

# Disability, Abuse, and Guardianship

## Reducing Risk and Improving Response in Missouri

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# My Long Journey to Missouri

- \* Alerted by **Three Cases** in Los Angeles (2012-2014)
- \* **Auditing** the Local Court System (2014-2015)
- \* **Approaching Officials** In California (2014-2017)
- \* **Filing Complaints** with Federal DOJ (2014-2015)
- \* Analyzing the System in **Washington State** (2016)
- \* Reaching Out to Officials in **10 States** (2016)
- \* **Contact** with Disability Rights Groups (2012-2017)
- \* **Publishing** Reports and Documents (2017-2017)

# Gathering Information

- \* **Mentoring** from Dr. Nora Baladerian
- \* Reviewing Missouri Guardianship **Law**
- \* Obtaining **Data and Advice** from:
  - Susan Eckles, Protection & Advocacy
  - Les Wagner, County DD Services
  - Gary Schanzmeyer, DD Division, DMH
  - Catherine Zacharias, Missouri State Courts
- \* Applying **Constitutional and ADA** principles to Missouri



# The Big Picture

- \* **Lack of reliable data**
- \* **No statewide oversight**
- \* Need for **trauma-informed justice**
- \* **Statutory defects** increase abuse risk
- \* **Judicial flaws** increase abuse risk
- \* Lawyers ignore the **ADA rights** of their clients
- \* **More advocacy is needed** for *systemic* reforms



# Special Areas of Concern

## \* Lack of Statewide Oversight & Coordination

### -- Judicial Branch

Virtually no appeals by wards

Local judges control attorney appointments

Need: **Chief Justice Guardianship Task Force**

Need: **State Courts Guardianship Coordinator**

### -- Executive Branch

Need: **State Guardianship Ombudsperson**

Functions: *Audit* Cases; *Investigate* Complaints



# Particular Areas of Concern

## \* Supported Decision-Making

- Only 15% of adults with cognitive disabilities of all types (seniors, I/DD) are in guardianships
- 65% of adults with I/DD are not known to the state and local DD agencies
- Most of these adults are using **informal** methods of supported decision-making
- Because they are not being monitored, these adults are at a higher risk of abuse

**Safe** and **Legal** SDM should be promoted

# Special Areas of Concern

## \* Guardians as Mandated Reporters

- Guardians **not being told** of duty
- Guardians **not being told** of penalty
- **No prosecutions** for failure to report
- Need to:

- \* Amend law to **add “guardian” to the list**
- \* Amend law to **require courts to advise** guardians of duty to report and penalties



# Special Areas of Concern

## \* Vetting of guardians & placements

- State has **duty to protect** wards
- **High risk of abuse** for I/DD persons
- **Insufficient screening** of guardians
- Need: **abuse training** for judge & attorneys
- Need: **notice** sent to grandparents & siblings
- Need: **background checks** on guardians and all adult members of proposed households



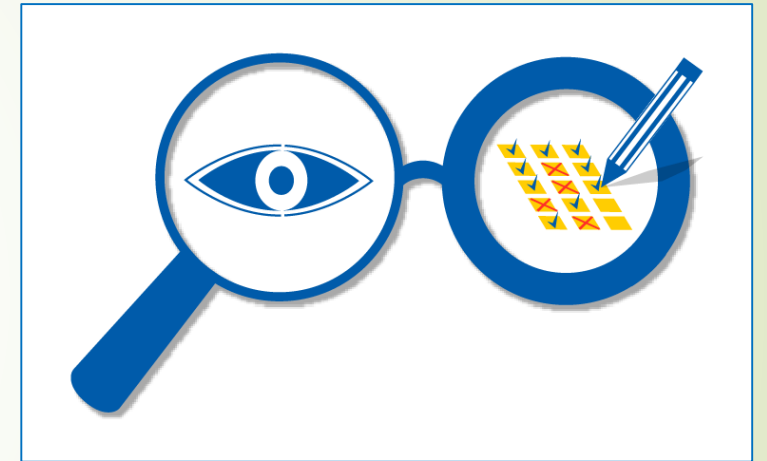


# Special Areas of Concern

## \* Annual review of wards and households

- **Inadequate** review system
- **Ward does not participate**
- **No real monitoring** by state
- **Need new laws** requiring:

- \* **background check** on new householders
- \* brief **report from all service providers**
- \* guardian's **report sent to close relatives**



# Special Areas of Concern

## \* Better Screening of Service Providers

### Risk Identification

- Guardians have a **duty to protect** wards
- Guardians should **vet paid service providers**
- Guardians should **vet volunteer providers**
- Need new law to require such screening through **Family Care Safety Registry** and **Caregiver Background Screening Service**
- **Court hearing** if negative vendor/volunteer info

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For More Information

[www.spectruminstitute.org/Missouri](http://www.spectruminstitute.org/Missouri)