

Missouri Protection & Advocacy Services

A Public Interest Law Firm Since 1977

Shawn T. de Loyola
Executive Director

Daniel Cayou, *Esq.*
Director of Advocacy Services

Tom Pirmantgen, *Esq.*
Application Unit Chief

P.O. Box 140195
St. Louis, MO 63114
phone: (314) 256-9865

website: www.moadvocacy.org

TDD users call Relay Missouri at (800) 735-2966

Susan K. Eckles, Managing Attorney
Tom Pirmantgen, Staff Attorney III
Lisa M. Sutherland, Staff Attorney III
Will Hack, Staff Attorney II
Vincent K. Heitholt, Staff Attorney II
Theodore C. Houdek, Staff Attorney II
Tamara A. Kenny, Staff Attorney II
Jelani Logan, Staff Attorney II

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Eugene

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Lee's Summit

December 8, 2022

Jennifer Hulme
Alternatives to Guardianship
903A SE 7th St.
Lee's Summit, MO 64063

Re: Missouri Protection and Advocacy Involvement with Alternatives to Guardianship

Dear Ms. Hulme:

It was my pleasure to speak with you yesterday to collaborate on our shared goal of promoting alternatives to guardianship for adults in Missouri. Missouri Protection and Advocacy Services (Mo P&A) represents a wide range of individuals in alternative to guardianship cases. We are able to represent any individual with a disability, whether that be a developmental disability, mental illness, or other. Our guardianship work has included:

1. Restoration and partial restoration of guardianship rights
2. Defense against guardianship petitions
3. Transfer of guardianship
4. Assistance with supported decision-making (SDM), both within a guardianship and as an alternative to guardianship
5. Assistance with powers of attorney and other alternatives to guardianship

You asked about three specific areas of work, which I will attempt to address in turn.

- (1) Promoting alternatives to guardianship

Mo P&A promotes alternatives to guardianship in several ways. Our direct legal advocacy is one. Another is non-legal advocacy. This includes assistance in helping individuals create supported decision-making plans. We have assisted in drafting formal "supported decision-making agreements," as well as informal plans. We also assist individuals in drafting and altering power of attorney documents, and can assist with similar documents such as releases of information and advance directives.

Funding for Programs Provided by:
Rehabilitation Services Administration
Center for Mental Health Services
Social Security Administration
Administration on Disabilities

Mo P&A is a partner in the Missouri Supported Decision-Making Consortium. Mo P&A attorney Will Hack serves as a leader in the Consortium, alongside Jane St. John from UMKC-IHD and Emily Hartley from the Missouri Developmental Disabilities Council. Several other Mo P&A attorneys have participated in this Consortium as well. Our work through this Consortium includes drafting documents such as brochures, bench cards, and trainings to raise awareness and practice of SDM in Missouri. The Consortium continues to work on spreading the use of SDM as an alternative to guardianship. Mo P&A has presented trainings on SDM and guardianship, both in the context of the Consortium and in the context of our other legal work.

Mo P&A managing attorney Susan Eckles has worked extensively with the MO WINGS group which drafted changes to Missouri's guardianship law, which came into effect in 2018. Attorneys Eckles and Hack continue to work with MO WINGS in its ongoing plans, including spreading awareness of the new guardianship laws and evaluating the effectiveness of the changes.

(2) Improving the administration of justice in guardianship proceedings

To begin with Mo P&A does not lobby and is not permitted to lobby. At the same time, our work does touch on this issue. Through Mo P&A's contributions to MO WINGS, the agency helped shape the law in a way that supports individuals with disabilities. Through our guardianship defense work, we provide an alternative to court-appointed attorneys. This allows individuals threatened with guardianship to have a choice of representation and, in some cases, to have additional representation for their defense. Mo P&A staff maintains relationships with the officials involved in guardianship proceedings in certain areas of the state, emphasizing the needs and goals of our clients as appropriate.

(3) Better protect the rights of adults who are targeted by a guardianship petition or who are living under an order of guardianship

Mo P&A's primary contribution in this area is guardianship defense. This work can include many of the areas discussed above. For example, we might help an individual formalize a supported decision-making plan to show the court that the individual does not require guardianship. Further, Mo P&A represents individuals under guardianship in a way that few organizations are able to do, because our services are free of charge. The legal authority granted by Congress to the P&A systems allows us to access records to protect individuals under guardianship from abuse and neglect, where other organizations might not be able to access these records. Our representation, both legal and non-legal, can help people under guardianship with many different kinds of rights issues: lack of access to money or public benefits; inappropriate restraint; inappropriate medical care/lack of medical care; unnecessarily restrictive placement and other housing issues; and other miscellaneous rights restrictions.

Mo P&A does not have many physical documents as resources to share. I have enclosed several sample Supported Decision-Making Agreements that I drafted through our work with the SDM Consortium—however, I would emphasize that these are example documents only and it is my firm belief that **all supported decision-making documents should be individualized**. When I use these

or other sample documents with my clients, I often delete or rewrite large sections to meet the individual's specific needs.

Beyond that, Mo P&A has presented on guardianship and SDM, but the SDM Consortium has more thorough materials related to those topics – I would direct you towards Jane St. John for anything you might want in that area.

I am happy to share further anything that you need, and I hope that we can successfully collaborate going forwards on our shared goals!

Respectfully,

/s/ Will Hack

Will Hack

Staff Attorney

Missouri Protection and Advocacy Services

314-256-9865

Will.Hack@mo-pa.org

Enclosures: Sample Supported Decision-Making Agreements