



ADMINISTRATIVE OFFICE OF THE COURTS

GOVERNMENT RELATIONS
INFORMATION TECHNOLOGY
INTERNAL AFFAIRS
JUDICIAL COLLEGE OF MARYLAND
OPERATIONS
PROGRAMS

Addendum No. 1
Department of Juvenile and Family Services Guardian Video
K18-0023-25I
September 7, 2017

This Addendum is being issued to amend and clarify certain information contained in the above named small procurement RFP. All information contained herein is binding on all Offerors who respond to this small procurement RFP. Specific parts of the RFP have been amended. The following changes/additions are listed below; new language has been **underlined** and language deleted has been marked with a ~~strikeout~~ (ex. language deleted).

1.4 Contract Duration

The Contract resulting from this RFP shall begin on shall begin shall begin **upon execution of the contract**, and shall remain in force unless the Contract is terminated earlier as provided herein, the term of the Contract is the period of **(1) one base year**. **The AOC, at its sole option, shall have the unilateral right to extend the contract for up to (1) one, (1) one year renewal options as its discretion.**

2.2 Scope of Work Contractor Requirements:

2.2.1 Timeline for Videos:

- Videos on the first five topics listed above need to be completed on or before ~~November 15, 2017~~. Remaining/Other videos may be completed in 2018.
- **A total of 11 scripts. Ethics-Attorney and Orientation - are the videos that must be completed by December 1, 2017**

ATTACHMENTS

Attachment A	Contract
Attachment B	Bid/Proposal Affidavit
Attachment C	Contract Affidavit
Attachment D	Pre-Proposal Conference Form
Attachment E	Price Proposal Form
Attachment F	Non-Disclosure Agreement
Attachment G	Maryland Department of General Services Authorization of Release of information
Attachment H	Maryland Department of General Services Police Contractors Security clearance form
<u>Attachment I</u>	<u>AOC Video Links and Guardian Scripts</u>

ATTACHMENT I – AOC VIDEO LINKS & SCRIPTS

AOC Video Links to:

Self-Help Library video

<http://mdcourts.gov/reference/videolibrary.html>

Orientation to MD Courts

<https://www.youtube.com/watch?v=5C-ap8FZLao>

Overview of Guardianship

<http://mdcourts.gov/video/selfhelp/adultguardintroduction.html>

FINANCIAL EXPLOITATION SCRIPT

In this video, we'll talk about financial exploitation. We'll define it. Then, we'll talk about the different forms of financial abuse and the people who may take advantage of a vulnerable person's finances. We will go over the signs of financial exploitation and how to prevent it. Finally, we've got some very helpful resources for you. Be sure you have a pen handy.

Financial exploitation is the theft or misuse of another person's money, property, or belongings for personal benefit. Money or property may be taken through deception, harassment, or threats. Anyone can be a victim of financial exploitation, but vulnerable people, such as people under guardianship, are at a higher risk. That risk is why guardians of the property must get a keen understanding of the types and signs of financial exploitation. Armed with this information, you may be able to identify, stop, and prevent financial exploitation of a person under guardianship. Be aware. People may try to take advantage of you as a guardian of the property.

There are many forms of financial exploitation. Common types include theft or taking money or property – for instance, jewelry or other valuable items -- without permission. Another type is fraud, which refers to acts of deception or misrepresentation for personal gain. Examples of financial fraud include falsification of documents, forgeries, unauthorized check writing, investment fraud, mortgage fraud, and insurance fraud. Another type of financial exploitation is quite common today: Identity theft. It's the illegal access to and use of a person's personal or financial information, such as a name, Social Security Number, date of birth, credit card or bank account numbers. A final form is marketing or lottery scams. We define that as the use of false promises of cash, services, or goods in

exchange for fees, donations, or personal information. Scammers target victims by phone, email, mail, television or print ads, or in-person.

Now, let's consider the people who may be culprits of financial abuse. Not surprisingly, it's often someone the victim knows, such as family members or acquaintances. Caregivers or service providers also may also be offenders. Sometimes, it's a financial advisor exploiting finances for his or her own gain. Finally, consider the strangers – criminals and con artists -- who may target victims who are vulnerable.

