WELCOME. **CAREGIVERS** of Individuals 18-59 years of age SESSION 2 **K**Cares



Opening Remarks

Day 2 Session 2



HOUSEKEEPING ITEMS



 Participants will be muted to keep down background noise. Participants can put any questions or comments in Q&A feature.

?

Q&A inbox will be monitored.

The sessions are being recorded.
So relax and enjoy!
Participants will be able to access the recordings at www.OKCares.org.

HOUSEKEEPING ITEMS

• There will be opportunities to win Walmart gift cards throughout the sessions.

\$

• Participants will need to be on the Zoom presentation to win.

TAKE SURVEY

 Participants will have an opportunity to complete session evaluations. Participants can be included in a \$50 Walmart gift card drawing upon completion of an evaluation. THANK YOU!







Senior Guide &

Resources

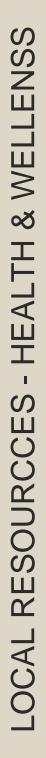


www.OklahomaFamilyHealth.com



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Call us! We are happy to help with your resource needs!



BOOMERS **& SENIORS** Oklahoma Family Health RESOURCES

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SYNERGY[®] HomeCare CHOSEN FOR EXCELLENCE

OKLAHOMA RESOURCES VITAL PLANNING FORMS

Caregivers Care plan & Schedule Identify Elder Abuse Medication Management Home safety Assessment Home Care Assessmen Hospice Care Assessment Understanding Medicare Elder Law **Financial Planning** & So much more

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Preparing Fam

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OKLAHOMA Human Services



Sean Ballard Programs Field Representative Developmental Disabilities Services 405-763-8513 sean.ballard@okdhs.org

Guardianship Basics



Disclaimer

 All written and oral statements included or related to this document is not intended to be, and do not constitute legal advice. The document author is not an attorney, and cannot provide legal advice;





Overall Objective

- Understand origin of surrogate decision making;
- Define guardianship terminology;
- Develop basic guardianship knowledge;
- Identify guardianship types;
- Learn about alternatives to guardianship;





https://youtu.be/VrSUe_m19FY

Philosophy

- Because guardianship involves the loss of fundamental rights, it is considered only when a person cannot make informed decisions and only as a last resort after all other less restrictive options are exhausted.
- Within a guardianship relationship, the individual is involved as much as possible in decision-making and the guardian honors the individual's choices when making decisions on his or her behalf.







What is Guardianship?

- A legal relationship set up by a judge.
- A guardian is a person, institution, or agency appointed by a court to manage the affairs and interests of another person.
- Designed to fit each persons needs and still allow the person to make as many decisions in their life as possible.





Guardian Definition

• A guardian is a person appointed by a court to ensure the essential requirements for the health and safety of the ward are met (guardian of the person), to manage the estate or financial resources of the ward (guardian of property), or both.

Essential Requirement (Person)

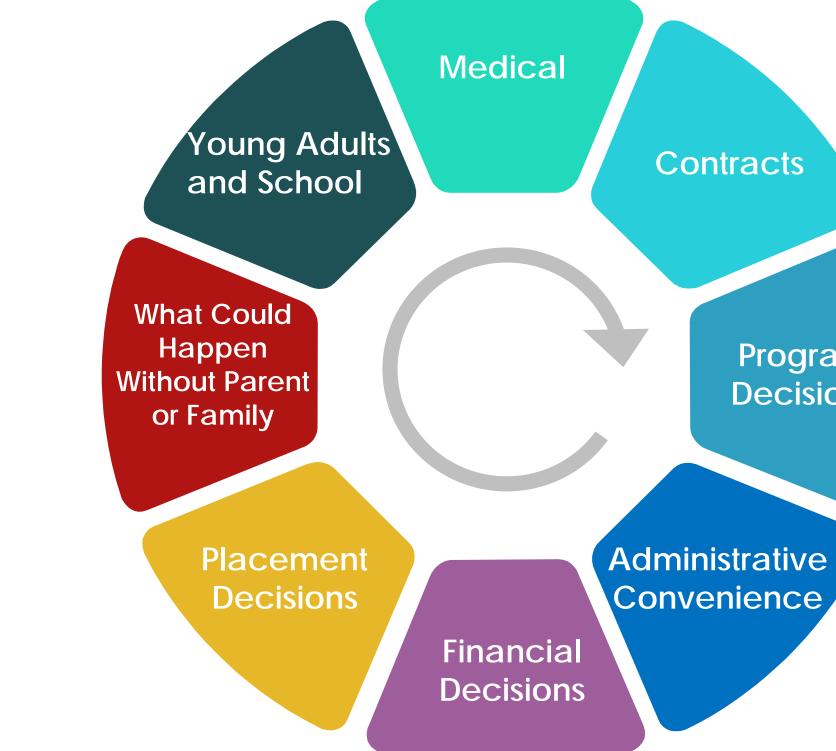
Refers to those things necessary to provide health care, food, shelter, clothing, personal hygiene, and other care without which the person is at significant risk of harm, both physical and emotional.

Includes anything of value the ward owns, such as income, stocks, bonds, insurance contracts, real estate, a car, jewelry, etc.

Property



Reasons to Seek Guardianship



Program Decisions



Guardianship a Serious Matter

- The appointment of a guardian is a serious matter for three reasons:
- 1. It limits the persons choice of where to live, financial matters, health treatments or medical care, and supports they receive;
- It transfers the persons rights of autonomy to another 2. person, a guardian; and
- It lasts either until the ward dies, the court modifies the 3. order or until his or her rights are restored.

