BIFOCAL

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Bar Associations in Focus on Aging and the Law

State Legislative Activities

Legislative Interest in Transfer on Death Deeds Continues to Grow: State Efforts to Help Senior Homeowners

By Nathaniel Sterling

Note: The California Law Revision Commission (CLRC) has statutory responsibility to conduct substantive reviews of California statutory and decisional law and recommend legislation on needed law reforms. The California Legislature authorized the CLRC to study the revocable transfer on death deed (revocable TOD deed), or beneficiary deed as it is known in some jurisdictions, for possible adoption in California. The revocable TOD deed transfers real property to a named beneficiary on the death of the owner without probate; it is revocable until that time.

The purpose of the study is to review the experiences of the nine states that have enacted revocable TOD deed legislation, to examine associated issues in connection with a revocable TOD deed, and make recommendations regarding adoption of legislation establishing revocable TOD deeds.

The Staff Draft of Tentative Recommendations was issued in July 2006 and the CLRC is soliciting public comments on the tentative recommendations. The CLRC will report its findings to the California Legislature by January 1, 2007. This article provides a primer on revocable TOD deeds and identifies the significant legal and policy issues that must be resolved in development of legislation governing revocable TOD deeds.

—Holly Robinson, associate staff director
ABA Commission on Law and Aging

Nine states have now enacted legislation authorizing a revocable transfer on death (TOD) deed of real property, also known as a beneficiary deed. The oldest and most complete statute is Missouri's, enacted in 1989. The newest is Wisconsin's, enacted in 2006. Other states are investigating the concept, including California and Utah. The National Conference of Commissioners on Uniform State Laws has decided to draft uniform legislation on the subject.

A property owner may use a revocable TOD deed to transfer property to a named beneficiary on the owner's death. The property passes by operation of law outside probate, much like survivorship in joint tenancy.

The revocable TOD deed offers a number of advantages over joint tenancy. It does not convey an immediate interest to the beneficiary and is therefore not subject to partition or to the beneficiary's creditors. It is revocable, enabling the transferor to make a different disposition of the property. It does not trigger an acceleration clause in a mortgage or a property tax reassessment.

It has been argued that the revocable TOD deed is preferable to an inter vivos trust in some circumstances. If the decedent's only significant asset is the family home, the revocable TOD deed provides a simple, inexpensive, understandable means of passing the property to heirs without probate.

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Inside

The ABA Health Law Section and the American Association of Homes and Services for the Aging (AAHSA) are co-sponsors of the ABA Legal Program at the **2006 AAHSA Annual Meeting, November 5-8, 2006, in San Francisco.** Sessions include:

- What's So Fair About Fair Housing Laws?
- Negotiated Risk in Assisted Living: Implications for Provider Liability
- Survey Enforcement Case Studies
- Resident Tax Issues: Maximize Benefits and Reduce Risk
- Exceptions, Appeals, and Grievances Under Medicare Part D
- The New Medicaid: Surviving and Thriving in the New World of Rebalancing

For more information, see: http://am2006.expoexchange.com.

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BAR ASSOCIATIONS IN FOCUS ON AGING AND THE LAW
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Revocable TOD Deeds

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Unlike most forms of nonprobate transfer, including a trust, the revocable TOD deed does not rely on a third party holder of the property to effectuate the transfer. The transfer occurs by operation of law, and is dependent on the mechanism of title insurance. That could be a problem, because the title industry is apprehensive about the concept of a recorded instrument that is revocable. It must be said, however, that in jurisdictions where the title industry has expressed concern, the problems have been resolved and title insurance is now routine for property passing by revocable TOD deed.

Significant issues that must be resolved in development of legislation governing the revocable TOD deed include (1) the capacity required to execute the deed, (2) whether the deed must be recorded before the transferor's death in order to be effective, (3) the effect of multiple deeds executed for the same property, (4) the effect of the deed on property titled in joint tenancy, (5) whether a will may override the deed, (6) the means of challenging a deed believed to have been affected by fraud or undue influence, (7) the result if fewer than all co-owners join in the deed, (8) whether the owner may make a deed for less than the owner's full interest in the property, (9) whether divorce should revoke a deed to a former spouse, (10) whether anti-lapse principles should apply if the named beneficiary predeceases the transferor, (11) whether family protection such as for an omitted spouse or child or the probate homestead should apply, (12) rights of creditors against the property or against the beneficiary, and (13) the effect of the deed on Medicaid eligibility and reimbursement.

