

Q: When does the status report date begin: is it from the date that we are appointed interim guardianship or from the date we get permanent guardianship?

You cannot file a status report on an interim appointment because the person has not been adjudicated incompetent and interim is temporary.

Q: When it comes to the summary of services, if a client has been to the hospital say 30-45 times in the past year. How can we fit this into the summary section? If there is not enough room would this go into the additional information section?

You can attach supporting documentation to the status report as needed

Q: in regards to the county section reflecting the county that the agency resides in versus county of appointment? Individual clerks have requested that the report list county of origin for incompetency.

You can list both if your clerk requests it. The file number is associated with the county of appointment.

Q: Would this work the same for the dentist if the person doesn't have insurance or funding for a dentist? Is it the county's responsibility to pay for dental care?

35A requires the guardian to report a summary of recent medical and dental appointments. Lack of funding does not change the statutory requirement.

Q: in regards to the annual status report within the first year... The local clerk has requested when the first annual is completed, it reflect the date from the 6 month until the end of the status report year. So a 6 month would be submitted and then the annual is requested to have the 6 month date until the end versus covering the whole year. This conflicts with what the webinar discussed

The county should include in their first annual status report any updates/information relevant to the first 6mos. For example if the guardian determined that housing was unstable during the first 6 mos, they should include follow up/ information (provide more detail about the housing situation) about that on the first annual status report. One other example, the guardian could schedule a Dr. appt for the ward during the initial 6 mos. The first annual report should include the actual date of that appointment & summary of that appointment. There is no requirement to attach the initial unless the clerk wants to see it again.

Q: Would you address the mental health section again. What if the ward is not being seen by MH, is N/A appropriate for that section?

Your summary should include reasons as to why the ward is not receiving such services e.g. services needed but unavailable or ward does not require MH services at this time

Q: can the guardian completing the report sign it and then director next to it?

See sample status report

Q: What happens if the guardian (Director of DSS) is out of the office for an extended period of time and a Status Report needs to be signed?

The director should have a designee able to sign in his/her absence

Q: What is considered timely?

Status Reports must be completed, signed, notarized and submitted to the clerk within 6 mos of the appointment for the initial and 12 mos for the annual]

For the Annual Status Report to be considered timely, it must be submitted “in the month of the anniversary of the appointment.” (Therefore, a guardian who was appointed on June 14, 2015 must submit the report to the clerk sometime between June 1, 2016 and June 30, 2016 to be considered timely)

Q: So the guardian signs both spots at the end of status report and the Social worker who fills it out does not have their name anywhere on the report, Is this correct? One of my staff were told that they had to sign the first spot and the guardian signs the second

See Sample Report

Q: What about eye and hearing exams!

Can be included in the “other reports” section of the status report. Provide supporting documentation as needed

Q: when we try to get medical information and we receive charges that are pretty high to get those records...are we expected to pay for them in order to have them

As the guardian, you have a right to medical records. Some offices may charge a fee for such documents

Q: The guardianship monitoring tool indicates that the initial assessment is required to go with status report - true?

This requirement is not on the monitoring tool. The county should include in their first annual status report any updates/information relevant to the first 6mos. For example if the guardian determined that housing was unstable during the first 6 mos, they should include follow up/ information (provide more detail about the housing situation) about that on the first annual status report. One other example, the guardian could schedule a Dr. appt for the ward during the initial 6 mos. The first annual report should include the actual date of that appointment & summary of that appointment. There is no requirement to attach the initial unless the clerk wants to see it again.

Q: What if you have wards that do not have family or friends, what will I need to put for restoration.

Your summary should include why the ward is not appropriate for restoration, transfer, or limited. If the ward does not have family members, you should include such explanations in your summary.

Q: Will there be an addition to this form to show when a ward expires?

No, we do not have any plans to revise the form at this time

Q: To do POA as an alternative would the person's competency 1st need to be restored or can we as guardian legally sign for another person or be POA?

If you are currently serving as guardian for someone, that person would have to have their competency restored before being able to appoint someone as POA. If you are considering restoration, it is good practice to identify someone who could potentially serve POA in an effort to support the person's restoration and help them maintain such status.

Q: Will "N/A" be applicable for dental on the initial six month status report?

It is good practice to include your efforts to schedule such appointments within those first 6 mos.

Q: would you suggest that we use our family service plan for section

Section D is your opportunity to list the things you have done to support your ward. Your family service plan could serve as a guide but you would need to be as specific as possible as to your actions

Q: If dates for annual status report is very end of month I was told do report early enough in month to have it reviewed, signed and file stamped within that month. My questions is to do that, if time extended through 11-30-15 and completed early and situation with ward changes after has been filed stamped with clerk of court that concerns me. For example I put ward has been ill but the ward ended up passing away within time frame that feels wrong.

Submit the report in a timely manner (see definition above). If an incident occurs AFTER the date the report was submitted to the clerk, the county can consult the clerk on how he/she prefers to have that info conveyed. For example if the report is due in November, is stamped/submitted on 11/15/15 and the ward dies on 11/20/15 it would not be expected that the county have included info about his/her death in that report. (Note: If the client was seriously/critically ill and the prognosis was imminent death, then THAT should be in the report.)

Q: Did that make sense? If time extends through 11-30-15 I feel the status report should not be completed until that date because the information may change and I did not document in report for the sake of having it in within the month

Again, if the guardian meets the deadline, they shouldn't be held accountable for information that was not available to them at the time the report was submitted. Also, purposefully submitting the report until the end of the month can carry with it some risks with timeliness, so I'm not sure that is a good policy/practice. No matter what date it is submitted, things WILL happen afterward that are not included in the report.

