



## Bureau of Guardianship Services Referral Form Work Instructions

Used to assist with completion of the Bureau of Guardianship Services (BGS) Referral Form and to clarify information about necessary attachments.

### Notes:

- For priority and routine guardianship referrals, first submit the Request for Guardianship Recommendation form to obtain the Recommendation for Guardianship Assessment.
- A **complete** referral packet must be received through the Guardianship Liaison.
- After reviewing the work instructions, if there are still questions, contact the appropriate Guardianship Liaison (listed on the referral form) or the BGS Legal Unit, (609) 631-2213.

### Identifying Information

All information must be accurate, complete and current, **and** must match iRecord (if applicable).

Under “Residence Type,” provider-managed settings include DDD and non-DDD funded residential placements. Facility and institutional settings include developmental centers, long-term psychiatric settings and skilled nursing facilities.

### Referral Source

BGS is permitted by law to assist only DDD eligible individuals. The referral source will be contacted as needed during the guardianship process, and the referral source will receive a copy of the guardianship judgment after it is available.

### Required Information

As noted on the form, a guardianship referral will not be processed without this section being complete.

#### Trust account or other uncommon assets

Trust accounts are financial accounts set up with certain parameters or restrictions. Often, trust accounts for individuals served by the Division of Developmental Disabilities are Medicaid exempt, meaning an individual has access to the account under certain conditions, but the asset does not interfere with Medicaid eligibility.

If the individual owns a home/land/property or has other known assets, such as an ABLE account, pre-paid burial account, etc., apart from Social Security or other federal benefits, indicate “Yes” for this question and include the name(s) of the trustee(s) or person(s) managing the assets.

#### Health Care Representative / Power of Attorney

A Health Care Representative or Power of Attorney is a person identified on an advance directive or other legal document that authorizes a person to make certain decisions on behalf of the individual, such as regarding health care, legal, financial, etc.

### Planning Team Recommendation

Section 7.1.1 of the DDD waiver manuals states that the Support Coordinator shall facilitate discussion at the annual Planning Team meeting on decision-making. This may include discussion about guardianship.

Completion of the BGS Referral Form shall be based on the Planning Team’s recommendation.

If guardianship is to be private (not an organization such as BGS), more than one guardian, but not more than three, is recommended to help ensure a guardian will always be in place.

## Referral Type

### Priority

The individual appears to need a guardian and circumstances exist, making it urgent for guardianship to be determined. Justification is required summarizing medical, psychiatric, legal, behavioral or other concerns, for which a guardianship determination is needed. Family is unavailable or inappropriate to be the guardian, and BGS is needed to serve as guardian. (Circumstances where Planning Team members believe the individual is making poor decisions and a guardian is needed to impose structure or control, do not qualify as urgent.)

### Routine

The individual appears to need a guardian, involved family is appropriate and available to act as next of kin, and no urgent/unusual consent circumstances exist. (An example of an unusual consent circumstance would be a cousin acting as next-of-kin, but a doctor indicates their consent cannot be accepted.)

### Substitute

A substitute guardianship referral is appropriate when there is an existing guardianship judgment from a previous court adjudication, the guardian is no longer available or appropriate to serve, and BGS is needed to serve as guardian. Evidence is required as to why the current guardian is no longer able to continue. Evidence may include a copy of a death certificate, obituary or other certification of facts such as a medical report.

**Note:** A property certification may be requested from the referral source when the judgment reads "guardian of person and property". If needed, the referral source will be contacted and instruction will be provided.

## Required Supporting Documentation

Each referral type has different supporting documentation requirements. Review the BGS Referral Form carefully and ensure the referral package is complete before submitting to the appropriate Guardianship Liaison.

**Important:** Unless the referral package is complete, the referral will not move forward.

### Notes:

- For priority and routine referrals, first submit the **Request for Guardianship Recommendation** form to obtain the **Recommendation for Guardianship Assessment**.
- A certification is often required from the referral source supporting the team's recommendation of the proposed guardian. If needed, the referral source will be contacted and instruction will be provided.

### How to write a Social History (necessary for priority and substitute referrals)

Often, a Social History can be written in a page or less. It should summarize important information and key factors describing a person and their life. The following is an example of a basic outline. Each social history will be different, and will include varying types and amounts of information depending on the individual and their circumstances.

#### General Outline

- Include a title such as "Social History" or "Social History Update." Include the name and title of the person writing the social history and the date.
- Introduction paragraph: Include the name, age, diagnoses, where the person lives and with whom, and a brief statement about any uncommon, out-of-the-ordinary circumstances.
- Include a brief description of family history and the individual's formative years. Include relevant information about parents and siblings, where the individual grew up, went to school, etc.

- Describe the individual's current living arrangement.
- Describe the individual's day programming / day activities.
- Describe support needs.
- Describe strengths, abilities, likable qualities, likes/dislikes, preferred activities, things important to them, etc.
- Elaborate about important factors such as significant behavioral or medical support needs and any uncommon factors.
- Include additional, relevant information such as medications and their purpose, source of benefits, finances/assets, guardianship status, summary of what is prompting a guardianship referral, etc.