

KANSAS GUARDIANSHIP PROGRAM

Consequences of Not Funding this Program

Kansas is unique in the country in that, on a statewide basis, citizen volunteers are appointed guardians or conservators for those program eligible persons adjudicated by the court and in need of this level of protection and advocacy. This volunteer-based model of providing guardianship or conservatorship services involves a collaborative working relationship with the Department of Children and Families (DCF) and the Kansas Department for Aging and Disability Services (KDADS). Persons served by the KGP are identified by DCF Adult Protective Services and State hospital social workers who then make formal requests to the KGP for an approved volunteer who may be nominated to the court for appointment as guardian or conservator. The individuals served are dependent upon public support.

Individuals Served: During FY 2021, the program provided guardianship or conservatorship services to 1394 different individuals through the efforts of more than 772 Kansas citizens (KGP volunteers) appointed by the court as the guardian or conservator. A monthly stipend is made available to volunteers to off-set out-of-pocket expenses. The agency funding provides for the operational budget for salaries and wages, contractual services, commodities, and capital outlay. This volunteer-based program model provides a cost-effective guardianship or conservatorship service for vulnerable at-risk adults who do not have willing and able family members available or appropriate to be appointed by the court.

The consequences of not funding this program would result in the agency discontinuing all services and supports.

1. The current case load of individuals receiving guardianship or conservatorship services would no longer have agency staff to provide support and assistance to the volunteers serving as guardians or conservators. Volunteers accept this responsibility with the understanding staff support and technical assistance will be available to assist in navigating the complexities of supports and services for vulnerable individuals served. Volunteers wishing to resign/discontinue serving as guardian or conservator would have no available mechanism to identify a successor guardian nominee.
2. The stipend funding would no longer be available to volunteers for out-of-pocket expenses.
3. Referrals Discontinued - No new referrals may be made for a guardian nominee available to provide guardianship or conservatorship services.
4. Ten agency staff would no longer be available to provide support and assistance to existing volunteer, recruit new volunteers and manage new referrals for guardian or conservator nominee.

Statutory Basis	Mandatory vs. <u>Discretionary</u>	MOE/Match Rqt.	Priority Level
K.S.A. 74-9601et seq as amended	Mandatory		1

Program Goals

A.To provide that qualified, caring, and trained persons are available throughout the State who will volunteer to serve in the capacity of court appointed guardians or conservators for those program eligible persons in need of this level of protection and advocacy, and who do not have family members capable or willing to assume such responsibilities. All such persons are identified by DCF adult protective services or KDADS state hospital social workers and referred to the KGP after all other alternatives have been exhausted. Legal services are provided through the State to petition to the court for the trial to determine impairment. Individuals served may be considered the adult wards of the State.

Program History

The Kansas Guardianship Program was initiated in 1979 under the administration of Kansas Advocacy and Protective Services, Inc. In 1995, the Kansas Legislature established the program as a public instrumentality through passage of K.S.A. 74-9601 et seq., as amended. The KGP is governed by a seven-member board of directors, six of whom are appointed by the Governor and one by the Chief Justice. The purpose of the program is to recruit volunteers to serve as court appointed guardians or conservators for those eligible persons adjudicated by the court in need of this level of protection and advocacy. KSA 59-3069 (g) provides that State serves as surety on the bond of any conservator serving in the Kansas Guardianship Program. KSA 75-6101(d)(4) added court-appointed guardians and conservators who contract with the Kansas Guardianship Program to the definition of "employee" in the Kansas Tort Claims Act. This allows the program volunteers to be protected in cases of negligence or acts of omission.

The 2006 Kansas Legislature approved additional funding for the KGP to increase the stipend paid to volunteers serving as guardians and conservators from \$20 to \$30 per month. The 2019 Kansas Legislature approved additional funding for the KGP to increase the stipend paid to volunteers serving as guardians and conservators from \$30 to \$40 per month.

Performance Measures

Outcome Measures	Goal	FY 2019	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
Percentage of adults identified in need	A	91%	91%	91%	91%	91%	91%
Number of volunteers providing guardianship or conservatorship services in fiscal year	A	768	775	771	771.33	775	775
Average cost per day per all adults served within fiscal year	A	\$ 2.28	\$ 2.30	\$ 2.58	\$ 2.39	\$ 2.77	\$ 2.70

Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$1,151,460	\$1,164,026	\$1,320,953	\$1,314,717	\$1,375,959	\$1,375,959
Non-SGF State Funds	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-
Total	\$1,151,460	\$1,164,026	\$1,320,953	\$1,314,717	\$ 1,375,959	\$1,375,959