Guardianship





The typical ward has fewer rights than the typical convicted felon ... It is, in one short sentence, the most punitive civil penalty that can be levied against an American citizen, with the exception ... of the death penalty."



Claude Pepper U.S. Representative from Florida "Abuses in Guardianship",

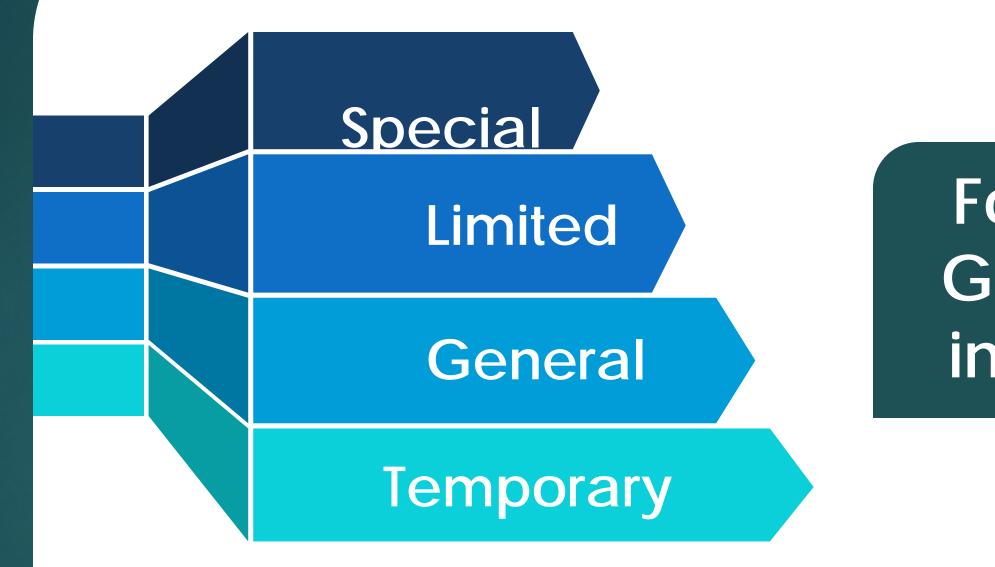


DDS Guardianship Program

- Includes individuals served on the Waivers and those who reside at Greer.
- Because of it's legal implication on the person's civil rights, guardianship must be recognized as "an extraordinary intervention."



Types of Guardianship



Four types of Guardianship in Oklahoma



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Special Guardianship

Appointed by the court for a person who appears to be or has been found incapacitated or partially incapacitated **to act in emergency situations** when:

- It appears there is imminent danger that the health or safety of said person will be seriously impaired or the financial resources will be seriously damaged or dissipated unless immediate action is taken; and
- No other person appears to have authority to act in the circumstances, or the guardian previously appointed is unable to or refuses to take action.
- Limited to 30 days, but can be extended by court order; and
- Authority over this one issue only.





Limited Guardianship

Established for individuals deemed by the court to be partially incapacitated. A limited guardian may be:

Of the person – assures that the essential requirements for the health and safety of the person are met

Of the person's property – manages the person's financial resources or estate; or

Of the person and property (both)

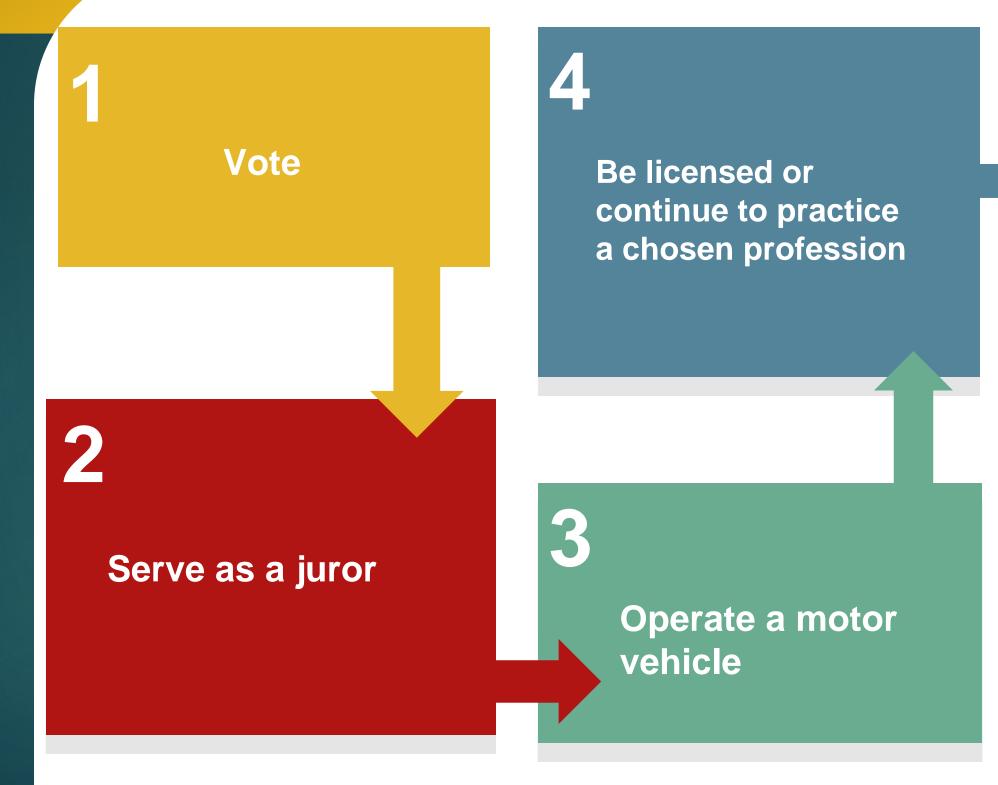
However, their authority is limited to only certain areas within those categories specified by the court.