There is not yet good source material concerning the revocable TOD deed. The most extensive analysis is that done by the California Law Revision Commission (see http://www.clrc.ca.gov). A recent article is Michael A. Kirtland's and Catherine Anne Seal's *Beneficiary Deeds and Estate Planning*, 66 Ala. Law. 118 (2005). Citations to the nine existing state statutes are:

Mo. Rev. Stat. § 461.025 (1989)
Kan. Stat. Ann. § 59-3501 (1997)
Ohio Rev. Code Ann. § 5302.22 (2000)
Ariz. Rev. Stat. § 33-405 (2001)
N.M. Stat. Ann. § 45-6-401 (2001)
Nev. Rev. Stat. § 111.109 (2003)
Colo. Rev. Stat. § 15-15-401 (2004)
Ark. Code Ann. §18-12-608 (2005)
Wisc. Stat. § 705.15 (2006)

Nathaniel Sterling is the executive secretary of the California Law Revision Commission in Palo Alto, Calif.

National Survey of Guardianship Monitoring Practices Shows Courts Lack Verification of Appropriate Care

By Naomi Karp and Erica F. Wood

In 2005 the AARP Public Policy Institute, in conjunction with the ABA Commission on Law and Aging, conducted a survey of front-line experts to examine current court practices for guardian oversight. The survey results are posted online at http://www.aarp.org/ppi.

Background and Methodology

Guardianship is a powerful legal tool that can bring good or ill for an increasing number of vulnerable people with cognitive impairments, affording needed protections, yet drastically reducing fundamental rights. Court monitoring of guardians is essential to ensure the welfare of incapacitated persons, identify abuses, and sanction guardians who demonstrate malfeasance. The need for oversight is heightened by ongoing demographic trends that will sharply boost the number of guardianships in coming years. These trends include: growing numbers of older people, individuals with dementia, and people with intellectual disabilities; the rising incidence of elder abuse; and the increasing number of public and private guardianship agencies that must make critical decisions about multiple wards.

The purpose of this study is to better understand how courts are monitoring the performance of guardians. It is the first detailed look at guardianship monitoring in over fifteen years. Almost 400 judges, court managers, guardians, elder law attorneys, and legal representatives of people with disabilities responded to the survey. Respondents came from 43 states and the District of Columbia. Of these, over half identified their role as guardians. The 35-question survey focused on actual court practices, seeking to ascertain whether the practices meet, exceed, or fall short of requirements imposed by statutes and court rules and to identify practices that may be "ahead of the curve."

AARP and the ABA are continuing this research with site visits and intensive interviews in jurisdictions with exemplary monitoring practices. AARP will publish a follow-up report articulating recommended steps for replication around the country in 2007.

Naomi Karp is a senior policy advisor at the AARP Public Policy Institute and Erica F. Wood is associate director of the ABA Commission on Law and Aging.

Findings

Guardian Reporting and Accounting Requirements

- Seventy-four percent of respondents stated that their court requires annual reports on the ward's personal status.
- Eighty-three percent reported that their court requires annual accountings of the ward's finances.
- Over 34 percent reported that their court requires guardians to file forward-looking plans, although only 10 state statutes require them.

Court Assistance to Guardians

- The most commonly available resource for guardians is court-provided written instructions or manuals (43 percent). Over a fifth said that no guardian training resources are available in their jurisdiction.
- Only 20 percent of respondents said that the court routinely sends reporting and accounting forms to guardians.
- Forty percent said that no samples of appropriately prepared reports and accountings were available to them.

Enforcing Reporting Requirements

- Sixty-four percent indicated that the court has an effective notification system in place to alert guardians of report due dates, while 27 percent said there was no such system.

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Guardianship: A National Survey of Court Monitoring

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- The most commonly named court sanction for failure to file reports and accountings is sending the guardian a notice of delinquency (47 percent), followed by entering show cause orders.

