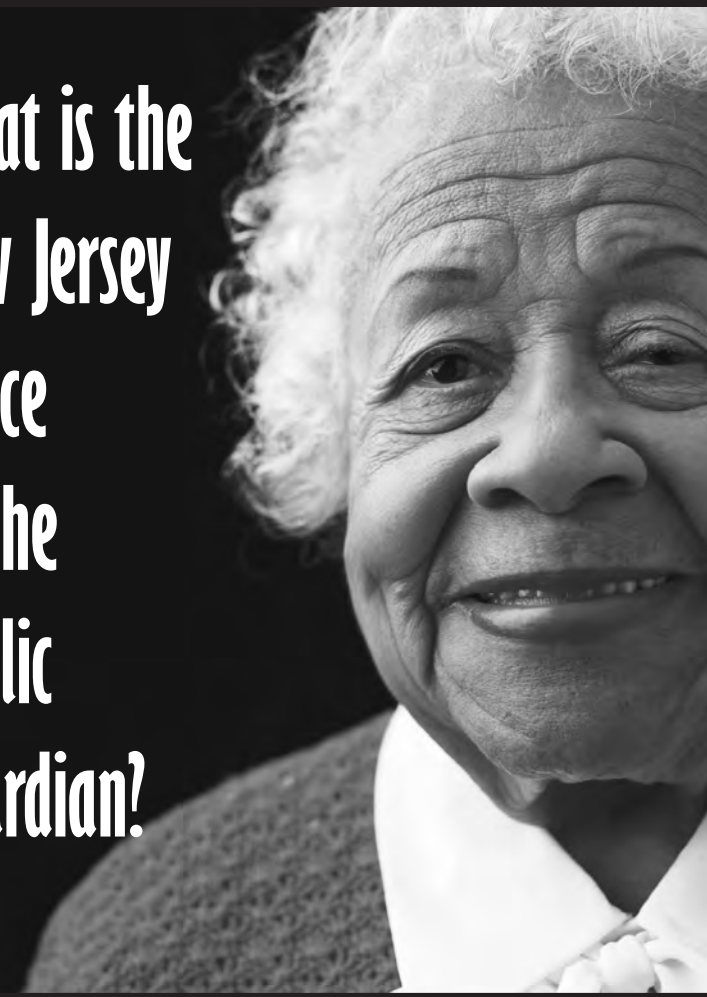




Office of the Public Guardian for Elderly Adults

What is the New Jersey Office of the Public Guardian?



JON S. CORZINE
Governor



HEATHER HOWARD
Commissioner

EDWARD TETELMAN
Acting Public Guardian

Our Mission

The mission of the Office of the Public Guardian for Elderly Adults is to provide guardianship and conservatorship services to vulnerable elderly adults who have no willing or responsible family member or friend to act in that capacity.

In carrying out this mission, we strive to preserve the autonomy, dignity and independence of the persons in our care, while ensuring that they are residing in a safe, appropriate and caring environment.

Where possible, we strive to ensure that the express or implied wishes of these individuals concerning living arrangements, medical care and other personal matters are respected. We protect and utilize the assets and estates of the individual to provide and obtain appropriate care. We endeavor to serve all incapacitated elderly individuals who are in need of our services. We work with elderly advocacy organizations, state and local agencies, the courts and the Administrative Office of the Courts, Country Surrogates, the state and local Bar Associations, state and local law enforcement, health care facilities and providers, and the general public to assure that guardianship services are available and to improve the quality of those services to elderly incapacitated individuals. We work to educate the public about guardianship and alternatives to guardianship. We serve as a clearinghouse for information concerning guardianship, related alternatives and services.



Care management services may also be available through a number of state and federal programs administered locally through your County Area Agency on Aging (AAA). To find your county AAA call toll-free 1-877-222-3737, or go on-line to www.state.nj.us/health/senior/sa_aaa.shtml



How can someone contact the Office of the Public Guardian?

The Office of the Public Guardian can be contacted by mail, phone or fax as follows:

Office of the Public Guardian for Elderly Adults

P.O. Box 812

Trenton, New Jersey 08625-0812

Tel.: 609-530-8810

Fax: 609-530-8811

Hours: Weekdays, 8:30 a.m. to 5:00 p.m. EST

How can someone get information on other programs administered in New Jersey to help seniors and their caregivers?

For more information on senior and caregiver services in your community, call NJEASE toll-free at 1-877-222-3737, or visit the Department of Health and Senior Services' website at www.state.nj.us/health.

Are there other resources that can assist a potentially incapacitated person?

Yes, if you suspect that a family member or friend is becoming incapacitated, you should seek the assistance of a health care professional, a public or private senior care management agency, an attorney or, in cases of abuse, neglect or exploitation the County Adult Protective Services agency.

Some attorneys specialize in elder and disability law. To find a list of elder law attorneys in your county contact your County Lawyer Referral Service.

Short of guardianship, some families hire private geriatric care managers to ensure their elderly relative receives appropriate care. To find a geriatric care manager, search the database maintained by the National Association of Geriatric Care Managers' New Jersey affiliate at www.njgcm.org/directory.htm

What is the Office of the Public Guardian?

The Office of the Public Guardian is a State agency that makes legal, financial and healthcare decisions for individuals age 60 and older who have been found to be mentally incapacitated by a judge of the New Jersey Superior Court and has been appointed the individual's guardian by the court. These individuals are called wards. The office was created by State law in 1986 and is administratively in the New Jersey Department of Health and Senior Services' Division of Aging and Community Services. It employs attorneys, paralegals, investigators, social workers, nurses and care managers, accountants and support staff to assist its elderly clients.