Limited Guardianship Cont'd



- When guardianship is needed, limited guardianship is the more desirable option, if appropriate.
- It limits the guardians authority to specified areas, and allows the ward to retain certain rights he or she would lose under a general guardianship -





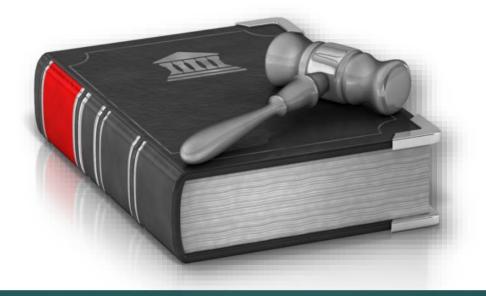
Make personal medical decisions including but not limited to decisions to receive hospice services, to withhold or withdrawal life sustaining procedures to donate organs, undergo elective surgery or to consent to routine or necessary medical or other professional care, treatment or advice.

5



Limited Guardianship Cont'd.

- These rights are not automatically retained under a limited guardianship. Only those specified in the guardianship order.
- Give careful consideration regarding the individuals ability to retain these rights.





General Guardianship

Established for individuals deemed by the court to be incapacitated. General guardian may be:



Of the person – assures that the essential requirements for the health and safety of the person are met



Of the person's property – manages the person's financial resources or estate; or



Of the person and property (both)





Roles & Responsibilities

- What is the major role of a guardian? \bullet
 - Oklahoma law provides the statutory basis for a guardian's legal role and responsibilities. A guardian should also be aware of their ethical duties.
- A nationally recognized document detailing guardianship practice standards is "A Model **Čode of Ethics for Guardians**". The National Guardianship Association adopted the standards in 2000 and revised them in 2013. These practice standards are available for free online at the https://www.guardianship.org/



Roles & Responsibilities Cont'd.

 Primary role of guardian is decision-making. Responsibilities are -

> Follow the orders of the court and law

Protect the remaining rights of the ward

Develop a close relationship with the ward

Know the capabilities, physical and mental health and finances of the ward

Honor the wards choices when making decisions on his/her behalf

Make informed decisions when giving consent

Promote, encourage and respect the wards rights to be involved in all decisions affecting his/her life

File a petition to restore wards capacity when guardian believes incapacity has ended



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Roles & Responsibilities Cont'd.

- Title 30 specifies the way guardianships are determined and carried out. But, the law also reflects a strong desire to protect individual rights - especially the right to make personal choices to the maximum extent possible.
- A guardian is responsible for following the orders of the court and assures the ward's essential health and safety requirements are met. To this end, decision making is the primary role of a guardian;
- A guardian should understand the ward well enough to help him or her make important decisions and provide consent and approval for services. This means developing a close relationship with the ward to know his or her capabilities, finances, physical and mental health, and other needs.



Roles & Responsibilities Cont'd.

- One of the major acts of decision making is giving consent on behalf of the individual in the areas of his or her life specified by the court in the guardianship order.
- Consent means giving permission on behalf of the individual. This does not necessarily mean signing a piece of paper, although consent forms are often involved for medical purposes or in authorizing certain actions.
- Consent may involve a discussion so the guardian and ward, whenever possible, understand for what purpose the permission is granted. A discussion may also need to take place with the ward's team depending on the issue.





Roles & Responsibilities Cont'd.

Consent involves making informed decisions. A guardian should never give permission or authorize any action he or she **does not** fully understand. This may require the guardian to ask questions and gather information so he or she is comfortable providing consent.

For example: Some treatments or procedures are intrusive which means they could be uncomfortable or even painful, or may have side effects that interfere with the ward's life. All of these aspects must be carefully considered as well as the ward's preferences before making decisions.

goasolution tanswersplanchance research

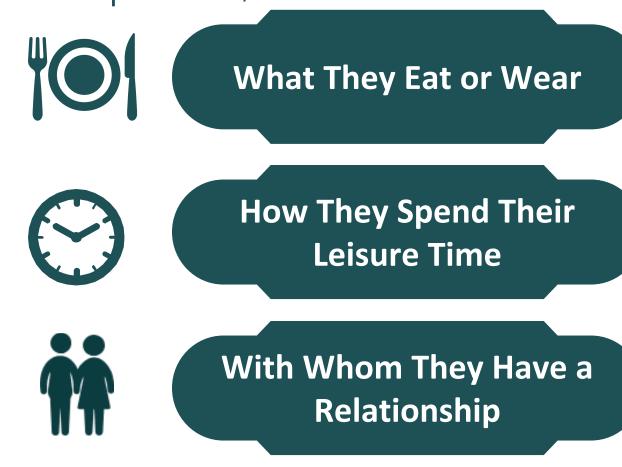
Limitations

Aside from those in the law:

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- Only have authority over the areas of their ward's life that are specified in the guardianship order.
- Law does not give guardians carte blanche to make all decisions that affect a person, such as:









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Reasons for Removal of a Guardian

Abuse of *fiduciary responsibility Continued failure to perform duties

Incapacity to perform duties Gros

Gross immorality

Nominating instrument Is invalid

Insolvency, if guardian of property

Having an interest adverse to the faithful performance of duties

When it is no longer proper that the ward should be under guardianship

Title 30 §4-801

Liabilities

Human Services

- A guardian is not held liable for decisions made in good faith and within the limits set by the court, as long as the guardian has acted responsibly and without negligence.
- A guardian cannot be held liable for the actions of his/her ward, as long as those actions were not products of the guardian's neglect or misuse of authority.



