**GUARDIANSHIP PROGRAM**

**COMPLIANCE MONITORING TOOL**

**INSTRUCTIONS**

1. **Guardianship Case Record**
2. **Guardianship record or separate section of an existing record contains information on guardianship**

(Establish whether there is a separate guardianship record for the ward or a combined record with a separate section containing a guardianship record for the ward. *Scope of Work B.10; Guardianship Services Manual, Section 6650, VI. C.*)

3 = Separate guardianship record or separate section of an existing record

1 = Guardianship record is present but combined with other records

0 = No guardianship record

1. **Agency Initiated Petition**

**A. Petition for Adjudication of Incompetence and Application for Appointment of Guardian or Limited Guardian and Interim Guardian (AOC-SP-200)**

(If the agency initiated the guardianship petition, a copy of the AOC-SP-200 should be in the ward’s record. *Scope of Work B.10; Guardianship Services Manual, Section 6650, VI. C.*)

3 = AOC-SP-200 in record

0 = AOC-SP-200 not in record

**III. Court Documents**

**A. Legal authority to serve as guardian**

(Ward’s record must contain either Letters of Appointment and Order on Appointment or Order on Appointment of Interim Guardian. It is possible for the record to contain all three documents. *Scope of Work B.10; Guardianship Services Manual, Section 6650, VI. C.*)

* 1. Letters of Appointment

3 = In record

0 = Not in record

2. Order on Appointment

3 = In record

0 = Not in record

1. Order on Appointment of Interim Guardian

3 = In record

0 = Not in record

Note: Monitor has discretion to assign partial points based on documentation

1. **Status Reports**

1. Initial status report:

(Documentation shows the initial status report was completed. *NOTE: Do not penalize if report completed prior to the sixth month.* This section is not applicable if guardian has served for less than six months or more than one year. *NCGS 35A-1242; NCGS 35A-1202(14)*)

a. Completed within six months of guardianship appointment

(Documentation shows that initial status report was completed within six months of guardianship appointment. *NCGS 35A-1242(a)*)

2 = Completed within six month timeframe

1 = Completed, but after six month timeframe

0 = Not completed

b. Includes a report or summary of recent medical and dental examinations of the ward by one or more physicians and dentists. (Documentation shows that recent medical and dental/oral information is part of initial status report. “Recent” means examinations occurred at least one year prior to the date initial status report prepared. *Scope of Work B.11(1); NCGS 35A-1242(a1*)(1)*; Guardianship Services Manual, Section 6620, III. A.2.e(3)(a),(b)*)

2 = Report or summary of recent medical and dental examinations of the ward by one or more physicians and dentists present

1 = Report or summary from either recent medical examinations of the ward by one or more physicians present, or report or summary from recent dental examinations of the ward by one or more dentists present - not both

0 = Report or summary from neither recent medical nor dental examinations of ward present

c. Includes a report on ward’s residence, education, employment, and rehabilitation or habilitation. Only applicable to status reports completed on or after 10/1/14. (Documentation shows that report on ward’s residence, education, employment, and rehabilitation or rehabilitation is part of the annual status report. *NCGS 35A-1242(a1)(3); Scope of Work B.11.(3)*

2 = Report addresses all elements (ward’s residence, education, employment, and rehabilitation or habilitation)

1 = Report addresses one or more element (ward’s residence, education, employment, and rehabilitation or habilitation) but not all; or partially addresses some of the elements

0 = Report addresses none of the elements

d. Includes a report of guardian’s efforts to seek least restrictive alternatives. Only applicable to status reports completed on or after 10/1/14. (Documentation contained in the status report shows the guardian’s efforts to restore competency, seek alternatives to guardianship, identify alternative guardians and made recommendations regarding implementing a more limited guardianship*.) Scope of Work B.11.(4),(5),(6),(7); NCGS 35A-1242(a1)(4),(5),(6),(7).*

i. Efforts to restore competency

2 = Report shows guardian’s efforts to restore competency

1 = Report partially addresses guardian’s efforts to restore competency

0 = No report of guardian’s efforts to restore competency

ii. Efforts to seek alternatives to guardianship

2 = Report shows guardian’s efforts to seek alternatives to guardianship

1 = Report partially addresses guardian’s efforts to seek alternatives to guardianship

0 = No report of guardian’s efforts to seek alternatives to guardianship

iii. Efforts to identify alternative guardians

2 = Report shows guardian’s efforts to identify alternative guardians

1 = Report partially addresses guardian’s efforts to identify alternative guardians

0 = No report of guardian’s efforts to identify alternative guardians

iv. Recommendations for implementing a more limited guardianship

2 = Report shows guardian’s recommendations for implementing a more limited guardianship