So, what signs may signal financial exploitation? First, look for missing money or property. Other signs aren't as clear. For instance, frequent or large "gifts" to caregivers, someone with access to the victim, or new "friends" may be a sign of financial exploitation. Be concerned if you notice sudden or unexplained changes in the guardianship estate. Those changes may be unauthorized withdrawals or transactions or new names added to credit card or bank accounts. Other changes – or attempts to change – things like wills, life insurance policies, or retirement accounts may be signs of exploitation. Notice, too, if any services or goods are paid for, but they do not appear to be rendered. Maybe the paid-for goods are new, but inappropriate. Or utilities that are supposed to be paid for are cut off. Look for signs in mail and notifications, too. If you notice missing mail or text alerts about existing guardianship accounts, consider financial exploitation. Same thing if you suddenly start getting email or alerts about new accounts opened in the name of person under guardianship. Finally, as guardian of the property, you may be targeted by financial exploitation. Be leery of individuals who may pressure you to use your powers inappropriately. They may ask you to spend money on unnecessary services or goods, or ask you to give another person access or authority of guardianship assets.

Now let's talk about preventing exploitation. There are a lot of steps you can take. For instance, restrict others' access to guardianship accounts or property. Do not share the person under guardianship's social security number, credit card information, account numbers, or passwords. Good record keeping is essential in order to prevent exploitation. Record anything going in or coming out of the guardianship estate. Record any actions you take as a guardian. And don't forget about those financial documents and records. Keep them in a secure location to which only you have access. And then frequently monitor those guardianship accounts and bills and keep your eye out for unusual or unauthorized transactions.

Prevention can be simple. For example, never write blank checks allowing someone else to fill in the amount. Secure valuable guardianship property. For instance, get a safe for jewelry or other personal property. Do not sign anything you do not understand. Remember, as guardian of the property, you may be a target. Watch out for people who try to influence how you manage the guardianship estate. Keep any eye out for deals that seem "too good to be true." They probably aren't true. Keep an eye out, too, for people in personal or social circles who may try to influence, isolate, or harm a person under guardianship. You know who we mean. That new best friend who gets a lot of gifts.

Finally, here's some simple steps you can take every year in your effort to prevent financial exploitation. Run a credit report for the person under guardianship each year to see if his or her personal information has been used to open unauthorized accounts. The Fair Credit Reporting Act (FCRA) requires each of the nationwide credit reporting companies — Equifax, Experian, and TransUnion — to provide you with a free copy of your credit report, at your request, once every 12 months. Finally, put the person under guardianships' phone number on the National Do-Not-Call Registry.

Lastly, as promised, here's some helpful resources for you. Get your pen ready.

- *Protect your money: Don't become a victim of financial exploitation*, Project SAFE, Maryland Departments of Aging, Health and Mental Hygiene, and Human Services.
- *Managing Someone Else's Money: Help for court-appointed guardians of the property and conservators*, Consumer Financial Protection Bureau
- *Taking Action: An Advocate's Guide to Assisting Victims of Financial Fraud*, FINRA Investor Education Foundation and the National Center for Victims of Crime
- *Money Smart for Older Adults: Prevent Financial Exploitation*, Consumer Financial Protection Bureau and FDIC

Remember, financial exploitation is the theft or misuse of another person's finances. It may be theft or fraud or scams. Culprits may be friends or family or caretakers. Perhaps it's a financial planner. Maybe he or she is a total stranger or con artist. Signs of financial exploitation range from missing money to unauthorized transactions to unexpected alerts about new accounts. Finally, preventing exploitation requires regular record-keeping. It also requires guarding financial information and documents.

1096 words: 8.4 minutes

Updated: 8.30.17

SIGNS OF SELF-NEGLECT SCRIPT

In this video, we'll talk about self-neglect.

With self-neglect, a person refuses to care for him or herself. It is often associated with declining health and mental health issues such as dementia, substance abuse, and depression.

Signs of self-neglect include a failure to take care of one's own food, clothing, personal hygiene, or medical needs. You may also suspect self-neglect if you notice malnutrition, dehydration, untreated or improperly-treated medical conditions. Self-neglect may also be apparent in a person's environment. There may be hoarding or cluttering. You may also notice unsafe or unsanitary living conditions which may include poor wiring, no heat, or bad plumbing.

Self-neglect is the refusal to care for one's self. Look for signs on the person under guardianship and also in their living environment.

Word count: 127 (1 minute)

Last updated: 8.29.17

ORIENTATION PROGRAM FOR GUARDIANS SCRIPT

Introduction

Welcome to the Maryland Court's orientation program for guardians.

You are watching this video because the court is considering appointing you as the guardian of a minor or an adult disabled person. This video will help you understand the role and responsibilities of a guardian so you can make an informed decision about whether to accept the court's appointment.

In this orientation video, we will define guardianship and discuss the role of guardians. We will talk about the two types of guardians: guardian of the person and guardian of the property. We will discuss four concepts you need to embrace to be a guardian. Those four ideas include the importance of guardianship, the responsibilities and limits of guardianship, and, finally, the resources available to guardians. Lastly, we'll go over the characteristics and knowledge that may help you be a successful guardian.