Title 30 §4-901

Alternatives to Guardianship



We must be careful to ensure that alternatives to guardianship meets the individuals needs.



Self-Determination

Self-determination is acting as the causal agent in one's life (Shogren et al., 2015);

- Causal agents have the skills necessary to make or cause things to happen in their life;
- Self-determined people self-initiate, and self-regulate their actions to solve problems and make life impacting goals.
- Typically increases with age as we establish interests and goals.





Supported Decision-Making

Understand the issues and possible choices.



Consider their options and choose the ones they want.



Ensure their decisions are based on personal preferences and values.



Communicate their decisions to others and advocate for their decisions to be honored.





GREAHOMA Junian Services Supported Decision Making Cont'd.

Support is provided by trusted individuals;

The individual has a basic knowledge of his or her goals, previous decisions, and the nature of their impairments;

Supporters are flexible and use variable strategies to tailor supports; and

Supporters collaborate with the individual.



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Representative or Protected Payee

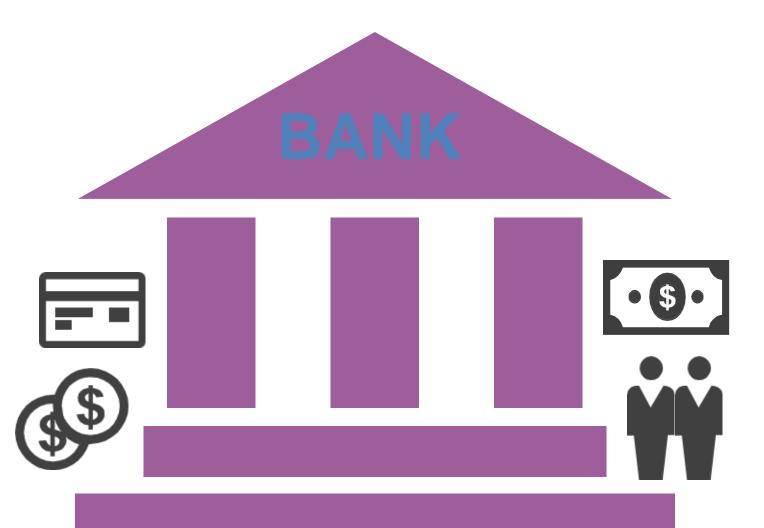
• The designation of another person or organization to receive and manage public benefits on behalf of an individual, such as Supplemental Security Income (SSI), Old Age, Survivors, and Disability Insurance (OASDI - the official name for Social Security), veterans' benefits, or civil service and railroad pensions. Each program has its own statutory authorization and rules for eligibility, implementation, and monitoring.





Limited Bank Accounts

Accounts that restrict access to the funds in a bank account, such as requiring two signatures on withdrawals and checks or limiting the amount of funds the person can withdraw.





Power of Attorney

- A legal authorization that delegates authority to make decisions regarding their person and/or property to someone else. A power of attorney does not take away any of the principal's decision powers, including the decisions the attorney-in-fact can make. It is possible to fashion a Power of Attorney to specific situations or time periods.
- A Power of Attorney requires that the person understands that he is authorizing the other person to act on his behalf. It presumes capacity. The person who authorizes a Power of Attorney can revoke it at any time. If the Power of Attorney continues during periods of incapacity, it is called a Durable Power of Attorney.

making

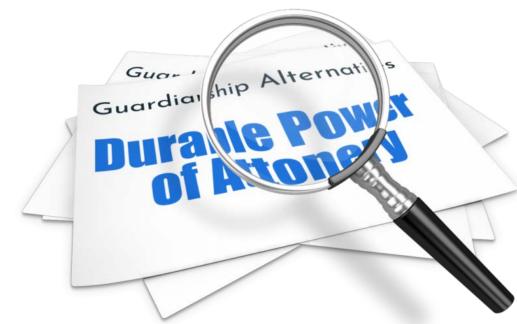


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General Durable Power of Attorney

- Allows the attorney-in-fact to make decisions regarding the principal's person and property.
- Requires two witnesses, eighteen years of age or older, who are not named in the individual's will and not related by blood or marriage to the individual or the attorney-infact.
- This form must be notarized.





General Durable Power of Attorney (with Health Care Powers only)

- Allows the individual to name an attorney-in-fact or agent to make routine (non-end-of-life) health care decisions.
- It can also be used to name someone, referred to as a representative, to sign a Do Not Resuscitate Consent Form for the individual at the appropriate time.
- Requires two witnesses, eighteen years of age or older, who are not named in the individual's will and not related by blood or marriage to the individual or the attorney-infact.
- This form must be notarized.