When does the Office of the Public Guardian become involved with a case?

Hospitals, long-term care facilities, adult protective service and county welfare agencies or other public or private agencies or individuals often petition a court to have the office appointed as guardian. Attorneys representing these agencies, individuals or families initiate an incompetency action following the procedures set out in the New Jersey Rules of Court R.4: 86. The office accepts a case when the court assigns one to it because there are no other willing, responsible or appropriate family members or friends to serve as guardian for the incapacitated senior. The office does not initiate guardianship cases but may intervene in guardianship proceedings.



Why would someone need the services of the Office of the Public Guardian rather than have a family member or friend help them?

The court may decide to appoint the Office of the Public Guardian as guardian when:

- There is no family
- Family members or friends are unable to serve as guardians because of illness or other circumstances
- Friends or family have exploited, neglected or abused the senior needing care or the court has found a friend or family member is incapable of protecting the best interests of the incapacitated person.



Does the Office of the Public Guardian ever help people who aren't incapacitated?

The Office of the Public Guardian may be requested by a Superior Court judge to be an older adult's conservator if the court believes the individual requires assistance with managing his or her financial or proprietary affairs. Such cases are rare and usually of short duration.

Does a client ever regain their independence and not require the services of the Office of the Public Guardian?

Yes, some clients may not remain incapacitated forever. The office has found that some clients, after receiving the necessary care and assistance, no longer require a guardian. In these cases the office files an application with the court and the court determines the individual's need for a guardian or whether the client has regained capacity.



What does the Office of the Public Guardian do with the ward's information?

When the personal health and financial information is compiled, the office decides whether the client should continue to live at home with support services, or whether the client should be placed in a supervised living arrangement, such as an assisted living facility, alternative family care home or nursing home. In making this decision, the health, recreational, socialization, and financial situation of each client are carefully evaluated.



How is the determination made that a client can no longer remain at home?

The Office of the Public Guardian seeks to place clients in the least restrictive environment possible, and makes every effort to keep the individual in his or her home. Depending on the client's health care needs and financial profile, home health care can be arranged or the client is placed in an assisted living, alternative family care home, or nursing home as necessary. When a client is in need of 24-hour supervision and has depleted his or her assets to pay for such services at home, facility placement often becomes the only viable alternative. In such cases, the office arranges for the sale of the client's home, furniture, and possessions and all the money raised from such sales are deposited into an account that is used exclusively for that client.

Do Office of the Public Guardian clients have input into the decision-making process?

Yes, the Office of the Public Guardian strives to ensure that its clients participate as fully as possible in all major decisions that affect them. The role of the guardian is to determine what the incapacitated person would want if he or she were capable of making decisions on their own, and then to try and carry out the client's wishes.

Why do we need the Office of the Public Guardian?

Too often people don't plan for future disabilities. Individuals in their 40s, 50s and beyond who are planning for retirement also need to prepare for a time when they may not be able to make their

wishes known on key personal issues involving their health, housing and finances. Those who don't and are deemed by a court to be incapacitated and without responsible and appropriate family or friends may become Office of Public Guardian clients in the future. Every New Jersey resident is strongly encouraged to complete an advance



directive for health care, a durable power of attorney for financial issues, health decisions and similar documents detailing your wishes or assigning a trusted family member or friend to make decisions for you if you become incapacitated. Where no planning has taken place and there are no appropriate family or friends to assist the incapacitated person, the Office of the Public Guardian is appointed to protect the individual and, if possible, to carry out their wishes.

What does the Office of the Public Guardian do when it is assigned to a client?

Once a court assigns a case to the Office of the Public Guardian, the office becomes completely responsible for the individual's well-being and assets. The office develops an individualized care plan for each client based on his or her physical, mental, social and financial needs, and then ensures the care plan is implemented and the client receives the required assistance.



How does the Office of the Public Guardian determine a client's physical, mental and social needs?

The Office of the Public Guardian employs care managers who meet with each new client and perform a psychosocial assessment to evaluate his or her current level of functioning and future needs. The care manager interviews the client, physicians, caretakers, family and friends, and other professionals involved with the ward to better understand the client's situation. Special emphasis is placed on obtaining a client's wishes in regards to medical treatment and end-of-life decision-making by questioning the client, their family or friends. A review of all medical and social service files completes the client profile. The Public Guardian then reviews and approves an

individual care plan that is established for the client with input from the legal, financial and investigative units within the office.

How does the Office of the Public Guardian determine client financial needs?

First, an individual's assets and liabilities are marshaled by this office. A separate, individual guardianship estate account is set up for each client to insure safety and integrity of his or her assets.

These assets are matched to the individual's personalized health situation. For example: if a client is living at home, a budget is developed to indicate income and expenses. If a client has limited funds, but with services could remain at home, an application for in-home care assistance is sent to Medicaid, the state operated health service for low-income persons. For a ward requiring a supervised setting, such as an assisted living or nursing home facility, the office will determine if the ward can pay privately or will apply for Medicaid coverage. In reviewing the client's care



needs and financial status, other possible resources for assistance, including Food Stamps, Pharmaceutical Assistance for the Aged and Disabled, Lifeline and New Jersey EASE services are examined and as appropriate, are pursued.