1 = Report partially addresses guardian’s recommendations for implementing a more limited guardianship

0 = No report of guardian’s recommendations for implementing a more limited guardianship

1. Annual status report:

(Documentation shows that the annual status report was completed. This section is not applicable if guardian has served for less than one year. *NCGS 35A-1242; NCGS 35A-1202(14)*)

a. Completed annually

(Documentation shows that an annual status report was completed one year after appointment, within the appointment month, and subsequent reports completed annually thereafter. If the guardian has served for one year or more, the most current status report is applicable. *NCGS 35A-1242(a)*)

2 = Completed within appropriate timeframe

1 = Completed, but after appropriate timeframe

0 = Not completed

b. Includes a report or summary of recent medical and dental examinations of the ward by one or more physicians and dentists. (Documentation shows that recent medical and dental/oral information is part of annual status report. “Recent” means examinations that occurred at least one year prior to the date most recent status report prepared. *Scope of Work B.11(1); NCGS 35A-1242(a1)(1)*; *Guardianship Services Manual, Section 6620, III. A.2.e(3)(a),(b)*)

2 = Report or summary of recent medical and dental examinations of the ward by one or more physicians and dentists present

1 = Report or summary from either recent medical examinations of the ward by one or more physicians present, or report or summary from recent dental examinations of the ward by one or more dentists present - not both

0 = Report or summary from neither recent medical nor dental examinations of ward present

c. Includes a report on ward’s residence, education, employment, and rehabilitation or habilitation. Only applicable to status reports completed on or after 10/1/14. (Documentation shows that report on ward’s residence, education, employment, and rehabilitation or rehabilitation is part of the annual status report. *NCGS 35A-1242(a1)(3); Scope of Work B.11(3*)

2 = Report addresses all elements (ward’s residence, education, employment, and rehabilitation or habilitation)

1 = Report addresses one or more element (ward’s residence, education, employment, and rehabilitation or habilitation) but not all; or partially addresses some of the elements

0 = Report addresses none of the elements

d. Includes a report of guardian’s efforts to seek least restrictive alternatives. Only applicable to status reports completed on or after 10/1/14. (Documentation contained in the status report shows that the guardian efforts to restore competency, seek alternatives to guardianship, identify alternative guardians and made recommendations regarding implementing a more limited guardianship*.) Scope of Work B.11.(4),(5),(6),(7); NCGS 35A-1242(a1)(4),(5),(6),(7).*

i. Efforts to restore competency

2 = Report shows guardian’s efforts to restore competency

1 = Report partially addresses guardian’s efforts to restore competency

0 = No report of guardian’s efforts to restore competency

ii. Efforts to seek alternatives to guardianship

2 = Report shows guardian’s efforts to seek alternatives to guardianship

1 = Report partially addresses guardian’s efforts to seek alternatives to guardianship

0 = No report of guardian’s efforts to seek alternatives to guardianship

iii. Efforts to identify alternative guardians

2 = Report shows guardian’s efforts to identify alternative guardians

1 = Report partially addresses guardian’s efforts to identify alternative guardians

0 = No report of guardian’s efforts to identify alternative guardians

iv. Recommendations for implementing a more limited guardianship

2 = Report shows guardian’s recommendations for implementing a more limited guardianship

1 = Report partially addresses guardian’s recommendations for implementing a more limited guardianship

0 = No report of guardian’s recommendations for implementing a more limited guardianship

1. **Accounting Reports**

1. Initial inventory or account completed as required

(Documentation shows that an initial inventory or account was filed with the clerk of court within three months of appointment as Guardian of the Estate or General Guardian. Applicable only if appointed Guardian of the Estate or General Guardian for over three months. *NCGS 35A-1261; NCGS 35A-1202(1); Guardianship Services Manual, Section 6620, III. B.5.c*)

2 = Completed within three month timeframe

1 = Completed, but after three month timeframe

0 = Not completed

2. Annual accounting completed as required

(Documentation shows that within 30 days after the expiration of one year from the date of the guardian’s qualification or appointment as Guardian of the Estate or General Guardian, and annually thereafter, an inventory or account is filed with the clerk of court. If the guardian has served as Guardian of the Estate or General Guardian for one year or more, the most current accounting report is applicable. *NCGS 35A-1264*; *Guardianship Services Manual, Section 6620, III. B.5.c*)