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General Durable Power of Attorney for Property

- Allows the individual to name an attorney-in-fact or agent to make complex asset transfers or conveyances or acquire, convey, sell or transfer oil and gas mineral rights, oil and gas royalties, real estate, stocks, bonds, annuities, etc.
- Requires two witnesses, eighteen years of age or older, who are not named in the individual's will and not related by blood or marriage to the individual or the attorney-infact.
- This form must be notarized.
- Powers of Attorney may only be signed when a person has capacity to give informed consent.





Advance Directive For Health Care

• The Oklahoma Legislature amended two laws in 2006 impacting end-of-life decisions making; the Oklahoma Hydration and Nutrition for Incompetent Patients Act and the Oklahoma Advance Directive Act. Consequently, a new Advance Directive for Health Care (Advance Directive) was issued.



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Advance Directive For Health Care Cont'd.

Advance Directive is comprised of 3 sections: (1) Living Will, (2) Health Care Proxy, (3) Anatomical Gifts.

- The Advance Directive goes into effect when the attending physician and another physician determine that the individual is no longer able to make decisions regarding medical treatment and determine that the individual is terminal (death is expected within six months), persistently (long-term) unconscious, has an end-stage condition or other condition specified by the person, in which the person wants life-sustaining treatments or artificially administered nutrition and hydration provided, withheld, or withdrawn.
- Signature of the form requires two witnesses, eighteen years of age or older, unrelated and not in a position to inherit from the individual.
- Notarization of the form is not needed.

Trust Funds

Trusts can be established to serve many purposes, but an important one is the lifetime management of property of one who is or who may become incapacitated. Generally, trust funds are managed by another person or financial institution such as a bank. The trustee, who directly manages the trust's funds, advises the individual about financially related matters, but has sole discretion regarding how to spend the money, and is obligated to do so on the beneficiary's behalf. Special or supplemental needs trusts and pooled income trusts are recognized under federal Medicaid and Social Security laws as permissible vehicles for managing the funds of persons with disabilities without that money being counted as an asset for the purpose of calculating the person's eligibility for these benefits

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Capacity to Give Informed Consent

Ability to Give Consent

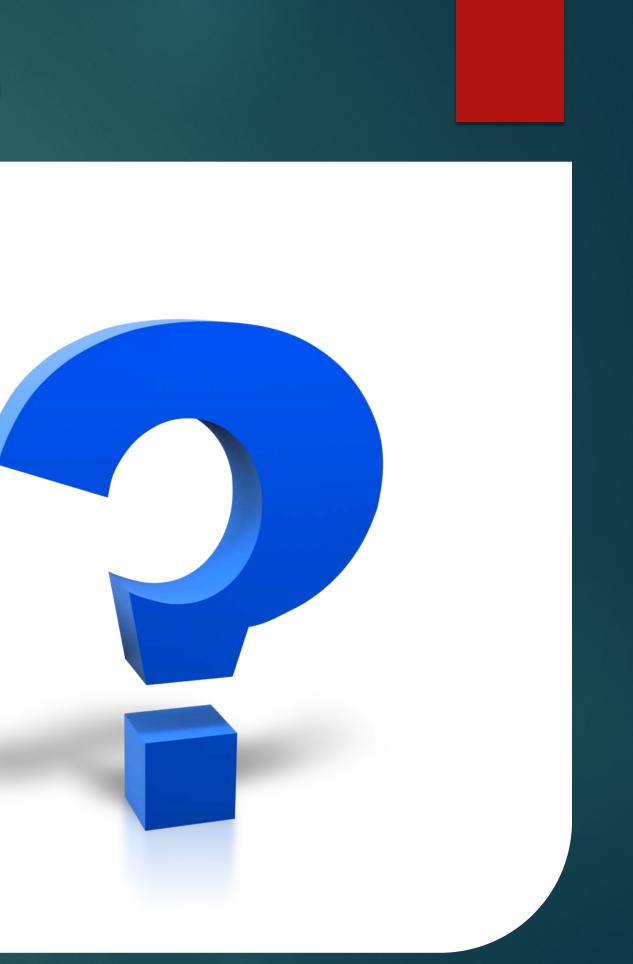


Making Good or Bad Decisions



Wrap Up

Questions





DEPARTMENT OF REHABILITATION SERVICES TRANSITION PROGRAM



(405) 951-3488 office (405) 212-77/89 mobile rsansom@okdrs.gov

SERVICES AVAILABLE

WHILE IN HIGH SCHOOL

- Vocational guidance and counseling
- Vocational assessment
- Variations of work experiences (e.g., school work study (SWS), worksite learning, employer work study, On the Job Training (OJT)
- Work Adjustment Training
- Tech-Now
- Project SEARCH
- Apply for services at age 15 ½ DON'T WAIT ADVOCATE

IMPLEMENTATION

WHILE IN HIGH SCHOOL/Special Programs and Events

- Oklahoma Transition Institute (OTI)
- Career Exploration Contract Bristow, Cushing, Sapulpa and surrounding schools.
- Pre-Employment Transition Services (Pre-ETS)
- Summer Experiences
 - Summer Transition Employment Program (STEP)
 - Camp WOW!
 - Science Technology Engineering and Mathematics (STEM) Camp



PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)

- The National Center for Disability Education and Training, University Oklahoma Outreach, through a grant from the Oklahoma Department of Rehabilitation Services, is making available Pre-Employment Transition Service (Pre-ETS) activities to high school students with disabilities. The activities are intended to help students with disabilities get an early start in identifying career interests to achieve community integration, independence, post-secondary education and/or competitive integrated employment.
- One or more Pre-Employment Transition Service activities can be provided to students with disabilities who have been determined eligible or are potentially eligible for DRS services and who have identified need for Pre-Employment **Transition Services.**
- If you would like more information, please give me a call or email me at rsansom@okdrs.gov.