Procedures for Review

- Fifty-one percent indicated that financial accountings are reviewed by a court auditor or other court staff for whom this is a primary responsibility; while 27 percent said the judge who entered the order performs the review, and 14 percent said a judge is assigned to review the accountings. Twenty percent of respondents reported that other court staff conduct the review. Nine percent of survey respondents said no one has such responsibility on a regular basis.
- Regular review of personal status reports is most commonly the responsibility of a court investigator or other court staff for whom this is a primary task (37 percent of respondents) or by the judge who entered the order (31 percent).

Verification, Investigation, and Sanctions

- Over one-third of respondents said no one is designated to verify the information in reports and accountings; only 16 percent reported that someone verifies every report.
- Over 40 percent report that no one is assigned to visit individuals under guardianship, and only one-fourth said that someone visits regularly.
- The most common sanction for guardian malfeasance, used by over 67 percent of respondents' courts, is removing the guardian and appointment of a successor guardian.

Funding for Monitoring

- Forty-three percent said funding for monitoring is unavailable or insufficient.
- Thirty percent report that their court has no specific funding for monitoring.

Role of Attorneys

- Only 19 percent stated that their state bar has clear and complete ethical guidelines for attorneys representing the petitioner, guardian, ward, or proposed ward.
- The role of the attorney for the incapacitated individual in monitoring the person's well-being after a guardian is appointed varies greatly. Thirty percent said the court dismisses the attorney after the appointment and has no further role. Only 8 percent stated that the attorney remains the attorney of record and routinely stays actively involved throughout the case, with the remaining respondents describing a lesser role.

Court-Community Interaction

- Only 11 percent reported that the court collaborates with community groups on training.
- Over one-fifth said that no guardian training resources are available.

Use of Technology

- Twenty-two percent said their court does not use computer technology in monitoring.
- Only 4 percent said their court e-mails guardians about reporting status.
- Only 28 percent said the court has a computerized data system to track the number of adult guardianship filings and dispositions.

Discussion and Conclusions

Monitoring is a must, but, in reality, it varies substantially from court to court. Salient themes in the survey findings include the following:

- **Guardianship monitoring practices continue to show wide variation.** Key areas of variation include court assistance to guardians, handling of filing deadlines and late filings, designation of reviewers, response to complaints, review of the need to continue the guardianship, sanctions, and roles of attorneys. These varied approaches are likely to

yield some "promising practices," to be explored in the next phase of this research.

- **Reporting practices have advanced over the past 15 years in some key aspects.**
- **Filing of Personal Status Reports.** The percentage of respondents stating that their court requires filing of personal status reports rose to 74 percent, up from 68 percent in 1991.
- **Compliance with Statutory Reporting Requirements.** The gap between statute and practice on reporting seems to have narrowed substantially since 1991. Almost 80 percent of respondents said their statute requires reports, and 74 percent said their particular court requires reports.
- **Use of Guardianship Plans.** Over 34 percent of respondents reported that their court requires guardians to file forward-looking plans. This number is significant, since plan requirements in statute are relatively new, and only about 10 state statutes require them.
- **Use of technology in monitoring is minimal; harnessing technology could effect a paradigm shift in monitoring practices.** While computer technology is available that could greatly strengthen guardian accountability, surprisingly few courts use it for monitoring. Few courts maintain comprehensive guardianship databases electronically. Also, courts vary widely in whether the public has access to case files (electronic or hard copy) with sensitive personal information, raising serious privacy concerns.
- **Guardian training has increased but remains a compelling need.** While training and written instructional materials for guardians are increasingly available, with 40 percent of survey respondents saying that their court provides such resources, training continues to be a significant unmet need. Over 40 percent of respondents indicated that no model reports or accountings are available to guide them.
- **Verification of guardian reports and accounts, as well as visits to individuals under guardianship, is frequently lacking.** More than one-third of survey respondents said no one is designated by their court to verify the information in guardians' reports and accounts. Of equal concern, over 40 percent of respondents report that no one is assigned to visit the vulnerable individual, and only a quarter said that someone visits on a regular basis. Mechanisms serving as the "eyes and ears" of the court are critical.
- **The role of volunteers in monitoring is minimal, yet offers potential.** Fewer than 10 percent of respondents reported that their courts use volunteers for any monitoring function, despite the fact that some courts have used this potentially low-cost, high-return resource.
- **Court-community action on monitoring is infrequent, yet could enhance oversight.** Only slightly over 10 percent of respondents stated that the court collaborates with community groups on training, and only a quarter of respondents said that their courts are aware of and work intermittently with relevant community entities such as adult protective services agencies and long-term care ombudsman programs.
- **Funding for guardianship monitoring remains minimal**. Some 43.4 percent of respondents said that funding for monitoring is unavailable or insufficient. This critical funding gap affects every aspect of monitoring. Heightening the awareness of legislatures, county commissions, and other funding sources on the urgent need for monitoring resources is an important step in securing the welfare of vulnerable individuals under guardianship.

