

# INNOVATION WITHIN THE VA: A PROGRAM DEDICATED TO LEGAL GUARDIANSHIP

Lara VandenBergh, LCSW  
 Sunday, October 23, 2022  
 National Guardianship Association Conference  
 Dallas, TX

1



## ABOUT ME

- Live in Denver, CO
  - Employed at the Eastern Colorado VA
    - Guardianship Social Worker
    - Care Coordination and Integrated Case Management (CCICM) moderator/facilitator
    - Chair of CMSW Employee Engagement group
  - Adjunct policy professor at the University of Denver
- Originally from NJ
- Undergrad at the University of Delaware
- MSW from Fordham University
- Past career experience
  - AHRC-NYC: Individuals with IDD
  - Rebound Brooklyn: IOP for adults with SUD
  - Mount Sinai Medical Center: Benefits/Entitlements Expert
- Interests
  - Spending time with my daughter, husband and dog
  - Photography
  - Reading
  - Being active

2

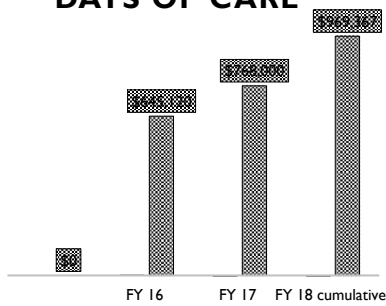
## QUICK FACTS

- This position is the only one of its kind within the National VA system
  - After giving a few national presentations, other facilities are starting to ask for full time positions focusing on guardianship
- This role does not serve as a guardian- it helps available petitioners navigate the court and VA system in order to get Veteran's needs met
- There are significant cost savings related to a decrease length of stay for hospitalized Veteran's needing a guardian

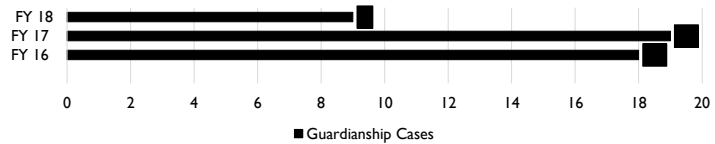
3

## HOW DID THE VA GET FULL TIME GUARDIANSHIP SOCIAL WORKER?

### ESTIMATED COST- GUARDIANSHIP BED DAYS OF CARE



### Number of Guardianship Cases on Inpt Med/Surg Units



4

HOW DID THE VA GET A GUARDIANSHIP SOCIAL WORKER?