STEP – SUMMER TRANSITION EMPLOYMENT PROGRAM

- Application and interview required
- Up to 4 1/2 days of part-time work and ½ day of skill development and debriefing weekly.
- Must be 16 years old, potentially eligible or a client of DRS, and returning to high school AFTER your Junior year
- Gain summer work experience and improve employment readiness among transition aged-youth
- Opportunity to work part-time up to 25 hours per week for a business in your community in an area of your interest and earn a paycheck. Also, an opportunity for volunteering.
- DRS will try to match your job with your career area of interest (e.g. working in an office, food service, retail, manufacturing, construction, law enforcement, aviation, medical, oil/gas, animals).

STEP PARTICIPANTS





CAMP WOW – WORKING ON THE WICHITA'S

- Do you need a fun job for a week next summer?
- Are you a DRS client? Or Potentially Eligible?
- Do you like to camp?
- Do you have a disability?
- > Are you 16 and in high school next summer?
- CAMP OUTDOORS AND EARN MONEY WHILE GAINING WORK SKILLS AND EXPERIENCE. Come join us in the Wichita Mountains.
- Date to be determined)





WORKING ON THE WICHITAS (WOW!)







WORKING ON THE WICHITAS (WOW!) CONTINUED









HARD AT WORK.....







STEM CAMPS

Science, Technology, Engineering, and Mathematics

- Partner with Tech-Now, Inc. and local schools or other organizations
- Available to 14-18 year old students with disabilities
- > 3-day camp free to participants
- Number of sites and locations vary by year Skills:
 - Use Windows based computers to build and race multiple **HT Gravity Racers**
 - Use digital cameras
 - Design a t-shirt and mouse pad
 - Design buttons and necklaces

STEM PROJECTS









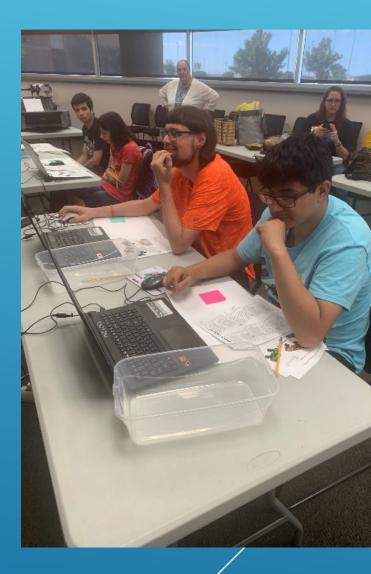


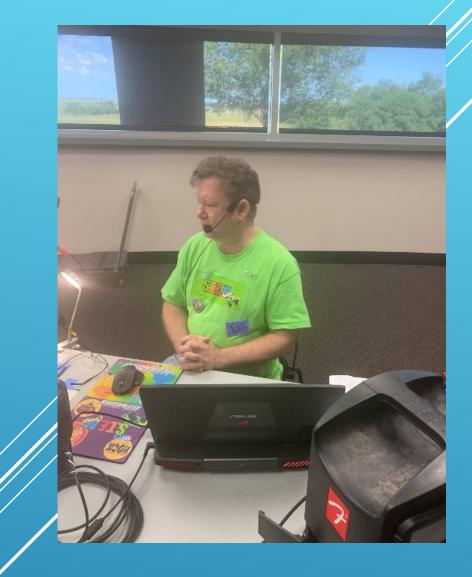
STEM CAMP





Hard at work.....





Tech-Now

- Elective class for students with disabilities (in about 22) classrooms)
- Students earn school credit during a technology class where they:
 - Develop work/entrepreneurial skills;
 - Enhance and build computer skills and teamwork skills; and
 - Create projects that may be entered into annual competition for cash, scholarships, software, trophies, and other prizes.

TECH-NOW

Tech-Now

- Meets OK Promise technology elective requirement; has also been set up as a fine art in some districts.
- Form relationships with Tech-Now instructors.
- Be proactive in trying to get applications.
- Counselors will receive evaluations and work samples.
- Annual competition in May
- Contract is on iDRS, Support Services, MSD-Central Departmental Services, Contracts

PROJECT SEARCH

- Unpaid internship program for high school students or young adults in CareerTech
- DRS, school, host business, provider
- Intended for those with significant to most significant disabilities
- Solutions of up to 10 weeks each in a host business
- **Competitive integrated employment at the end is the ultimate goal**
- Contract with OU for state coordinator support



PROJECT SEARCH CONTINUED

- 7 sites Looking into Tulsa area and Muskogee for the future sites.
 - 4 high school
 - Enid Public Schools at INTEGRIS Bass Baptist
 - Norman Public Schools at Embassy Suites
 - Moore Public Schools at Norman Healthplex
 - Oklahoma City Public at SW Medical
 - > 4 young adult
 - Francis Tuttle at Mercy
 - Francis Tuttle at INTEGRIS Baptist Medical Center
 - Canadian Valley Tech at INTEGRIS Yukon
- Annual OK Project SEARCH Net Event/Summit







PROJECT SEARCH STUDENTS WORKING









PROJECT SEARCH WORKING CONTINUED.....





