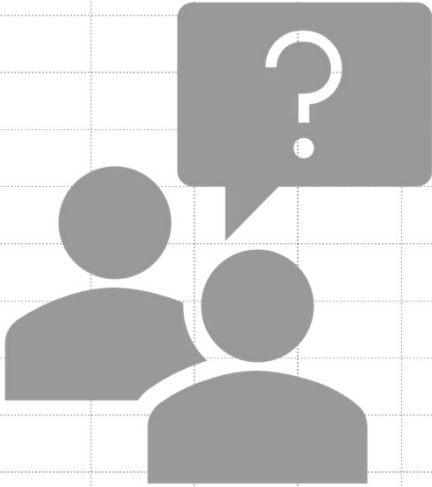
Cause significant harm



Report to appointing court

22

▶ **Your Turn**
What more would you like to know?

An icon depicting two stylized human figures in grey. The figure on the right is slightly behind the one on the left. Above the right figure is a grey speech bubble containing a white question mark.