Position approved and posted in 2018

Guardianship SW hired and started February 2019

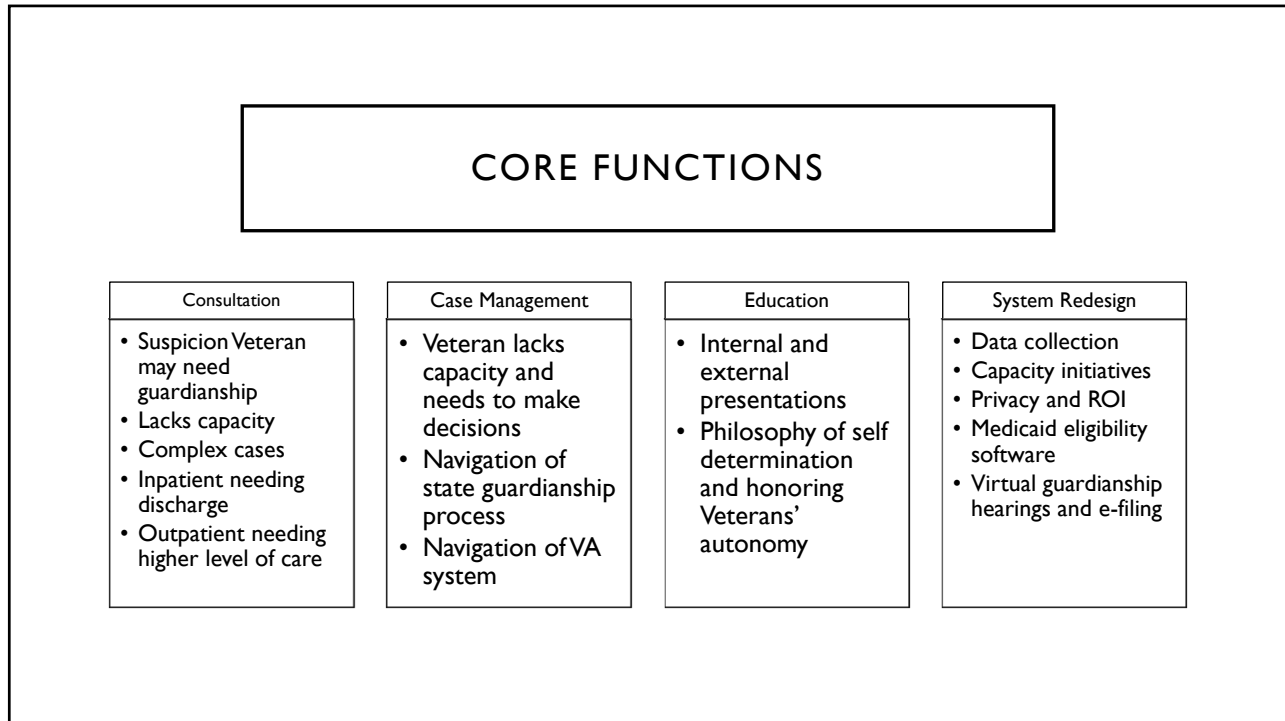
Original focus was on inpatient but has since expanded to the entire Eastern Colorado Health Care System (ECHCS)

