This article provides a general overview of the Israeli Guardianship Act. The article introduces the general provisions of the Act and suggests revisions, including due process rights, monitoring and training for guardians, and legal alternatives to guardianship. The article examines the Act’s provisions, but not its implementation by the courts. There have been few empirical studies in Israel about guardianship. One study, conducted in 2001-2002, examined 532 cases of adult guardianship in the north region of Israel. That study concluded that in all of those cases the wards never appeared in court, they were not represented by attorneys, and there were no hearings with evidence. This demonstrates the implementation of the Israeli Guardianship Act’s provisions.

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Won’t You Take a Brief Survey About Our Work?

The mission of the ABA Commission on Law and Aging is “to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care of elders.” We do this, in part, by helping you in your work to provide legal services, and advocate for and on behalf of older Americans.

Won’t you take a moment to complete a brief survey on our work and services?

Your feedback and input are important to us in developing our work plan. The survey should take less than 10 minutes to complete.

Click on this link to start.
https://abanet.qualtrics.com/SE?SID=$V_0wk79Y1IFvFVtBO

The Survey will remain open through July 15th, 2010.
Virginia Elder Rights Coalition Renames Award in Honor of Erica F. Wood

By Jamie Philpotts

In April, the Virginia Elder Rights Coalition announced the re-naming of their annual award to recognize the work of an exceptional elder rights advocate to the Erica F. Wood Elder Rights Award. The award was re-named to honor Erica’s three decades of tireless advocacy and work in Northern Virginia and throughout the state to promote elder rights.

Erica Wood is the assistant director of the ABA Commission on Law and Aging. She has been associated with the Commission since 1980, where she has focused on issues concerning adult guardianship, legal services delivery, dispute resolution, long-term care, and access to court. Prior to the ABA Commission, Erica served as staff attorney at Legal Research and Services for the Elderly at the Nat’l Council of Senior Citizens. She has been associated with the Commission since 1980, where she has focused on issues concerning adult guardianship, legal services delivery, dispute resolution, long-term care, and access to court.

Prior to the ABA Commission, Erica served as staff attorney at Legal Research and Services for the Elderly at the Nat’l Council of Senior Citizens. She has been associated with the Commission since 1980, where she has focused on issues concerning adult guardianship, legal services delivery, dispute resolution, long-term care, and access to court. Prior to the ABA Commission, Erica served as staff attorney at Legal Research and Services for the Elderly at the Nat’l Council of Senior Citizens.

“All of us who work with Erica know that she uses her gentle, positive approach to advocacy in a tireless, beguiling, and effective way,” said Charlie Sabatino, director of the ABA Commission on Law and Aging. “We have a real sense of satisfaction in seeing her dedication honored.”

At the April Virginia Guardianship and Elder Rights Conference in Richmond, Va., esteemed elder law attorney Kathy Pryor, of the Virginia Poverty Law Center, announced the re-naming of the award in Erica’s honor. Ms. Pryor noted Erica’s “long and illustrious history of promoting elder rights in Virginia,” and included in her remarks a few highlights of Erica’s accomplishments on behalf of older adults, including:

• Erica’s guidance as chair of Virginia’s first Elder Rights Task Force, which steered the move of the Long-term Care Ombudsman program out of state government to a non-profit agency in 1995, and whose recommendations have served as the blueprint for Virginia over the past 15 years for the LTC ombudsman program, legal services for the elderly, insurance and benefits counseling, and the prevention of elder abuse, neglect and exploitation;

• Erica’s training of the Arlington Health Center Commission on establishing local community advisory councils to improve the quality of care for nursing home residents;

• Erica’s work to help create the Northern Virginia Aging Network’s state legislative platform since 1983, which has included guardianship reform and enforcement of nursing home standards;

• Erica’s service for six years on the Arlington Comm’n on Aging, five years on the Advisory Council to the Arlington Agency on Aging, six years on the Arlington Long-term Care Residences Comm’n, the term of the Arlington Elder Readiness Task Force, six years on the Virginia Advisory Board of the Public Guardianship and Conservatorship Program, untold years of service on the VERC board, six years on the Commonwealth Council on Aging, several years on the State Long-term Care Ombudsman Program Advisory committee—all as a volunteer and on her own time!