Overview

Let's begin with talking about what guardianship is and the role of guardians.

Guardianship is a legal proceeding. In a guardianship case, the court determines that a person is unable to manage his or her personal or financial affairs because of age, disease, or disability. In a guardianship, the court is the ultimate guardian. You are the agent appointed to perform the court's responsibilities. The court monitors the guardianship by reviewing reports and addressing problems.

There are two types of guardians. One is guardian of the person, who makes non-financial decisions. The other is guardian of the property, who make financial decisions. You may serve as the guardian of the person or the guardian of the property. You may also serve as both types. Different people may serve as guardians of the person and property. In that case, both guardians need to understand each other's role so that they can work together.

If you are a guardian of the person, the court will issue an order describing your powers. Those powers may include making decisions about the minor or disabled person's personal affairs such as housing, medical care, clothing, food, education, and every-day needs.

If you are a guardian of the property, also called a fiduciary, the court will issue an order describing your powers. These powers may include day-to-day management of the "guardianship estate." The guardianship estate includes all of the minor or disabled person's income, property, and debts. Expect to pay bills, collect income, file taxes, and apply for benefits for which they are eligible. Finally, you make financial decisions that ensure the guardianship estate can cover the minor or disabled person's current and future needs.

Let's consider an example of how guardians work together. Imagine you are guardian of the person of your parent— and a sibling, is guardian of the property. You need to provide food, clothing, or make housing arrangements for your parent. Tell your sibling about what is needed and work together until you agree what the costs are reasonable and necessary. Your sibling will then pay for those things out of the guardianship estate. He or she will also apply for government programs that may cover those costs.

What do I need to know about being a guardian?

There are four things you should know about being a guardian of a minor or disabled person.

First, you have responsibilities to the person you care about as well as to the court. Your responsibilities to the person you care about are to protect and advocate for their care and well-being and put their interests first. Your responsibilities to the court include filing an annual report on time. You must ask for the court's permission before you perform an act or a make decision that you are not authorized to make. You must also notify the court of significant changes in the minor or disabled person's situation or the guardianship estate.

The second thing to remember is that your role as guardian is limited. The court order is your guide. It specifically states what you can and cannot do.

There are also limits on how you make decisions. Let's say you're guardian of the person of a disabled person. Make decisions based on what you know about the disabled person's preferences, values, lifestyle, and beliefs. Base your decisions on what they would do if they had the ability to decide. If you cannot figure out what those decisions would be, or if you are the guardian of the person of a minor, decide based on what is in their best interest. How would you determine their best interest? It is a two-step process. Weigh the pros and cons of each option and choose the one that addresses the needs of the person under guardianship. Then consider which option places the least burden or restrictions on him or her.

The limits on your decisions if you are guardian of the property are a bit more clear. Make your decisions about managing the guardianship estate wisely, as if protecting your own money. Keep track of property coming in and out of the estate. Make responsible financial decisions that maintain the guardianship estate so that it can support the present and future needs of the person you care about.

There are limits on time, too. Guardianships should only last as long as the minor or disabled person needs a guardian. For minors who do not have a disability, the guardianship ends when he or she reaches 18, is emancipated, or dies. For disabled persons, the guardianship lasts only as long as the disease or disability or until he or she dies. The court may also decide to end the guardianship at some other point. When one of these events occurs, notify the court and ask to end the guardianship.

Third, it is an important role. The court is appointing you because it has determined that someone you care about is vulnerable. They need a responsible person to ensure their well-being, their safety, and their dignity. If the court appoints you as guardian, it is because it believes you are the best person for the job.

The fourth and final thing to know: You are not alone. Remember, the court is the ultimate guardian. It is a source for information, assistance, and support. If you are unsure about what you can do or cannot do as guardian, contact the court. There are also community resources available to help. For more information about these resources, visit www.mdcourts.gov/guardianship.

Do I need special knowledge to be guardian?

You do not need special knowledge to be a guardian, but there are characteristics of successful guardians. One is the ability to keep and organize records. Another is meeting deadlines and researching options. Perhaps the most crucial skill is the ability to set aside your own interests, beliefs, values, and preferences. That means acting only for the person under guardianship, even if it means making choices that would not make for yourself.

What will it take to be a successful guardian of the person? You should be good at collecting information and finding resources. Try to learn as much as you can about the person under guardianship and their needs, interests, values, and preferences. Use that knowledge when making decisions about his or her personal care. When facing a decision, consider all alternatives, risks and benefits associated with each option. Ask questions. Get second opinions if you need them. Seek out information to make an informed decision or advocate for the person you care about.

