



Patrick Doherty

ABUSE IN LATER LIFE EDUCATION SERIES FOR ADVOCATES:
**WORKING WITH SURVIVORS WHO
HAVE GUARDIANS**

Module 20

National Clearinghouse on Abuse in Later Life

2018

Office on Violence Against Women Abuse in Later Life Program

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As a Result of This Training, Participants Will Be Better Able to:

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- Describe the basic concept of guardianships
- Determine their ability to provide services to an older survivor who has a guardian, and
- Provide services to a survivor in accordance with local laws and the terms of that survivor's guardianship.

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What is guardianship?

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- Guardianship is a legal relationship established by the court in which a person (guardian) is given legal authority over another person (ward) when they are unable to make safe and sound decisions regarding themselves or their property.
- Court ordered and supervised
- Should be as unrestrictive as possible
- Letters of guardianship

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Working with Victims Who Have a Guardian

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Working with survivors

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- Victim centered advocacy is key
- Confirm guardianship is in place
- Review the scope of the guardianship

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Consent to services

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- Remember every guardianship is unique
- Some services may require guardian's consent
 - SANE
 - Legal advocacy
 - Shelter
 - Counseling
 - Divorce
- What about general advocacy?

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Information sharing

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- If an individual has given consent to services, they are capable of giving informed consent to share information about their receipt of those services
- Does not apply if the letters of guardianship direct otherwise
- Example: mental health counseling vs. participation in a support group

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When the guardian is the abuser

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- Courts may review guardianship
- Consider a protection order
- Are you a mandated reporter?
- Consult local Protection and Advocacy legal program

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What is *not* a guardianship?

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- Power of Attorney for Health Care
- Power of Attorney for Finances
- Representative payee
- Anyone claiming to be a guardian who does not have legal authority

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Summary

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- Always be survivor-centered
- Familiarize yourself with local laws, practices, and resources
- Review court documents to verify guardianship
- Consider the terms of the guardianship and the rights retained by the ward as you engage in providing services

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Video Presenters

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- Alicia Aiken
Executive Director, The Confidentiality Institute
- Rebecca Henry
Deputy Chief Counsel, Commission on Domestic and Sexual Violence, American Bar Association

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Thank You

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- www.terranova.org

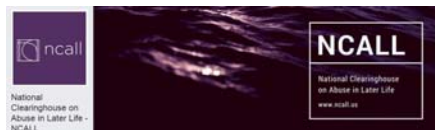


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Staying Connected to NCALL and Other Advocates

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- Sign up for our newsletter: <http://oi.vresp.com/?fid=03fcc93262>
- Join our listserv for advocates serving older survivors: ncall@ncall.us
- Join us on Facebook: www.facebook.com/ncall.us
- Join us on Twitter: www.twitter.com/ncall_us



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