The full text of the report, as well as a two-page summary, can be found on AARP's Web site at: http://www.aarp.org/research/legal/guardianships/2006_14_guardianship.html. For more information, contact Naomi Karp at nkarp@aarp.org, or Erica Wood at ericawood@staff.abanet.org.

Bifocal invites the submission of manuscripts on legal issues of interest to bar association entities, private attorneys, state area agencies on aging, legal services projects, law schools, and others working in the law and aging network.

Bifocal is published bi-monthly (six times a year). Contact Jamie Philpotts at philpotj@staff.abanet.org for editorial guidelines.

Wisconsin Legislature Passes Major Guardianship Reform Bill

By Betsy Abramson

Wisconsin's new guardianship law, enacted in May 2006 and effective December 2006, is the work of a great number of dedicated members of the State Bar of Wisconsin's Elder Law Section and other advocates for nearly a dozen years. These practitioners corrected many problems with Wisconsin's current law. The statute is now reorganized, removes antiquated terms (e.g., "infirmities of aging"), and creates separate, specific criteria and standards for guardianships of persons and guardianships of estates. It also greatly improves due process; for example, the new provisions reverse the current presumption that all rights are removed unless a court specifically retains certain rights and more deference is given to previously-executed powers of attorney. The reforms specify in great and separate detail the duties and responsibilities of guardians of the person and estate and create a procedure for removal of a guardian, reinstatement of rights, and other post-appointment matters.

Many of the provisions are directed towards improving the guardian's performance. These include: (1) requiring the guardian ad litem to investigate and report on the proposed guardian's fitness to serve as guardian; (2) requiring the proposed guardian to sign, and for the court to consider, a sworn statement indicating whether the proposed guardian has ever been convicted of certain crimes, filed for or received bankruptcy protection, or had certain professional licenses or certificates suspended or revoked; (3) clarifying roles and responsibilities, including those actions that require prior court approval; (4) expanding the grounds for removing a guardian; (5) requiring annual reviews to include notice to and conversations with guardians; (6) permitting, in related legislation, someone other than a guardian to consent to medical examinations, and medical transportation for a ward where suspicions of abuse occur and the guardian is refusing consent; and (7) permitting individuals in addition to the guardian to pursue an individuals-at-risk restraining order.

Wisconsin's new law is such a major change to current guardianship law that the statute is being renumbered to signal to lawyers and the public the significance of the change. The law becomes effective December 1, 2006, and can be viewed at: http://folio.legis.state.wi.us/cgi-bin/om_isapi.dll?clientID=26156142&infobase=stats.nfo&softpage=Browse_Frame_Pg

Betsy Abramson is a member of the Elder Law Section of the State Bar of Wisconsin and a member of the ABA Commission on Law and Aging.

State Elder Bar Update

Elder Law Chairs Queried on Best (and Worst) Legislation Their State Passed in '05-06

Bifocal asked the chairs of state elder law sections and committees if there was any piece of legislation passed in the 2005-06 session that they—as elder law attorneys—were the most proud of? Conversely, was there any legislation that they had concerns about?