And what about guardians of the property? What will it take to be successful? You must be good at keeping track of income, paying bills and filing taxes on time. Keep good records which include receipts, bills of sales, checks, and other financial documents. You must keep property in the guardianship estate separate from your own or anyone else's. Be vigilante. Keep any eye out for unusual activity with regard to money and property. Finally, you must make decisions to preserve the estate to cover the present and future of the needs of the person you care about.

One final point: It is critical for guardians to know their limits. The court understands that circumstances change. There may come a time when you are temporarily or permanently unable to serve as guardian. If that time comes, contact the court as soon as possible. Remember the court is the ultimate guardian. You are its partner in protecting someone for whom you care.

Now, let's summarize what we've explained in this orientation video. Guardianship is a legal procedure that takes place after the court has determined that a person is unable to handle his or her own affairs. There are two types of guardians: guardian of the person and guardian of the property.

If you are appointed guardian of the person, you will handle non-financial affairs. If you're guardian of the property, you make financial decisions. We also discussed the importance of guardianship, along with the responsibilities and limits of the role. Remember, you are not alone as guardian. You have the court and other resources. We reviewed characteristics that may help you be successful. Those include good record-keeping and meeting deadlines. Just as important, though, is the ability to act purely for the benefit of another person. Finally, we went over how critical it is to recognize when you can no longer serve as guardian.

It's a lot of information. We know. It is the court's hope that this video has been helpful as you decide whether to accept the court's appointment. People under guardianship are vulnerable. They need a reliable and trustworthy person to be their guardian. Remember, if the court appoints you, it's because you are the best person for that job.

Good luck.

Orientation Program Script_DRAFT 06.16.2017_11

MEDICAL DECISIONS SCRIPT

Should you give the go-ahead to start a new medical treatment? Should doctors stop treatment for the disabled person? These are among a guardian's most challenging decisions.

In this video, we'll try to take the mystery out of making medical decisions for a disabled person. Ask yourself a series of questions when you must make difficult medical decisions. It may help. Am I allowed to consent to this treatment? What does the disabled person want? What do the experts say? Do I need more information?

Let's look closely at each of those questions.

First question. **Am I allowed to consent to the treatment?** You cannot consent to treatment unless the court has given you the authority to do so. That authority is spelled-out in the guardianship order. Even if you are authorized to make medical decisions, there are certain circumstances for which you must get court approval before you start, stop, or withhold medical treatment. One of those events is when the decision involves a substantial risk to the life of the disabled person. Another time when you must get court approval is when you want to involuntarily commit the disabled person to a mental facility.

Question number two. **What does the disabled person want?** Include the disabled person in the decision-making process as much as possible. If the disabled person cannot tell you what he or she wants, use substituted judgment by considering the current diagnosis and prognosis. Has the disabled person ever expressed a preference about the treatment? If he or she cannot communicate a preference, look for guidance in a living will or advanced directive. Does the disabled person have attitudes toward similar treatment for another person? What are his or her outlooks toward medical treatment in general? Has the disabled person expressed concerns about the impact of the illness and treatment on family and friends? Finally, consider his or her religious, cultural, and moral beliefs or personal values.

What if you can't use substituted judgment because you don't know what the disabled person wants? Decide what is in his or her best interest. Consider the effect treatment will have on his or her physical, emotional, and cognitive functions. What are the risks, benefits, and side effects? What about the effect on the disabled person's life expectancy and chance of recovery? Consider, too, the humiliation, loss of dignity, and dependency with which the person is suffering. Finally, consider his or her religious, cultural, or moral beliefs. Think about personal values, too.

Now, for Question Three. **What do the professionals say?** The court does not expect you to be a medical expert. But it does expect you to be a strong advocate. As guardian, you have the right to ask questions and seek second opinions. You also have the right to have information explained to you in way that allows you to make informed decisions. So, go ahead. Ask specific questions about the benefits and risks that come with starting, stopping, or withholding treatment. Ask about alternatives to proposed treatments. Seek guidance from medical advocates or social workers. They can help you make an informed decision.

Here's a tip. As an advocate for the disabled person, make sure experts know and understand the disabled person's history and current condition. Share with experts anything pertinent to recommending medical care. If you do not have this information, put the expert in touch with someone who does.

Finally, the fourth question to ask yourself when making a medical decision. **Do I have all the information I need to make an informed decision?** Gather all the facts and information you need to make an intelligent decision about the disabled person's care. Make sure you understand all the benefits and risks of the treatment. Make sure, too, that you are not being pressured by another person.

After all of this questioning, you may still not know what to do. All is not lost. Talk to the court.