Project | SEARCH



WHAT ELSE CAN DRS DO?

- Attendance at IEP meetings-build relationship with DRS counselor.
- Presentations to parents and other groups
- Booths at fairs (i.e., job, career, transition)
- We take applications and form relationships.
 - Referral is not an application.

DRS SERVICES AFTER HS

- Vocational guidance and counseling
- Vocational assessment
- Supported employment
- Job placement
- Training
- Assistive Technology



THE END

> Questions?

RENEE SANSOM-TRANSITION COORDINATOR (405) 951-3488 office (405) 212-7789 mobile <u>rsansom@okdrs.gov</u>



•••

Post Secondary Programs for Students with Intellectual or Developmental Disabilities





•••

Lead: Partner with Institutions of Higher Learning (IHE) to begin inclusive quality programs for students with Intellectual or Developmental Disabilities giving students choices for college after High School, with appropriate supports. Funded first program in state for students with IDD - 2018.

> Learn: Facilitate collaboration between IHE's state agencies, advocacy groups, state regents, support agencies, etc. to educate and promote support for inclusive post secondary programs

Live: Providing an opportunity for individuals that could benefit from and want to attend college to have statistically better outcomes in independent living and employment – A Better Life!

• • •



What do I want to do? Where can Iwork to dowhat Ienjoy?

Where do I want to live?

No different than any individual!







••• STATISTICS

After High School:

	<u>NLTS - 21</u>
Living Independently:	36.3%
Paid Employment	38.8%

¹NLTS-2 is the National Longitudinal Transition Study which tracks outcome information regarding students served by special education and their experiences as they moved from secondary school into adultroles.

Employment:

Per Oklahoma Works; 2014:

46% of Oklahomans have a H.S. Diploma or less 70% of OK Jobs will require education and training beyond high school by 2025

Including individuals with disabilities!!

THE PROGRAMS



NORTHEASTERN STATE UNIVERSITY **RiverHawks Scholar Program** Northeastern State University – RiverHawks Scholar Program; 4 year, inclusive non degree Certificate program for students with mild/mild moderate Intellectual or Developmental Disabilities Modeled after premier programs in our nation such as REACH at College of Charleston; includes:

- Independent Living On campus inclusive housing with trained Resident Assistant Support.
- Social Skills Mentor engagement in social and physical fitness activities.
- Academic 2 classes from course catalog as well as 1 RSP class.
- Career Development Paid and unpaid internships, including on and off campus sites.



Oklahoma State University in Stillwater has agreed to begin our second program pending start- up funding. This program will be an inclusive two-year non degree Certificate program with an additional twoyear non degree Advanced Certificate option. This program is for students with moderate Intellectual or Developmental Disabilities and will provide more support than the RiverHawks Scholar Program. Modeled after premier programs in our nation, such as ClemsonLIFE at Clemson; includes:

- Independent Living On campus inclusive housing with trained Community Mentor Support.
- Social Skills Engagement in social and physical fitness activities with peer mentor support.
- Academic Enrollment in three functional academic courses and auditing one entry level class from the course catalog per semester. Trained Student Assistants provide support as needed.
- Career Development Paid and unpaid internships each semester, including on and off campus sites.



• • • FUNDING BETTER OUTCOMES

¹After College Program Completion ²NLTS-2

Paid Employment: 65% 36.8%

³Improved Outcomes:

- Independent Living
- Community Engagement

LeadLearnLive is currently focused on raising \$410,000 to provide 4 years of start-up funding for our second program at Oklahoma State University!

¹Per Think College 2017-2018 3 year annual report of 48 TPSID Model Demonstration Projects; 1 year post program





THE REASON





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Nurturing the Health & Wellness of the Caregiver