Here are there answers:

Catherine Stavely, chair, Elder Law Section, Maryland State Bar, responded that there was one "particular piece of legislation passed this session that was of great help." According to Ms. Stavely, "Senate Bill 369 updates the Health Care Decision Making Forms in the Health General Article of the Annotated Code of Maryland, Section 5-603, making them more understandable and less ambiguous for lay persons to fill out." The forms are being posted on the Maryland Attorney General's Web site.

In addition, Ms. Stavely noted that " the law also clarifies that the statutory surrogate decision-maker priorities apply if the named health care power of attorney is unavailable."

Kenneth C. Kirk, co-chair, Elder Law Section, Alaska Bar Association, wrote that as an elder law attorney he was "[b]oth proud of and concerned about the new Alaska Health Care Decisions Act, which should make improvements in living wills, end of life decisions, and related matters. However there are problems in the Act which have not been remedied yet (it was effective in 2005 and changes made in 2006 did not fix most of the problems)."

Mr. Kirk also expressed concern regarding Alaska's changes to "guardianship licensing laws, which took effect in 2005 and have reduced the number of private guardians available in an already sparse market."

And **John E. Nale, chair, Elder Law Section, Maine State Bar Association,** e-mailed this comment: Maine's "state legislature, as well as Congress through the Deficit Reduction Act of 2005, recently passed legislation that cut medical services to our poor, elderly, and disabled, the most vulnerable members of our society. The cuts are designed to save the state and federal governments billions of dollars. While reducing government spending is often seen as needed, cuts in these domestic programs took place while government corporate welfare continued to grow with the oil companies receiving billions in tax breaks, waived royalty fees, and tax credits. Where does it all end?"

Mr. Nale concluded by adding, "As my mother used to say, 'the rich are getting richer and the poor are getting poorer.'"

Bifocal welcomes the submission of news about your section's, committee's, or other organization's initiatives towards the delivery of direct legal assistance to older persons in your particular area, pro bono and reduced fee programs, community legal education programs, multi-disciplinary partnerships, and new resources that are helpful to professionals and consumers. E-mail Jamie Philpotts at philpotj@staff.abanet.org.

The Elder Abuse Listserve provides professionals working in fields related to elder abuse with a free forum for raising questions, discussing issues, and sharing information and best practices related to elder abuse. The goal of the listserve is to enhance

- efforts to prevent elder abuse;
- delivery of adult protective services; and
- responses of the justice and social services systems to victims of elder abuse.

The following professionals working in elder abuse or allied fields are eligible to subscribe to the listserve: adult protective services practitioners and administrators, aging services providers and administrators, educators, health professionals, judges, lawyers, law enforcement officers, prosecutors, policymakers, and researchers.

A request to subscribe must come from the individual who wishes to subscribe; no one will be subscribed at the request of another person. Your request must include all the following information in the body of the message: your e-mail address (even if it will appear in the "from" line of your e-mail), your name, your profession, a statement of your interest/expertise in adult protective services/elder abuse, the name of the organization for which you work (if applicable) and its address, and your phone number so that you can be contacted in the event of an e-mail problem. To subscribe, send an e-mail to the list manager Lori Stiegel at lstiegel@staff.abanet.org.

Lawyerly Conceits

Making the Stories of Our Senior Clients and Our Lives As Advocates Accessible Through Poetry and Prose

Lawyers are more than the sum of their academic degrees and professional experiences. Between a demanding work load and a plurality of professional obligations, many lawyers nevertheless have found an outlet in creative writing.

This new ***Bifocal*** column will showcase the often unseen talents of those who work in the law and aging field and have found a creative outlet in writing.

If you have written a poem or a prose piece, or have penned a book or movie review, or simply have an inspired observation, ***Bifocal*** welcomes the opportunity to share your work. For consideration, e-mail Jamie Philpotts at philpotj@staff.abanet.org.

In this inaugural column, we feature a poem by Oregon lawyer Ellen Mendoza. Ms Mendoza has worked as an attorney for Legal Aid Services of Oregon for 23 years and as a pro tem judge for domestic violence restraining orders from 1994-2004. Her work has often served as an inspiration for her poems.

