Helpline: (855) 409-9410 ◆ guardian@gwaar.org
www.gwaar.org

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Roles and Responsibilities of Guardians, Adult Protective Services and Managed Care Organizations

Understanding the roles and responsibilities of a guardian (GP/GE), Adult Protective Services worker (APS), and managed care organization case worker (MCO) is necessary to ensure that individuals under guardianships are receiving the care and services that are in their best interest. Miscommunications between the parties involved in organizing care for a ward invite opportunities for gaps in needed care or services.

The roles and responsibilities of these actors are described in the Wisconsin Statutes, Department of Health Services (DHS) administrative code, and through the language in contracts and memorandums of understanding (MOU). The chart below attempts to organize each party's responsibilities accordingly.

Communication is a priority between APS, MCO and Guardian			
Guardian of Person (GP)	**Guardian of Estate (GE)**	**Adult Protective Services (APS)**	**MCO Case Manager (MCO)**
Wisconsin Statute 54.25, Court order and DHS 85 if corporate guardian	**Wisconsin Statute 54.19, court order and DHS 85 if corporate guardian**	**Wisconsin Statute 55, 46.90, MOUs**	**DHS/MCO contract, MOUs, Wis. Stat. 46**
• Anyone can petition for guardianship in WI including possible proposed guardian • Give MCO copy of guardianship court order and letters of guardianship • Endeavor to secure any necessary care or services for the ward that are in the ward's best interest based on: 1) Regular, in-person, inspection of the ward's condition, surroundings and treatment 2) Attendance and participation in staff meetings discussing the ward's treatment and care of any	• Anyone can petition for guardianship in WI including possible proposed guardian • Give MCO copy of guardianship court order and letters of guardianship • Take possession of the ward's real, personal property and income • Use the ward's income and property to maintain and support the ward and any dependents the ward is legally obligated to support • Pay the legally enforceable debts of the ward, including filing tax returns and paying taxes owed	• Discretion for whether to file petition for guardianship and/or protective placements • Collaborate on problem solving with MCO • Adhere to MOUs with MCOs • Emergency protective placements • Collaborate with guardian and MCO to plan residential moves (Party that initiates transfer of ward under a protective placement must notify court of transfer) • Review of placement if ward is protesting must be completed within 72 hours	• Anyone can petition for guardianship in WI including MCO, but restrictions on who can petition for protective placement • Collaborate on problem solving with APS • Adhere to MOUs with APS • Set up and coordinate all services to meet member's needs (shopping, personal cares, cleaning, transportation) including paid and natural supports • All assessments and member centered plans must be coordinated and approved by the guardian

facility where the ward lives or is a patient 3) Examination of ward's health care and treatment records 4) Inquiry into the risks, benefits of and alternatives to treatment for the ward 5) Consultation with healthcare and social services providers to make all necessary treatment decisions • Collaborate with APS and MCO on planning and coordinating residential moves (Party that initiates transfer of a ward subject to a protective placement order must notify court of transfer) • Notify the court of any change of address of the guardian or ward • Complete annual report on the condition of the ward to the court • Advocate for the ward's best interest	• For a ward who receives governmental benefits for which a representative payee is appropriate, make sure ward has rep. payee, coordinate with MCO • Collaborate with APS and MCO on planning and coordinating residential moves (Party that initiates transfer of ward subject to a protective placement order must notify court of transfer) • Prepare and file an annual account • Perform any other duty required by the court order • File with the Register of Deeds of any county in which the ward possesses real property • Determine if the ward has executed a will, the will's location, the appropriate persons to be notified in the event of the ward's death, and if the death occurs, notify those persons, deliver ward's assets to persons entitled to them upon ward's death	• Verify the individual is in the least restrictive environment consistent with his/her needs and with the resources of the county • Annual Review • Investigate all referrals for elders at risk and all allegations of abuse and neglect. Use discretion for adult at risk referrals • Discretion for when to file review of conduct when allegation is made against the guardian	• Behavior support plans/Restrictive measures • Coordinate DVR/Employment/Pre Voc. • Coordinate with guardian all medical care, psychiatric services or therapies and who will attend medical appointments • Communicate significant changes with medical condition and case plan to guardian • Attend staffings and IEPs – keep guardian informed • Set up representative payee if guardian of estate approves • Collaborate with APS and guardian on all planning and coordinating of residential moves • Coordinate transportation for member and moving member's belongings • Assist with SSI applications or renewals, Medicaid and other benefit reviews or applications • Report any concerns of abuse and/or neglect

QUESTIONS? Call the Wisconsin Guardianship Support Center at 1-855-409-9410, email at guardian@gwaar.org, or see www.gwaar.org/gsc.

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