Q: What should we do as Guardians when a Ward refuses a dental and/or oral exam?
Your status report should reflect your efforts to coordinate the appointment but your ward refused. It is also good practice to attempt to identify the cause of the refusal e.g phobia of dentist, doctor, hospital, etc. You might be able to locate a family or friend to accompany the ward to ease the fear.

The Guardian must document efforts or attempts and/or request medical physician to do an oral (mouth/gum) exam. Document the medical physician findings.

Q: Can the Guardian use a stamp?

No, stamps or electronic signatures are not advised

Q: The actual appointment date is the letter of appointment or the actual hearing date when declared incompetent? Status report due dates are based on date of order on appointment. Letters of appointments are issued after the Oath of affirmation is given. In most situations the dates of order and the dates on the letters of appointments will be the same as DSS staff is normally present during the proceedings. However, if not present during the proceeding they should respond to the order and take the oath as soon as possible, but within 2-3 days. The DSS director can direct staff to act on his/her behalf in the qualification process.

The Initial status report can be filed any time within the sixth month from the order of appointment. It is our guidance to file in the 6th month unless the clerk orders otherwise.

The annual status report is filed anytime within the month of the date of the order of appointment.

Please be cognizant of the importance of taking the oath in order to receive letters of appointment. While DSS may make decisions based on order of appointments, the placing agency may be at risk of liability issues without letters of appointment. Further, many organizations and banks will not allow you access to information without letters of appointment.

Q: What if the the Clerk does not want copies of the status reports at their office, is that ok?

35a requires any corporation of dpag to file intial/annual reports with the clerk. It is up to the clerk what he/she wants to do with the status reports afterwards. Please be sure to keep a copy of the status report in the record.

Q: So we are required to send the yearly assessment 6220 to the clerks office with the status report each year? No, no one is required to send the annual assessment with the status report.

Q: What if the person refuses to open their mouth Document your attempt to coordinate

the appointment. Document where the ward refused to open their mouth. It is good practice to try and identify the source of the fear and how to work with the Ward in easing the anxiety/fear of appointments.

Q: Can the Guardian use a signature stamp? **No**

Q: You said that if the Director/Guardian is out of the office when status report needs to be signed, someone could sign for them. Is this correct? Would it be appropriate for someone who is not the guardian to sign for the guardian?? **No it is not appropriate however, the director should appoint a designee to sign the status reports in his/her absence.**

Q: Are we allowed to tell our Wards that they 'have to' participate in all examinations after they have refused numerous of times?

As the guardian you are the surrogate decision maker & you have the responsibility of arranging medical, dental, MH, etc. appointments. Include the ward in those decisions however as the decision maker, you have the ultimate responsibility in caring out duties as required in 35a

Q: What about a final status report when someone passes? **Guardianship manual Section 6620 page 25 -28 discusses the guardian's responsibilities upon the ward's death.**

Q: Hi, to clarify, did you state that the Adult Services Functional Assessment/Annual Reassessment is to accompany the Status report along with the medical assessment info? **Information from the functional assessment can be used to guide your activities regarding the annual status report. It is not a requirement to submit the functional assessment unless the clerk request it.**

Q: When the director changes then the letter of appointment reflects the date the new director qualified not the date of the original appointment. For instance, wards that have been our client's for many, many years

The date of the appointment should not change if the guardian is the director of DSS and there is a change of director. It may be that this county may need to ensure that the guardianship order/appointment indicates that it is not "Bob Smith" (example), but the "Craven County DSS Director" or something along those lines

Q: Does the date the Status Report is due change with Modification in Guardianship
A Status Report is due for Guardianship of the Person from Date of Appointment which includes; Guardian of the Person, General Guardian, Limited Guardian (Person), so the date due would not change in Modification as the modification would change the fact that the agency was appointed Guardian of the Person originally. Unless of course they were only appointed Guardian of the Estate, and then became Guardian of the Person, at that appointment, the Status Report is due. So essentially no change in Status Report date unless requalifying.

Q: Since some Agency Directors are in different counties and offices than their social

workers/guardian agents, can a signature stamp or electronic be used on status reports? **No**

Q: We were told during our last audit last summer that we always need to attach the most recent annual assessment to the status report

It is not a requirement to send the most recent annual assessment with the status report

Q: We had a ward die 2 months after their annual status report was filed and we were advised by our clerk to submit a status report from the date status report was filed to date of death to close out the case with the clerk's office. **You should always comply with the Clerk's request**

Q: If the Clerk allows two weeks beyond the yearly time frame for status reports to be submitted; would this still be considered in compliance by the APR(s)

No, 35A specifically says initial status reports are due within 6 mos. of appointment and one year thereafter.

Q: How soon should we receive the letter of appointment from the actual hearing date of individual being declared incompetent?

There should be no delay in qualifying after the appointment. Agencies should have an arrangement that staff who attend the guardianship/incompetency hearings are able to qualify the day of the hearing/appointment so that they can serve the ward/make decisions immediately.

Q: Can guardianship files be purged after a guardian passes away? If not how long do we maintain a file after their death?

Comply with the record retention schedule as required by office of Controller. Consult with legal staff as it relates to record retention if legal action might be taken. The Record Retention and Disposition Schedule (attached) indicates: Guardianship Central Registry (includes name of ward, guardian appointment date, bond records, file reference # and copy of guardianship order - Destroy in office when administrative value ends. **

Retention Note: A list of terminated guardianships should be maintained as a permanent record.