When It Happens In Your Family

By Barbara Ellis, RN, BSN, CCM

At a recent guardianship conference, a probate judge told about the guardianship of his mother-in-law and what he and his wife went through during the proceedings. He knew exactly what to expect of the legal system, but he was seeing this case from a different perspective. His was not wearing his black judicial robe, and he was not sitting on the bench in his usual courtroom. Instead, the impact was personal, and he was abiding by another court's ruling rather than making his own. I tried to imagine how difficult it was for him to shift roles so abruptly. Did he feel helpless like the rest of us? Did he agree with the decisions made by the judge? Who did he turn to for support? I assume that he had at his disposal a network of professionals involved in guardianship that the novice family guardian does not have available.

Emotions surface when the individual being protected is within your own family. I know because I am my sister's legal guardian. I could relate to the probate judge when he told us that he wished he had acquired this knowledge years ago without having to personally go through the experience. I thought this was a powerful statement considering the fact that he held the position of making critical decisions for others under guardianship. Most people would assume that a probate judge would be overqualified for the responsibilities of a guardian compared to the typical family member guardian.

The protection afforded by guardianship, although necessary, comes with a price. A family member guardian must learn how to live with an invasion of privacy that requires us to document information and to seek the approval of powerful strangers within the system. In addition to the legal system, the case management aspect of guardianship involves multiple

agencies with additional rules and regulations regarding eligibility and benefits.

I told one of the professional guardians after the conference that it was better for me not to have known the magnitude of the responsibility that I was assuming at the onset of my appointment as guardian years ago. The total impact would have been overwhelming to me even with my background as a healthcare professional.

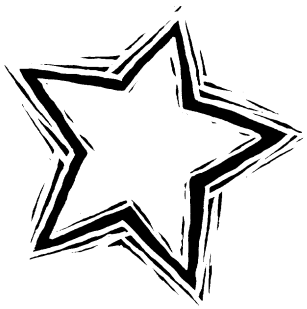
After I was appointed as guardian of my sister, I joined local, state, and national guardianship organizations, and I began attending guardianship seminars to further my education on a professional level. I am so impressed with the knowledge base, commitment level, and dedication that professional guardians have toward the most vulnerable in our society. I have also observed the close relationship and mutual respect that the professional guardians share with some of the judges and attorneys.

I recently chose to attend the family guardianship course offered in my area for newly appointed guardians. This eight-hour class was taught by a group of dedicated and caring professionals who shared their knowledge, expertise, and patience with a diverse group of individuals who share a common bond as family member guardians. I found myself empathizing with the emotional and fiduciary dilemmas these guardians faced.

The course focused on the legal obligations and responsibilities of guardians. Specific family problems were addressed, and we all learned from each other. The course did not focus on the case management aspect of guardianship and the emotional and sometimes physical toll guardianship places on a family member guardian. These newly appointed guardians expressed a hunger for advice and guidance that reminded me of how all alone I felt at the beginning of my guardianship with only the support of my attorney.

One young lady told me about her husband who was killed in a helicopter crash leaving her with a one year old and a three year old. She was appointed guardian of the insurance proceeds left for her minor children. Two grandparents were seeking information about handling their granddaughter's assets after their son-in-law was killed in a car accident

and their daughter was irresponsible. How to care for their granddaughter without alienating their daughter was just one of their dilemmas separate from the legal issues. He also wondered why the attorney's fees associated with petitioning the court for funds to redecorate the granddaughter's room would cost more than the decorative items themselves. Another gentleman had moved his parents in with his family because his father was under guardianship. He wondered why letters of guardianship and power of attorney were causing problems with agencies who recognized one instead of the other.

Guardianship is difficult enough for professionals who have a network of resources to draw from and who are comfortable with the legal and case management aspect of guardianship. Imagine how overwhelming this responsibility is for family member guardians without these support systems and without the objective distance that professional guardians are able to achieve.

The recurring theme that I hear at guardianship conferences is to educate guardians, whether professional or family members, and to find some common ground in this world of guardianship which seems to function quite silently and insulated from the rest of society with laws administered so differently throughout our country.