Before we finish, let's talk about life-sustaining and end of life decisions. These choices always require court approval. Without approval, you may not withhold or withdraw life-sustaining medical procedures, care, or treatment that prevents or postpones the death of the disabled person. Get court permission before you execute Do Not Resuscitate or DNR orders. Same for Do Not Intubate or DNI orders. Considering the removal of a feeding tube? This, too, requires permission from the court.

There is no doubt: Making medical decisions for a disabled person is a challenge. Ask yourself a series of questions to work through difficult decisions. Am I allowed to consent to this treatment? What does the disabled person want? What do the experts say? And, lastly, do I have enough information? Remember, too, there are certain life-sustaining decisions that require court permission. Finally, if you truly don't know how to make a medical decision, ask the court.

Word count: 807 (6.2 minutes)
Last updated: 8.28.17

TYPES AND SIGNS OF ABUSE SCRIPT

In this video, we'll talk about the signs of abuse, including physical abuse. We will also explain sexual and emotional abuse.

Let's start by defining physical abuse.

Physical Abuse is the use of physical force that may result in bodily injury, physical pain, or impairment. It may seem obvious, but it's worth going over. Physical abuse includes hitting, beating, pushing, shoving, shaking, and slapping. It may be kicking, pinching, choking, pulling hair, and burning. The definition also includes inappropriate use of drugs or physical restraints. It can be force-feeding, reckless driving, and physical punishment.

What are the signs of physical abuse? One obvious sign is hearing the victim makes a specific complaint of mistreatment. Look for unexplained or poorly-explained injuries, such as fractures, sprains, dislocations, internal injuries, or bleeding. Pay attention to bruises, bites, cuts, sores, burns, scars, or head trauma. Another sign of physical abuse is a sudden change in behavior. Look for withdrawal, aggression, regression and depression. You may also see behavior changes such as substance abuse, attempts to escape, wariness of physical contact, or fear of certain places. Signs of physical abuse also include sudden weight loss, tooth loss, or hair loss.

Here's another sign that you may not have considered: There may be physical abuse if the victim and the people around him or her have different explanations for the cause of injuries. Another red flag may be if the victim seems afraid of or wants to avoid a particular person. Pay close attention if you see frequent or suspicious hospitalizations, or if there are delays between the on-set of an injury and seeking medical care.

Now, let's define sexual abuse. It is nonconsensual sexual contact of any kind. Of course, it includes rape and molestation. But it also includes any sexual conduct with a person who is unable to consent. Most victims of sexual abuse are women. But men may also be victims. Children and people who have physical or cognitive disabilities are particularly vulnerable. So are those who lack social support or are isolated.

What are the signs of sexual abuse? One clear sign is if the victim specifically says that they have been sexually abused. Other signs include genital or anal pain, irritation, or bleeding. Look for bruises on genitalia or inner thighs. Difficulty walking or sitting may also signal sexual abuse. Look for torn, stained, or bloody underclothing, and sexually transmitted diseases. Behavior changes may also be a clue to possible sexual abuse. Have you noticed inappropriate, unusual, or aggressive sexual behavior? Look for bed wetting and changes in sleep patterns, such as over- or under-sleeping and nightmares. Those may be signs of sexual abuse. Is the victim suddenly afraid of the dark and avoiding undressing? Is he or she wearing extra layers of clothing? All of these could be signs of sexual abuse.

Now, what about emotional abuse? Do you think you will recognize it?

Let's define it first. Emotional abuse is the infliction of pain, anguish, or distress. Sometimes, it's called psychological abuse. Someone may cause emotional abuse by using verbal assaults, insults, or threats. Emotional abuse also includes intimidation, humiliation, and harassment. It may also be actions much more subtle, such as isolating a disabled person from his or her family, friends, or regular activities.

What are the signs of emotional abuse? Of course, a specific disclosure by the victim is a clear sign. But there are less obvious signs, too, such as significant weight loss or gain. Depression, confusion, agitation, and withdrawal may also signal emotional abuse. Consider emotional abuse if you notice unexplained rashes, hives, facial tics, stomach aches, or

elevated blood pressure. Other red flags may be nervous habits such as biting, rocking, or head-banging, or bedwetting and thumb sucking.

Perpetrators of abuse may be anyone. Most victims of abuse are harmed by someone they know including family members, acquaintances, dating partners, or caregivers.

That's our discussion on the types and signs of abuse. Remember, it's important to distinguish between types of abuse. Signs of physical abuse, for example, are different than the signs for sexual and emotional abuse. And in any type of abuse, the perpetrator may be anyone and is often known by the victim.

Word count: 701 (5.4 minutes)
Last updated: 8.28.17

SIGNS OF NEGLECT SCRIPT

In this video, we'll talk about the signs of neglect. Neglect is a caregiver's refusal or failure to provide for a person's basic needs. Basic needs include food, water, clothing, and shelter. It also may be personal hygiene, medication, comfort, or personal safety.