Why We Work at Legal Aid

This is just a job for pay,
avoiding heavy lifting and most carcinogens
suffering only the secondhand furniture
and the pain of the papercut.

There is no right way to do this well,
just the stories haunting us
and how we retell them at dinner
one night with humor, another with sorrow.

We try not to feel too noble
in our symbolic commiseration,
no matter how wretched our clients
we go home at the end of the day.

We have our theories about making a difference
and moments of triumph,
the verdict, the thank you, the vote, the money
but in the end we will work for the food of belief.

I have labored happily under that spell,
swimming into the endless sea of circumstance
without sight of a farther shore,
trusting my natural buoyancy and strength of heart.

—Ellen Mendoza

The Parallels Between Undue Influence, Domestic Violence, Stalking, and Sexual Assault

By Bonnie Brandl, Candace J. Heisler, and Lori A. Stiegel
***Journal of Elder Abuse and Neglect*, Vol. 17, No. 3, 2005**
The Haworth Maltreatment & Trauma Press

The dynamics of undue influence (UI) have many similarities with domestic violence, stalking, and grooming behavior used by some sexual predators.

In the most recent issue of the *Journal of Elder Abuse and Neglect* (Vol. 17, No. 3, 2005), authors Bonnie Brandl, Candace J. Heisler, and ABA Commission Associate Staff Director Lori A. Stiegel examine the circumstances of undue influence and draw seven parallels between UI and domestic violence, stalking, and grooming behaviors. The article is intended to help practitioners—particularly law enforcement investigators and prosecutors—better recognize UI as both a process and pattern of tactics often used in financial exploitation cases. Understanding the dynamics of UI will help professionals appreciate the responses of victims and the manipulative nature of exploiters. In addition, strategies that have been used effectively with domestic violence, stalking, and some sexual abuse cases may provide remedies for victims of UI and criminal justice options for holding perpetrators accountable.

Enhanced awareness of these dynamics should lead to improved investigations, more effective strategies when interviewing and working with victims, and more successful prosecutions of perpetrators who use UI to financially exploit an older person.

The article includes case examples, tables, and charts.

The *Journal of Elder Abuse and Neglect* is the official publication of the National Center on Elder Abuse. Copies of this article are available, for a fee, from The Haworth Document Delivery Services: phone: (800) Haworth; e-mail: docdelivery@haworthpress.com; or online at: http://www.HaworthPress.com.

Inside the Commission

A Summer Internship at the Commission

Abigail Petersen is the ABA Commission's Nancy Coleman Summer Intern for 2006. Abigail is a third-year law student at St. Louis University School of Law, where she is pursuing a health law certificate from the school's top ranked health law program. Abigail will graduate in May 2007 and is seeking opportunities to advocate for the health and legal needs of elders.

> I can't say enough about how much I enjoyed my experience with the ABA Commission on Law and Aging staff. The Commission really values its interns. On the personal side, everyone in the office is extremely friendly and very helpful. On the professional side, everyone in the office is an expert in his or her field. I learned volumes this summer, and I also learned the importance of representing the interests of senior citizens.

An exciting part of the internship was keeping abreast of important issues in elder law. I attended numerous Congressional hearings and briefings in both the House and Senate, as well as attending many presentations by various members of the Commission staff. The people who work in the health and aging policy network in Washington are a great group. By the end of the internship, I got to know so many people that I was able to recognize and greet familiar faces when I attended meetings in the city.

The survey that I worked on concerning surrogate decision-making standards across the 50 states, and the corresponding paper that I wrote, was a challenge—but in a positive way. Both are products of which I am extremely proud. I hope it will be a valuable contribution to the field of elder law and policy. As a student, it is wonderful to have produced something valuable with my summer. I wholly enjoyed my internship with the ABA Commission and I recommend it to others seeking experience in policy and elder law.

—Abigail Petersen

Learn more about student internship opportunities with the ABA Commission on Law and Aging on the Web at http://www.abanet.org/aging/internship.html.