5

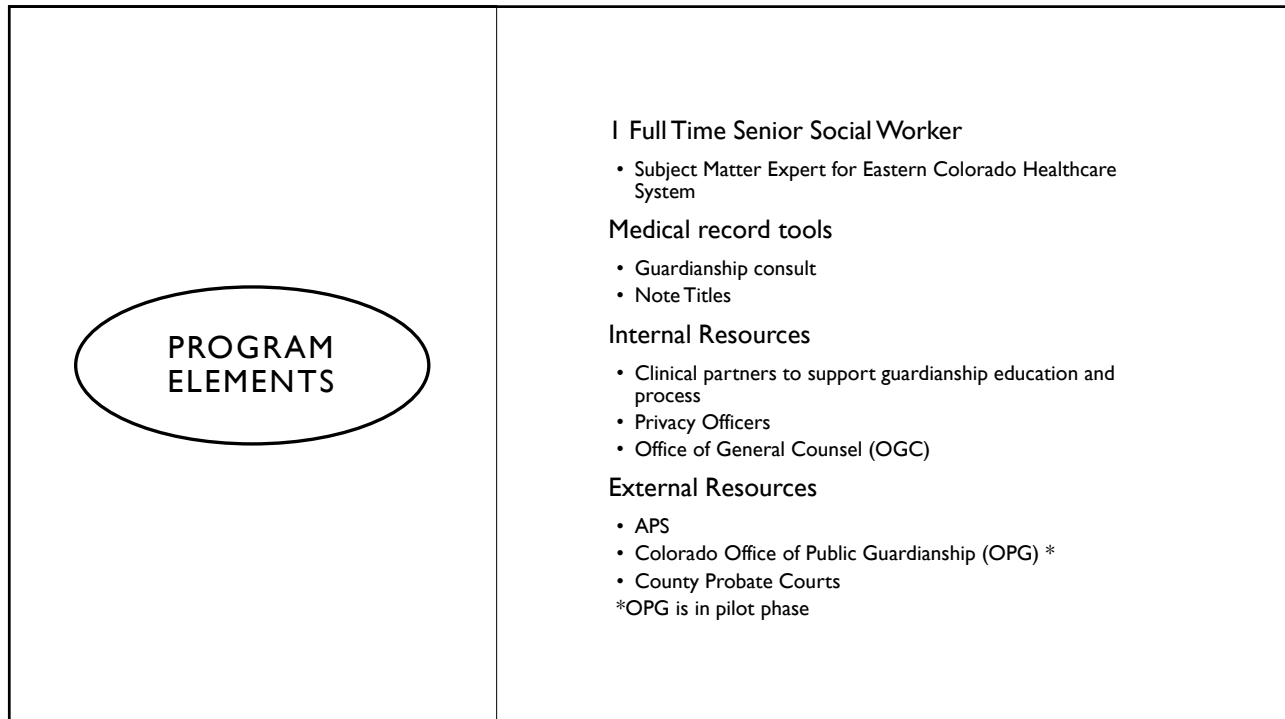
GUARDIANSHIP SOCIAL WORKER ROLE



6



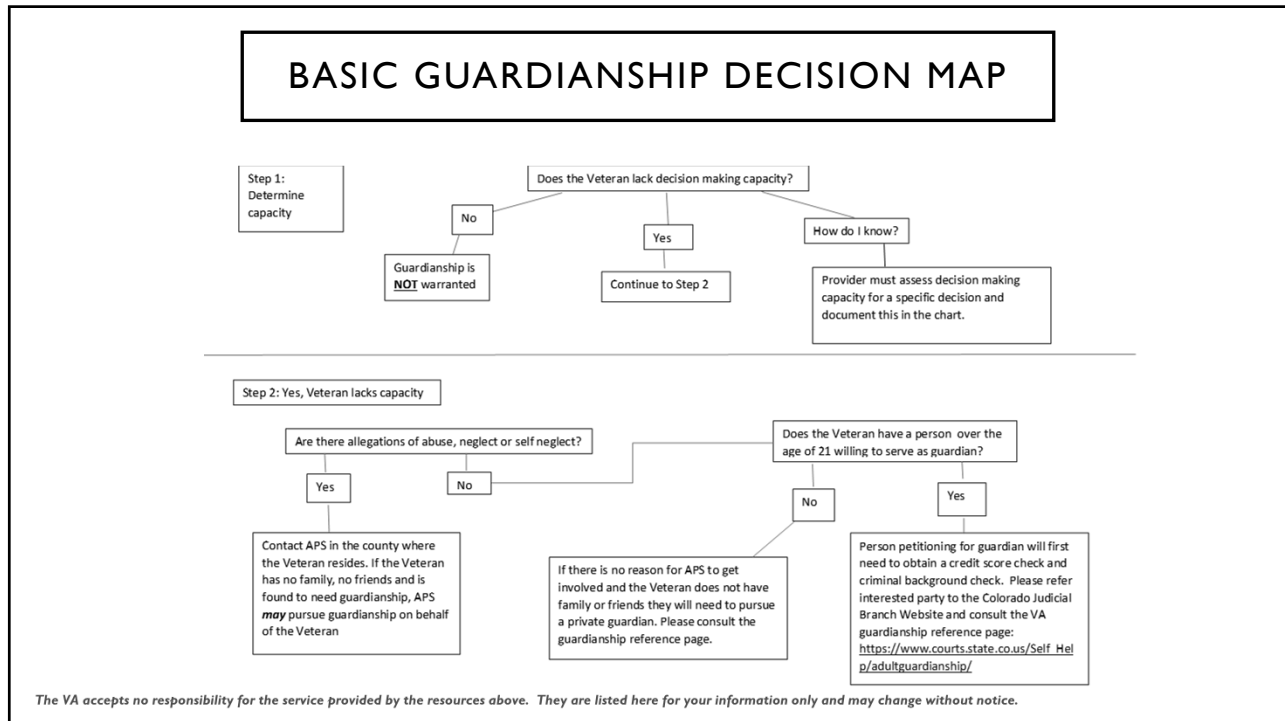
7



8

<p><b>SUBJECT MATTER EXPERT FOR EASTERN COLORADO VA</b></p>	<p><b>Gaining expertise in Colorado guardianship process</b></p> <ul style="list-style-type: none"> <li>• Visited probate courts</li> <li>• Learned the paperwork and process</li> <li>• Connected with community partners to understand the process step by step</li> <li>• Attended court with family</li> </ul> <p><b>Created internal process</b></p> <ul style="list-style-type: none"> <li>• Cannot move forward with guardianship until person deemed to lack capacity</li> <li>• Constant consultation with OGC and Privacy on limits and boundaries of this role             <ul style="list-style-type: none"> <li>• VA cannot file and nominate someone (OPG exception)</li> <li>• VA cannot pay court fees</li> </ul> </li> <li>• Cannot give legal advice</li> <li>• Standardized Operating Procedure for Guardianship SW to handle disclosures of capacity documentation to petitioners who are powers of attorney</li> </ul>
---	---