Neglect may be intentional or passive. Passive neglect occurs when a caregiver is unable to fulfill his or her obligations to another person because of illness, disability, stress, or lack of resources. Intentional neglect occurs when a caregiver is able to fulfill obligations, but refuses to do so.

There are a lot of signs of neglect. One is poor hygiene, including lice, scabies, severe or untreated rashes or wounds, or bed sores. Or, you may notice that a disabled person suffers from malnutrition or dehydration, which are also signs of neglect. Living conditions may also show signs of neglect. Look for hazardous or unsafe conditions such as exposed or improper wiring, no heat, or poor plumbing. Unsanitary conditions, too, may signal neglect. Look for dirt, fleas, bed bugs, lice, soiled bedding, and fecal or urine odors. Other signs of neglect include unsuitable or missing clothing or a lack of basic medical care or medications. Consider possible neglect if you see indications of exposure to the elements, such as excessive sunburn, insect bites, or cold. Other signs may also be behaviors that aren't age-appropriate, such as bed wetting, wetting, or soiling.

Perpetrators of neglect may be family members, paid caregivers, or employees of care facilities.

Remember, neglect is the refusal or failure to provide for a person's basic needs. It can be intentional or passive. Look for signs of neglect in the disabled person or in their living conditions.

Word count: 281 (2.2 minutes)
Last updated: 8.28.17

DECISION – MAKING STANDARDS SCRIPT

As guardian, you will be the disabled person's decision-maker. Making decisions as guardian does not come naturally to most people. You must engage in a specific thought process for every decision made. In the legal world, the thought processes are called decision-making standards. There are four different standards. In this video, we'll first look the standard called substituted judgment. The second standard is called best interest. The third type is the least restrictive alternative. Finally, there is informed consent. Let's explore the four standards one at a time.

Substituted judgment is based on what the disabled person would do if he or she had capacity. This assumes that the disabled person had at one time the ability to make their own decisions. Some guardians will know the disabled person well enough to have that answer. He or she would have had conversations with the disabled person before they lost capacity or the disabled person let their wishes be known in a will, living will, contract, or other document. If you do not know how the disabled person would decide, you will need to do a little leg work.

You must learn about the disabled person's preferences, values, lifestyle and behaviors. Learn about decisions he or she made before losing capacity. Speak with people who know the disabled person's preferences. Reach out to family, friends, caregivers, or clergy. Finally, consider the disabled person's religious, moral, and ethical beliefs.

Now, let's consider the second decision-making standard. It's called best interest. Use it when you don't know how the disabled person would act or when the disabled person never had capacity. Acting in his or her best interest means weighing the benefits against the burdens an act or decision will have on the disabled person. It means considering all

possibilities and choosing the option that has the most benefit and results in the least harm to the disabled person. You may need to get independent opinions from experts such as doctors, social workers, attorneys, or government agencies.

The third standard is called the least restrictive alternative. This means choosing the option that meets the needs of the disabled person, but places the fewest limits on his or her independence and dignity. When you use this standard, it helps to know the disabled person's preferences and get professional opinions. It also helps to know about available community resources.

The fourth and final decision-making standard is called informed consent. As guardian of the person, you must give informed consent for the disabled person to get care, treatment, or services. You must know and understand the purpose, risks, benefits, and alternatives to any treatment or service you consider for the disabled person. Consent must also be given freely, without coercion or undue influence from others.

That's our discussion on decision-making standards. Remember, there are four types of standards. Substituted judgment is based on what the disabled person would do if he or she could. If you don't know what he or she would do, use the best interest standard. That means choose the option with the most benefit and the least harm. The third standard is the least-restrictive alternative. Make choices that meet the disabled person's needs and places the fewest restrictions on dignity and independence. Finally, informed consent means you understand the purpose, risk, benefits, and alternatives to any service you consider for the disabled person.

Word-count: 561 (4.3 minutes)

Updated: 8.28.17

HOW TO PREVENT ABUSE AND NEGLECT SCRIPT

In this video, we'll talk about preventing abuse and neglect. You may not see the person under guardianship every day. Use that time efficiently. We'll go over what to look for when you visit. We'll talk about how to keep track of changes in his or her behaviors and how to keep track of the people with whom the person interacts.

First off, let's talk about your visits with the person to make sure he or she is properly cared for. Does he or she report that they are not receiving proper care? Is the money paid to caregivers or service providers being used as it should be? Are the person's clothing, housing, and food needs being met? You may also want to consider whether the person has been going to the hospital or doctor's offices for frequent or unexplained injuries. Or, are there conflicting accounts about what caused the injuries?