2 = Completed within 30-day timeframe

1 = Completed, but after 30-day timeframe

0 = Not completed

3. Final accounting completed as required

(Documentation shows that within 60 days after termination of Guardian of the Estate or General Guardianship appointment, a final accounting of the period from the end of the most recent annual accounting to the date of the termination was filed with the clerk of court. Not applicable if within 60-day timeframe of the termination. *NCGS 35A-1266*; *Family Services Manual, Volume V, Chapter VIII, Section 6620, III. B.5.c*)

2 = Completed within 60-day timeframe

1 = Competed, but after 60-day timeframe

0 = Not completed

**IV. Bond Coverage (DSS ONLY)**

**A. Blanket Bond**

1. Initial DAAS-7016 completed accurately and submitted

(Documentation shows all items on initial DAAS-7016 form completed accurately *NCGS 35A-1239;* *Guardianship Services Manual, Section 6640, V. A.3.c(5)*)

2 = Submitted, completed accurately

1 = Submitted, not completed accurately

0 = No documentation of submission

2. Initial DAAS-7016 submitted timely (FOR DATA COLLECTION ONLY)

(Documentation shows the completed form was submitted timely to DAAS. Timely submission is considered to be within five working days of the guardianship appointment. *NCGS 35A-1239;* *Guardianship Services Manual, Section 6640, V.A.3.c(5)*)

1 = Submitted timely

0 = Submitted, but not timely

3. Bond coverage amount is $3,000 for Guardianship of the Person or consistent with *NCGS 35A-1230* if Guardianship of the Estate or General Guardianship.

(Documentation on DAAS-7016 shows $3,000 bond coverage for Guardianship of Person. Bond coverage is at least one and one-fourth times the amount of the estate for Guardianship of Estate or General Guardianship. Review the most recent accounting report to determine if it is consistent with the amount of bond coverage for Guardianship of the Estate or General Guardianship. See *NCGS 35A-1202(5)* to determine which items to include when determining the estate. (*NCGS 35A-1230; NCGS 35A-1202(5);* *Guardianship Services Manual, Section 6640, V. A.3.c(2),(4)*)

3 = Bond coverage amount consistent

0 = Bond coverage amount not consistent

**B. Private Bond**

1. Ward covered by a private bond

(Documentation in file shows that Guardian of Estate or General Guardian acquired private bond coverage. (*NCGS 35A-1230; NCGS 35A-1202(5);* *Guardianship Services Manual, Section 6640, V.A.3.c(4)*)

3 = Private bond coverage purchased

0 = Private bond coverage not purchased

1. Bond coverage amount consistent with *NCGS 35A-1230* and/or *NCGS 35A-1231.*

(Documentation in file shows bond coverage is at least one and one-fourth times the amount of the estate for Guardianship of Estate or General Guardianship. Review the most recent accounting report to determine if it is consistent with the amount of bond coverage for Guardianship of the Estate or General Guardianship. See *NCGS 35A-1202(5)* to determine which items to include when determining the estate. (*NCGS 35A-1230; NCGS 35A-1231 NCGS 35A-1202(5);* *Guardianship Services Manual, Section 6640, V.A.3.c(4)*)

3 = Bond coverage amount consistent

0 = Bond coverage amount not consistent

**V. Demographic Information (DAAS-7016A) (CONTRACTORS ONLY)**

**A. DAAS-7016A completed and sent to DAAS**

1. Within 30 days of contract execution

(Documentation shows contractor accurately completed and submitted DAAS-7016A to DAAS within 30 days of contract execution. Not applicable if the ward was received after the original contract execution.)

3 = Completed accurately and submitted within 30-day timeframe

1 = Completed inaccurately and/or completed accurately but sent after 30-day timeframe

0 = No documentation of submission

2. Five business days after any change to ward’s demographic information

(Documentation shows contractor accurately completed and submitted DAAS-7016A within five days of change in demographic information. Examples of changes in demographic information are change in living situation, address, county of residence or type of guardianship. *Scope of Work B.5*)

3 = Completed accurately and submitted within five business days

1= Completed inaccurately and/or completed accurately but submitted after five business days

0 = No documentation of submission

3. Five business days after any termination of guardianship appointment

(Documentation shows contractor accurately completed and submitted DAAS-7016A within five working days of guardianship appointment termination. Termination can be due to death of ward, restoration of competency or transfer of guardianship to an adult individual. *Scope of Work B.4*)

3 = Completed accurately and submitted within five business days

1 = Completed inaccurately and/or completed accurately but submitted after five business days

0 = No documentation of submission

4. Five business days after contractor appointed guardian of a new ward. (Documentation shows contractor accurately completed and submitted DAAS-7016A within five days of being appointed guardian of a new ward. *Scope of Work B.6*)

3 = Completed accurately and submitted within five business days

1 = Completed inaccurately and/or completed accurately, but submitted after five business days

0 = No documentation of submission

**VI. Service Provision**

1. **Client Entry Form DSS-5027 is completed and accurate (DSS ONLY)**

(DSS-5027 is in the ward’s record, completed per the *Provision of Services Manual, Section II*)

2 = DSS-5027 in record and is completed and accurate

1 = DSS-5027 in record, but is not completed and/or accurate

0 = DSS-5027 not in record

1. **Assessment**

(Utilize the most recent assessment or reassessment when reviewing.)

