

Indiana Reforms Adult Guardianship System

A Statewide Task Force Prompted Several Changes

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Steps are now being taken by all three branches of government in Indiana to implement changes in the operations of the state's adult guardianship system. These reforms were stimulated by the work of the Indiana Adult Guardianship State Task Force.

The Task Force was convened in 2008 by The Arc of Indiana, with funding from the Indiana FSA Division of Disability and Rehabilitative Services. The Arc of Indiana is a non-profit organization that helps people with intellectual and developmental disabilities realize their goals of learning, living, working, and fully participating in the community. It has 20,000 members and 42 chapters in Indiana and is part of a network of 140,000 members and 700 state and local Arc chapters nationwide.

The Arc of Indiana provided leadership by convening the Task Force – a collaboration of more than 35 organizations and many individual advocates who worked together for nearly three years to study the adult guardianship system in Indiana.

The Task Force examined the level of need, availability of resources, and quality of adult guardianship services across the state and did an extensive legal review of Indiana guardianships, practices, and statutes. It gathered information from service providers and from the responses to a statewide needs assessment. ("Who's Overseeing the Overseers? A Report on the State of Adult Guardianships in Indiana," [Report of the Indiana Adult Guardianship State Task Force](#), February 2012).

Indiana has 7,000 adults who are under court-ordered guardianships. This population includes seniors with dementia (38%), adults with intellectual and developmental disabilities (12%), people with a mental illness (8%), those with physical disabilities (17%), and others (25%).

Despite the large number of adults who have court-appointed guardians, Indiana had no statewide tracking system or central repository for adult guardianship cases that could be shared by courts, state agencies, and service providers. No individual was clearly in charge of the adult guardianship system and the operations of the system were not being monitored by any governmental agency.

The Task Force recommended that Indiana establish and fund (1) an Office of Adult Guardianship as a department of the Indiana Supreme Court – Division of State Court Administration; (2) a system of community-based volunteer guardian services to serve incapacitated adults who are indigent or without the support of family members; (3) mandatory guardian education, certification, and registry for all attorney, professional, and non-family member guardians appointed by the courts; (4) an adult guardianship registry to collect data and issue reports on all adult guardianship cases, and; (5) a resource center to provide public education on advanced directives planning and options available to individuals and families for substitute decision-making.

We have made some good progress and are frustrated in other areas.

We now have funded 9 pilot programs throughout the state to assist people in deciding the question of guardianship, have legislation that requires professional guardians to register with the newly created office of adult guardianship in the Supreme Court's office and have continued a statewide task force that includes judges, advocates and consumers.

We still are frustrated with too many people seeking guardianship for folks instead of looking at ways to support them in decision making – but have our state agency interested in developing some new approaches.

– John Dickerson
Executive Director
The Arc of Indiana

It also recommended that the Indiana Probate Code Study Commission undertake a comprehensive review and revision of the sections of the probate code dealing with adult guardianships.

Rather than disbanding after its report was issued in 2012, the Task Force has continued its work by advocating for implementation of its recommendations. With cooperation and support from the Indiana Supreme Court, some of the proposals were approved, with funding, by the Indiana Legislature.

The Legislature approved and funded the Indiana Supreme Court Adult Guardianship Office, a Volunteer Advocates for Seniors and Incapacitated Adults Program, and the Indiana Adult Registry Program.

The [Adult Guardianship Office](#) serves as a resource for judges and the general public on adult guardianships. It also administers grant funding to increase the number of volunteer guardianship programs in Indiana. So far, grants of more than \$300,000 have been awarded to eight volunteer-based guardianship programs serving 300 adults in 14 counties.

Indiana is in the process of creating a statewide Adult Registry Program. The registry will provide non-confidential information to the public, including: the name of the protected person, the name of the appointed guardian, and the guardianship case number. The registry will provide useful information that will help the courts track the status of open guardianship cases. It will also be helpful to agencies and service providers who need to know whether a person they are serving is under a guardianship and, if so, who the guardian is.

The work of the Task Force is gaining considerable attention. It was the focus of a workshop for service providers sponsored by the Indiana Professional Management Group on July 18, 2014. A [powerpoint presentation](#) highlighted the work of the Task Force. It also provided information on the general operations of the adult guardianship system in Indiana.

The Task Force is also having a national impact. It was recently recognized as one of several special projects of the National Guardianship Network – [WINGS Initiative](#) (Working Interdisciplinary Networks of Guardianship Stakeholders).

The experience in Indiana is also being noted internationally. A [presentation](#) made on May 30, 2014 at the Third World Congress on Adult Guardianship was titled “Indiana Adult Guardianship Task Force:

How a Highly Successful Collective Impact Initiative is Championing System-Wide Change in Guardianship Service Delivery.” The presentation was reported in [Indiana Court Times](#).

Adult guardianship systems serve many more seniors than they do people with developmental disabilities. As a result, when reform efforts have occurred in some states, the needs and concerns of seniors have dominated the agenda.

For example, a [Probate Task Force](#) convened by the Chief Justice of California in 2006 made significant recommendations to reform the *general* conservatorship system which primarily serves seniors. Limited conservatorships, which serve adults with developmental disabilities, were not included in the work of the Probate Task Force. As a result, the many deficiencies of the Limited Conservatorship System in California continue to exist and the rights of limited conservatees continue to be violated.

Similarly, when the Pennsylvania Supreme Court decided to address various deficiencies in the adult guardianship system in 2013, it formed an [Elder Law Task Force](#). By design, that Task Force did not address the needs and concerns of adults with developmental disabilities who are under the protection of the guardianship system in Pennsylvania.

The Disability and Abuse Project commends The Arc of Indiana and members of the Adult Guardianship Task Force for successfully promoting major reforms to the guardianship system in that state – reforms that will improve the lives of adults with developmental disabilities who are under guardianship.

We want similar efforts to occur in other states. For example, we envision a [Task Force on Limited Conservatorships](#) to be convened by the [Chief Justice of California](#). Although California has often been a leader in protecting civil rights, in the case of guardianship reform for people with developmental disabilities, it lags behind.

The Chief Justice of California should look to Indiana as proof that a statewide Task Force is something to be done in all states. California should be next.

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