Another way to avoid abuses is to keep track of changes in the person's behavior, physical appearance, or physical surroundings. Does he or she report being harmed or not feeling safe? Does the person have any injuries that are not explained or for which there are conflicting explanations? Does he or she seem depressed, scared, agitated, or withdrawn? Is clothing weather-appropriate and clean? Is hygiene good? Is the living space clean and safe?

You may also want to keep track of people in the person's life. Does he or she report being harmed by someone? Is he or she afraid of someone? Are there new people influencing the disabled person? Is he or she reluctant or unwilling to see certain family members or service providers? Is anyone interfering with your ability to speak with the

person alone or with the person's relationships with trusted family, friends, or service providers? Is anyone acting aggressively toward the person?

Remember, preventing abuse and neglect requires an efficient use of your time with a person under guardianship. Keep records of your visits. Track changes in the person's behaviors and living conditions. Keep notes on the people in the person's life. Those records may be the key to preventing problems.

Word count: 356. (2.7 minutes)

Last updated: 8.29.17

ETHICS / GUARDIANS SCRIPT

As you make decisions for the disabled person, keep in mind certain ethical considerations. This video will explain the ethical concerns. They include ideas such as extreme care and diligence. Also: trust, loyalty, and fidelity. We will go over the how to consider the least restrictive environment for the disabled person and how to use informed consent on his or her behalf. Finally, we'll explore how to know when to limit or terminate the guardianship.

Let's look at each ethical consideration more closely. We'll include examples to illustrate.

As guardian of the person, you must use extreme care and diligence when making decisions for the disabled person. For example, if you go on vacation, make sure people can reach you and that care for the disabled person continues. That's what extreme care and diligence looks like.

You must also use the highest degree of **trust, loyalty, and fidelity** when it comes to the disabled person. That means you act in his or her best interest above even your own interest. For example, let's say you want a new living arrangement for your disabled parent. The location closest to you may not necessarily be in your parent's best interest. If a location further away has a pool and your parent is an avid swimmer, the further location may be the best option. Choose the further location, even if it is less convenient for you. Here's another example: Assume you object to cremation. But, you recently learned from your parent's sister that your parent wishes to be cremated. When the time comes, you must choose cremation.

Another ethical consideration: You must **assume legal custody** of the disabled person. You must also make sure that he or she lives in the **least restrictive environment**

possible. That may mean that the disabled person has access to a community with cultural connections and family. Here's an interesting example. Let's say you live in Anne Arundel county, and you are guardian to you disabled sister-in-law, who is Korean. The least restrictive environment may very well be a group home in Howard County, where the community is rich in Korean culture, including food and churches.

Another ethical consideration has to do with your responsibility to provide **informed consent**. That means you will be making decision for the disabled person about their care, treatment, and services. You will also make sure that those services are the least restrictive form of intervention. How will you do that? Look at pros and cons. Truly understand both sides before you make decisions. Is your decision more likely to benefit than harm? You may have to consent to major surgery such as hip replacement or heart transplant. You must weigh the benefits of the surgery against, for example, the risk to the disabled person by being under anesthesia. Can they survive anesthesia? Advocating for him or her means asking questions and getting second -- and maybe even third -- opinions.

The final ethical consideration has to do with ending your guardianship. You must take active steps to terminate or limit the guardianship whenever indicated. For example, let's say you are guardian for your brother, who is a long-term alcoholic. You placed him in a hospital six months ago. Now, he is sober and has improved significantly. A physician certificate no longer indicates he has a disability. You must take steps to terminate the guardianship, even if you are afraid your brother will start drinking alcohol again.

Here's a tip about ethical considerations. When making a decision for the disabled person, ask yourself what the disabled person would do or what would result in the best outcome for disabled person. Recognize that what you would do for yourself may not be what is best for the disabled person.

That's the discussion on ethics. Remember, use extreme care and diligence and the highest degree of trust, loyalty, and fidelity. Always consider the least restrictive environment for the disabled person and use informed consent on his or her behalf. Finally, know when to limit or terminate the guardianship.

Word count: 673 (5.2 minutes)

Last updated: 8.28.17

DRAFT

RESPONDING TO ABUSE OR NEGLECT SCRIPT

In this video, we'll talk what to do if you suspect someone is being abused or neglected. If the person is in immediate danger, call 911.

What if you are concerned someone is a victim of abuse, neglect, or exploitation but cannot verify the details? If the person is under the age of 18, call the local Child Protective Services office. If the person is over the age of 18, call the local Adult Protective Services office. Child protective services and adult protective services staff are professionals who are trained to investigate concerns about the safety or well-being of children and vulnerable adults. They offer services and support to help prevent or reduce the risk of someone being abused or neglected.