1. Documentation of:

a. Input from ward/ward’s family/caregivers

(Documentation shows that ward/ward’s family/caregivers provided input or reasons were documented as to why not. *Scope of Work B.10; NCGS 35 A-1241(a); Guardianship Services Manual, Section 6620 “Authority and Responsibility of the Guardian”*)

3 = Input from ward/ward’s family/caregivers was documented or reasons documented as to why not

0 = No documentation of input from ward/ward’s family/caregivers

b. Identification of strengths and needs

(Documentation shows that ward’s strengths and needs were identified or reasons were documented as to why not. *Scope of Work B.10; NCGS 35A-1241(a) Guardianship Services Manual, Section 6620 “Authority and Responsibility of the Guardian”*)

3 = Ward’s strengths and needs were adequately identified and documented

1 = Ward’s strengths and needs were partially identified and documented

0 = No documentation of identification of ward’s strengths and needs

c. Face-to-face interview with the ward

(Documentation shows that a face-to-face interview with the ward took place and was included in the ward’s assessment. Face-to-face interview can be performed by agency staff or as arranged with a cooperating agency*. Scope of Work B.10; NCGS 35A-1241(a); Guardianship Services Manual, Section 6620 “Authority and Responsibility of the Guardian”*)

3 = Face-to-face interview with ward took place and is documented in the assessment

0 = No face-to-face interview with ward took place

**C. Service Plan and Ongoing Contact**

1. Service plan, documentation and status report are consistent. (Documentation and service plan reflect information in the status report. *Scope of Work B.10; 10A NCAC 71B .0101*)

3 = Service plan, documentation and status report are consistent

1 = Either service plan or documentation are consistent with status report

0 = Service plan, documentation and status report are not consistent

2. Strengths and needs addressed in development of service plan

(Documentation shows the ward’s service plan was developed from strengths and needs identified from the assessment or reasons were documented as to why not. *Scope of Work B.10*; *NCGS 1241(a); Guardianship Services Manual, Section 6620 “Authority and Responsibility of the Guardian”*)

3 = Documentation shows that ward’s strengths and needs were adequately addressed in development of the service plan

1 = Documentation shows that ward’s strengths and needs were partially addressed in development of the service plan

0 = No documentation of ward’s strengths and needs being addressed in development of the service plan or no service plan found in record

3. Documentation of ongoing contact

a. Monthly contact with ward and/or ward’s caregiver (CONTRACTORS ONLY)

(Documentation shows there was contact with the ward and/or ward’s caregiver at least once each calendar month. This contact can be face-to-face, by telephone or by email. *Scope of Work B.8; Guardianship Services Manual, Section 6620 “Authority and Responsibility of the Guardian”*)

3 = Contact with ward and/or ward’s caregiver at least once each calendar month

1 = Contact with ward and/or ward’s caregiver, but not once each calendar month

0 = No documentation of monthly contact with ward and/or ward’s caregiver

b. Face-to-face visit with ward every 90 days (CONTRACTORS ONLY)

(Documentation shows there was a minimum of one face-to-face visit with the ward every 90 calendar days. Face-to-face interview can be performed by agency staff or as arranged with a cooperating agency*. Scope of Work B.8; Guardianship Services Manual, Section 6620 “Authority and Responsibility of the Guardian”)*

3 = Minimum of one face-to-face visit with ward every 90 days

1 = Face-to-face visit with ward, but not within 90 day timeframe. If ward cannot be located, documentation shows guardian’s diligent efforts to locate ward.

0 = No face-to-face visits with the ward took place

c. Contact related to the ward no less than every 90 days (DSS ONLY)

(Documentation shows there was a minimum of one contact related to the ward no less than every 90 days. *10A NCAC 71B. 0101(b)(2)*; *Guardianship Services Manual, Section 6620 “Authority and Responsibility of the Guardian*”)

3 = Minimum of one contact related to the ward no less than every 90 days

1 = Contact related to the ward, but not within 90 day timeframe

0 = No contact related to the ward

Note: Monitor has discretion to assign partial points based on documentation