9



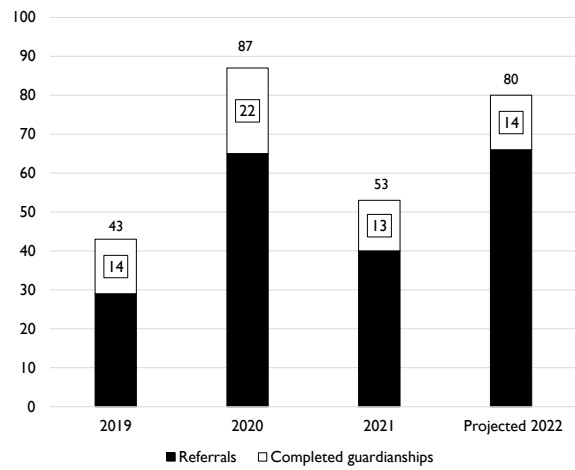
10

DATA ON GUARDIANSHIP  
COMPILED FEBRUARY 2019-JULY 2022

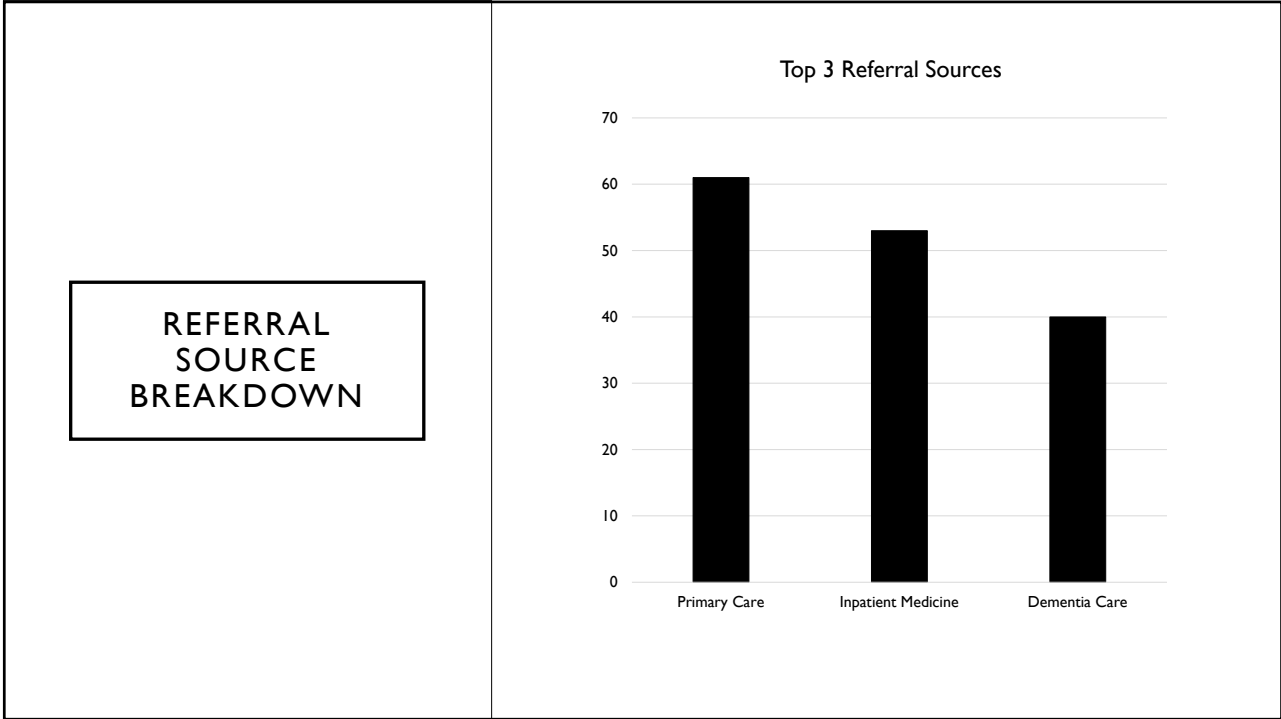
11

REFERRALS

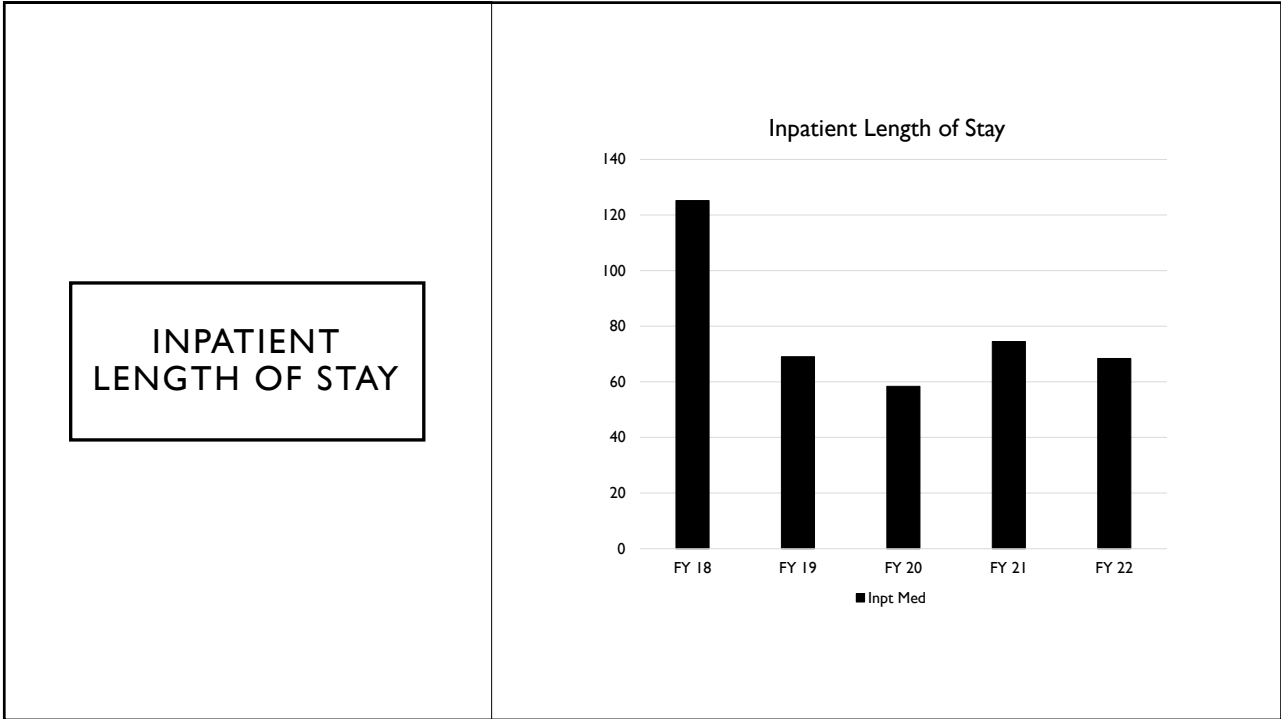
Volume of Referrals by Calendar Year



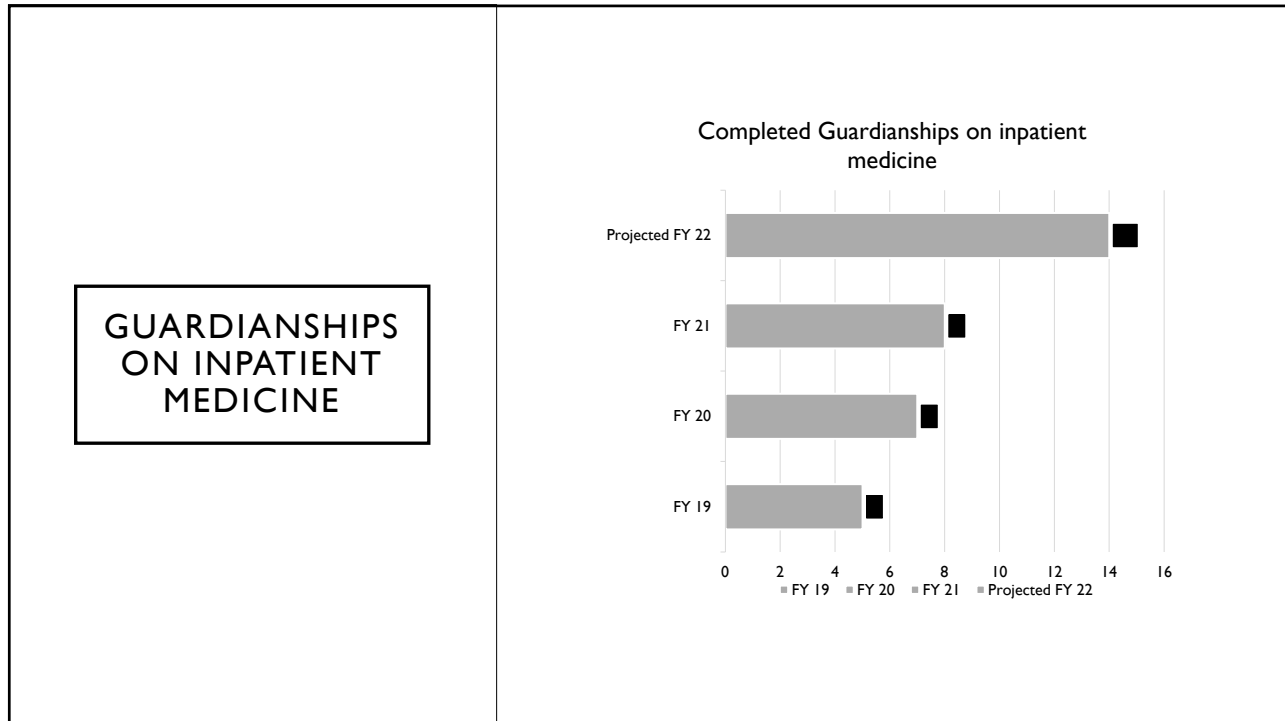
12



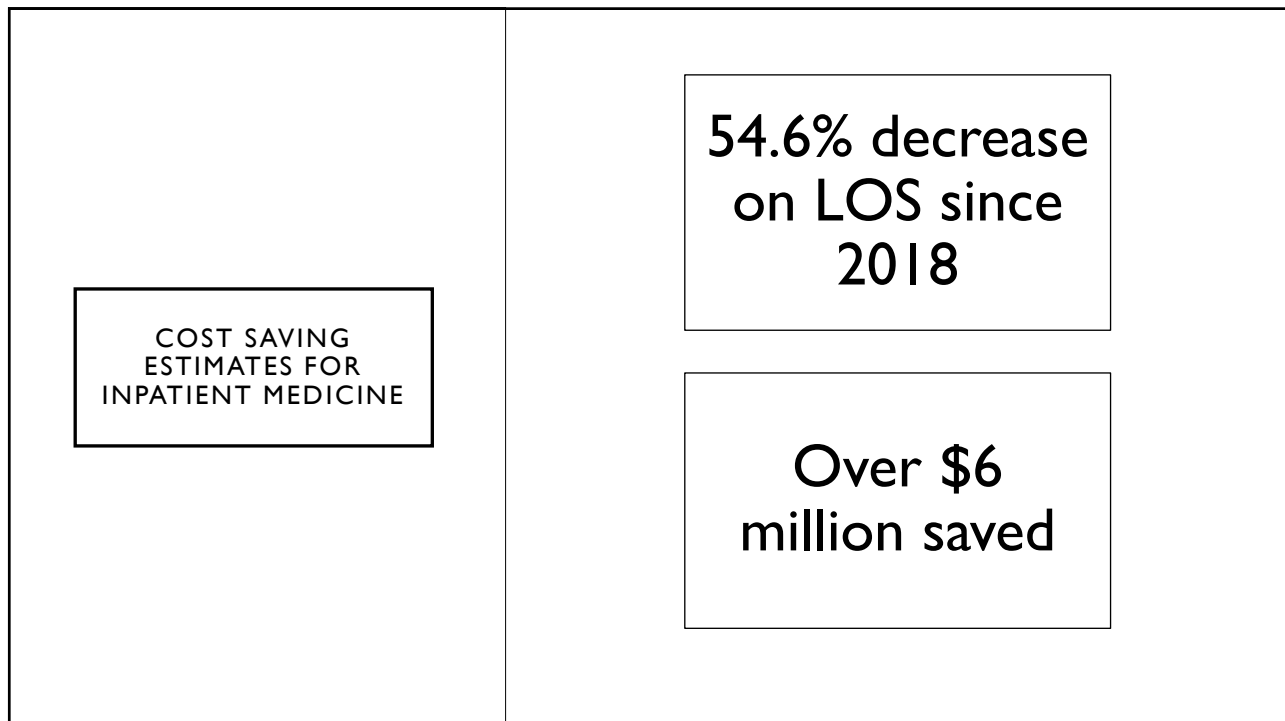
13



14



15



16



<p><b>OTHER PROGRAM FACTS</b></p>	<p>25.3% of referrals wind up in a completed guardianship</p>	<p>60% of Veterans for whom guardianships were obtained have since died</p>
	<p>Average of age of Veteran referred is 73 years old</p>	<p>Hierarchy of who should assess capacity</p>