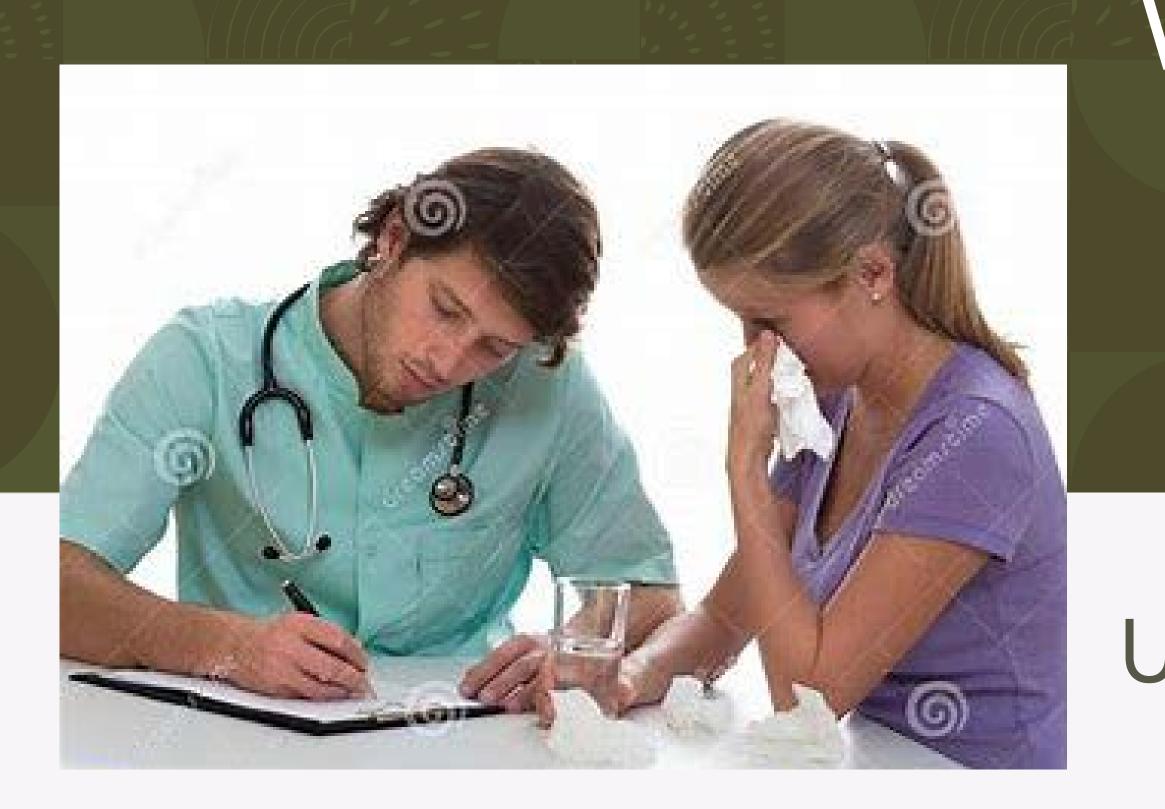
Andee Cooper



Ask yourself:

- Who dictates our health and well-being?
- Do I recognize the signs of caregiver burn out?
- As a caregiver, what am I doing to put myself first?
- Will I ever get a break?
- How will I overcome the stress?





Who dictates our health & well-being?

Ultimately, we do!

The Signs of Caregiver Burnout

- Withdrawal from friends, family and other loved ones
- Loss of interest in activities previously enjoyed
- Feeling blue, irritable, hopeless and helpless
- Changes in appetite, weight or both
- Changes in sleep patterns
- Getting sick more often
- Feelings of wanting to hurt yourself or the person for whom you are caring
- Emotional and physical exhaustion
- Irritability



You come first! • Write



Drink more water Write it all down Take a deep breath

In Need of a Break!

 Respite Vouchers • Will's House • Friends, paras & the people in between





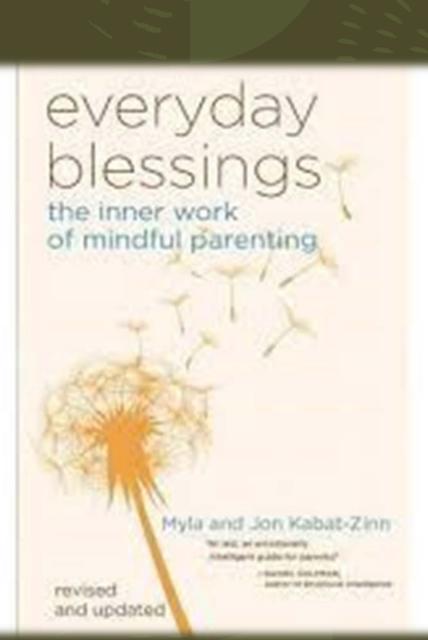
You are **Resilient!**

Mindful parenting Be intentional Breath Take a break

Mindful parenting is the hardest job on the planet, but it's also one that has the potential for the deepest kinds of satisfactions over the life span, and the greatest feelings of interconnectedness and community and belonging.

Jon Kabat-Zinn

WHEN PROBLEM THE COM



Closing Remain



THE OKLAHOMA CAREGIVER COALITION CELEBRATES YOU AND YOUR ENDLESS EFFORTS!

KCar

Make choices that support you... Re-energize and Rejuvenate Mind, Body, and Soul Start Today!

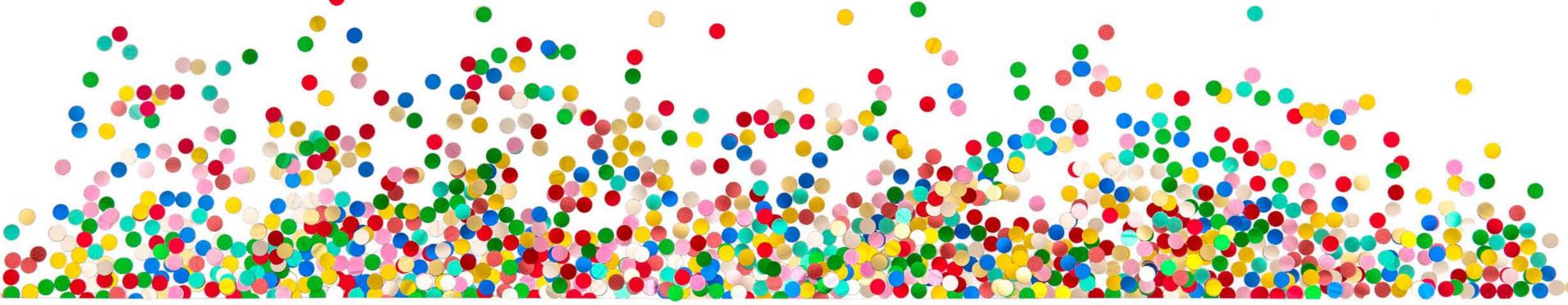




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