Resources/Guardianship

State-Level Guardianship Data: An Exploratory Survey

Guardianship is a critical protection for at-risk, frequently elderly individuals. However, it is also a drastic intervention in which the guardian is given substantial and often complete authority over the lives of vulnerable wards. Press accounts have detailed significant instances of malfeasance and exploitation. Yet, basic data on guardianship is scant, offering courts, policymakers, and practitioners little guidance for improving the system. Learn more about the kinds of guardianship information reported and maintained at the state level in this ABA Commission report, commissioned by NCEA. **Access the full report at: http://www.elderabusecenter.org/pdf/publication/GuardianshipData.pdf.**

Wards of the State: A National Study of Public Guardianship

Public guardianship is the appointment and responsibility of a public official or publicly-funded organization to serve as legal guardian in the absence of willing and responsible family members or friends to serve as, or in the absence of resources to employ, a private guardian.

Since the 1960s, states and localities have developed a variety of mechanisms to address this "unbefriended" population. *Wards of the State: A National Study of Public Guardianship*, a report by the University of Kentucky and the ABA Commission on Law and Aging, marks the first nationwide examination of public guardianship in 25 years. **Access the full report at: http://www.abanet.org/aging.**

What Every Judge Needs to Know About Capacity Assessment in Guardianship Proceedings

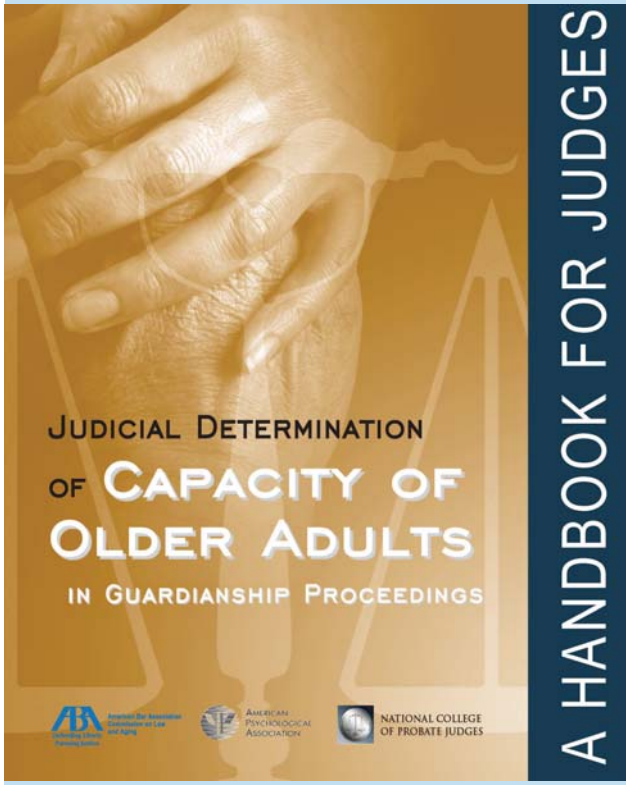
What This Handbook Gives You:

- A quick guide to the "Six Pillars of Capacity Assessment," essential to a full and accurate assessment of capacity.
- Practical explanation of the "Five Key Steps in Judicial Determination of Capacity."
- An easy to read, 42-page, 8.5" x 11", coil-bound for flat-page-opening, format.
- Links to expanded information, work sheets, model forms, and fact sheets available online at no charge. The format provides a layered information approach that enables you to go as far as you need to on any aspect of capacity assessment.
- Practical tools that will equip a wide audience of judges to conduct any form of guardianship proceeding more effectively, improve communication with healthcare professionals, creatively use less-restrictive alternatives and limited guardianships, and accommodate disabilities of older adults in ways that will enhance capacity.

An online, expanded version of the book is offered on the Web site of the ABA Commission on Law and Aging at http://www.abanet.org/aging. The online book is in an MSWord format, with "live" links throughout to related model forms and additional resources ready to download for use.

A print version of the book is available for $25 from the ABA Commission on Law and Aging. Bulk rates are also available. E-mail your request to abaaging@abanet.org; phone (202) 662-8690; or send a check with completed order form, below.

A User-Friendly Handbook Written Especially for Judges



Developed by the experts at the:
ABA Commission on Law and Aging,
American Psychological Association,
and National College of Probate Judges

❑ Please send me _____ copy/copies of :
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