17

<p><b>PROGRAMMATIC BARRIERS</b></p>
<ul style="list-style-type: none"> <li>• Imperfect process to release clinical information from VA to petitioners and court</li> <li>• No solid process for assessing capacity <ul style="list-style-type: none"> <li>• Provider pushback</li> <li>• Delays on outpatient</li> </ul> </li> <li>• No internal funding</li> </ul>

18

## CASE EXAMPLE

- Mr. C
- 71 years old
- No friends, no family, found passed out in car at a liquor store and taken to hospital. Had a stroke, found to lack capacity. Consulted with APS supervisor who agreed to take the case based on self neglect and their county petitioned the court for guardianship
- Was hospitalized for 105 days in order for APS to get guardianship and place him in a long term care facility

19

## CASE EXAMPLE

- Mr.T
- 93 years old
- Hospitalized due to showing up at the ED confused, claiming he walked from his home to the hospital and needed his military discharge paperwork. Found to lack capacity and need a higher level of care. His elderly friend petitioned the court for guardianship and his 7 children who previously had not been involved in his life surfaced and all fought for guardianship/conservatorship

20



21



22

<p><b>CONTACT ME!</b></p>	<div data-bbox="737 302 1382 462" style="border: 1px solid black; border-radius: 10px; padding: 10px;"> <b>Lara VandenBergh, LCSW</b></div> <div data-bbox="737 499 1382 659" style="border: 1px solid black; border-radius: 10px; padding: 10px;"> <b><u><a href="mailto:Lara.vandenbergh@va.gov">Lara.vandenbergh@va.gov</a></u></b></div> <div data-bbox="737 697 1382 852" style="border: 1px solid black; border-radius: 10px; padding: 10px;"> <b>720-723-6890</b></div>
---------------------------	---