Keep in mind that is the job of police and protective services professionals to investigate allegations of abuse and neglect. If you think someone is being harmed, do not attempt to "investigate" or question potential suspects or witnesses on your own.

Remember, use 9-1-1 in cases of immediate danger. Call local protective services offices if you are concerned about a possible victim. Finally, leave the investigation to the professionals.

Word count: 190. (1.5 minutes)
Last updated: 8.29.17

ATTORNEY – GUARDIAN ETHICS SCRIPT

This video is intended for a specific type of guardian: The attorney who has been appointed by the court.

As an attorney, you must navigate your role as a guardian commensurate with your obligations under the Maryland Attorney's Rules of Professional Conduct. While there are functional differences between serving as an attorney for a person with diminished capacity and serving as a guardian, as an attorney, your ethical obligations do not go away.

In this video, we'll talk about your accountability to the court. We'll discuss the Rules of Professional Conduct that apply to your role as a guardian. Specifically, those Rules address Communication, Conflicts and Confidentiality. Ethical rules dealing with clients with diminished capacity may also apply in your role as a guardian. Finally, we'll address your ethical responsibilities as an attorney-guardian and offer some tips to keep you on track.

Your role as guardian for a minor or disabled person is an important one. Your actions as guardian will impact the physical, mental, and financial well-being of the person under guardianship. As an attorney-guardian, you have obligations to the minor or disabled person under the guardianship, and you also have obligations to the court. You are accountable to the court in two ways. Of course, you have obligations as a court-appointed guardian. But you also have obligations as an officer of the court. Your ethical obligations do not go away because you are serving as a guardian. As an officer of the court, you must be mindful of your obligations under the Rules of Professional Conduct when performing your duties as guardian. Let's look at specific rules one-by-one.

The first Rule to consider is Rule 1.4, Communication. It states in part that “an attorney shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions.” Two Rules on conflicts also require your attention. Those are Rules 1.7 and 1.8. Be careful of conflicts if the minor or disabled person is a former client or if you represented an interested person to the guardianship. Two more Rules on confidentiality – Rules 1.6 and 1.9 – make clear that you have a duty to keep confidential information on present or former clients.

Perhaps the most important for attorney-guardians among the Rules of Professional Conduct is Rule 1.14, Client with Diminished Capacity. This Rule can provide you with helpful guidance as you make decisions on behalf of a person under guardianship. The Rule requires you to assess the minor or disabled person’s limitations and his or her ability to give informed consent. It calls for you to understand how the person under guardianship’s age, disease, or disability impacts his or her ability to process information and make informed decisions. Finally, Rule 1.14 requires that you take protective action if the minor or disabled person is at risk of substantial physical, financial or other harm.

As an attorney-guardian, you must have a clear understanding about your role and responsibilities. Become familiar with the minor or disabled person’s needs and preferences. You may do that by learning about their social, medical, and emotional needs and considering their preferences, values, and beliefs. When possible, make decisions that maintain the autonomy of the person under guardianship. Commit the time and resources necessary to meet the personal and financial needs of the person under guardianship.

Finally, let’s talk about some helpful ethical considerations. Avoid conflicts of interests - current or former clients, self-interest. If you are appointed as guardian of the property, keep guardianship funds separate from your own money. Maintain excellent

records of all transactions. Share only information about the minor or disabled person that is reasonably necessary to perform your duties as guardian or to protect the person under guardianship from harm. Remember to regularly consult the Rules of Professional Conduct. When in doubt about what you can or cannot do as a guardian, ask the court. If you are unsure about your ethical obligations, contact the Maryland State Bar Association's Ethics Committee for an opinion or guidance. Finally, if you are unable to adequately serve as guardian, immediately notify the court and take appropriate action to protect the minor or disabled person. That action may be, for instance, asking the court to allow you to resign and appointing a substitute or successor guardian.

Remember, as an attorney-guardian, your duties as a guardian are equally as important as your ethical obligations under the Rules of Professional Conduct. You will be held accountable to the court both in your capacity as a guardian and in your role as an officer of court. You must uphold the Rules of Professional Conduct that govern communication, confidentiality and conflict. Perhaps even more importantly, you must apply the Rules that govern Clients with Diminished Capacity. Read the Rules regularly. Ask the court if you have questions. If you are unsure about your ethical obligations, reach out to the Bar's Ethics Committee. Finally, if you are unable to serve, notify the court while simultaneously protecting the minor or disabled person.

834 words: 6.4 minutes
Updated 8.28.17

Date Issued: September 7, 2017
Issued by: April Molley, Procurement Officer