Ms. Pryor concluded by describing Erica as “truly, an unsung hero in the elder rights arena” and announced that the Virginia Elder Rights Coalition is very proud to re-name the Elder Rights award in future years for Erica F. Wood.”
Inside the Commission

ABA Commission Welcomes Summer Interns

Amy Gioletti and Martina Mills, 2010 summer law interns.

The ABA Commission on Law and Aging is pleased to announce this year’s summer interns, Martina Mills and Amy Gioletti.

Martina Mills is a third-year law student at William & Mary School of Law in Williamsburg, Virginia. She is on the Public Service Fund Board, Journal of Women & the Law, and is the notes editor for the Business Law Review. While in law school, Ms. Mills participated in a wills-for-seniors program that provided advanced directives, power of attorney, and wills for low-income clients. In addition, she interned with the William & Mary Office of Gift Planning managing charitable giving and estates in probate. Prior to law school, Ms. Mills received her M.A. in public affairs & rhetoric from Purdue University and a B.A. from Loyola University New Orleans. This summer she is researching the barriers that states encounter when implementing Physicians Orders for Life-Sustaining Treatment (POLST) with ABA Commission Director Charlie Sabatino.

Amy Gioletti is entering her third year of law school at the University of Tulsa College of Law in Tulsa, Oklahoma. She is enrolled in the health law certificate program and is the secretary of the Law and Medicine Society. During her second year of law school, Amy completed two semesters in her school’s legal clinic and was awarded several “Excellence for the Future Awards,” including awards for elder law and health law courses. Ms. Gioletti also completed the first ever health law externship with the Center for Medical Genetics at St. Francis Hospital in Tulsa, Oklahoma. Upon graduation, Ms. Gioletti hopes to provide legal services to elderly and low-income individuals and help them gain access to health care and other social services. This summer, she is working with ABA Commission Assistant Director Erica Wood on a review of guardianship statutes across the 50 states, as well as a literature review.

Employment Opportunity

The ABA Commission on Law and Aging has posted a job opportunity for a Staff Attorney 1 (Salary - mid-fifties) position in Washington, DC.

This position provides grant-funded project support in the form of research, writing, editing, implementation, and monitoring in connection with multiple projects under the supervision of a senior attorney. Specifically, duties will include:

• Conducting legal or other research
• Writing memoranda, reports, resource materials, presentations, or articles
• Providing substantive advice, information, policy analysis, and technical assistance.
• Tracking and analyzing laws, regulations, court rules and policies/policy proposals; preparing memoranda on law or public policy; and providing guidance to the Commission and other entities;
• Providing project support and management on multiple projects, including managing advisory groups or conference events, and listserv and Web-based communications support;
• Coordinating or supporting member sub-groups or advisory committees;
• Managing interns/externs;
• Giving presentations and/or teaching legal and public policy issues; designing substantive content of events, developing model documents, and trainings;
• Assisting in the development and use of technological legal tools and communications vehicles, utilizing the internet and other mediums;
• Other related duties as assigned.

Education: Doctoral Degree (JD, PhD)
Experience: Requires JD and bar admission in at least one jurisdiction; 0-3 years legal experience; outstanding communication/organizational skill; ability to exercise independent judgment. May occasionally conduct attorney trainings and plan/host conferences.

To learn more or to apply, visit online: http://new.abanet.org/hr/
Guardianship in Israeli Law

Continued from page 101

The Israeli Guardianship Act–the Legal Context

The Hebrew word for guardian is *apotropos*, which comes from the Greek word *epitropos*. The definition of *apotropos* is someone who is in charge of care for another person.3

The Legal Capacity and the Guardianship Act was established in 1962 (hereinafter: the Guardianship Act).4 In addition, the Ministry of Justice promulgated the “Guardianship, Proceedings and Implementation Regulation” (hereinafter: the Guardianship Regulation).5 The Guardianship Act and Regulations determine the rules of legal capacity, the legal relationship between minors and their parents, and appointment of guardians for adults. This Act and its Regulations belong to group of statutes which protect the elderly by social intervention and are part of the “multi-dimensional model.”6 The model was created by Dr. Israel Doron, Israeli elder law scholar, in order to identify all of the Israeli statutes linked to the elderly in Israel. The model categorized the statutes by their attitudes toward the elderly. The protective group of acts is characterized by a paternalist approach to the elderly.7 The Guardianship Act, among other protecting statutes, can be use as an instrument by the state to interfere in the lives of the elderly when they are at risk and they do not want or cannot protect themselves anymore.8

The Guardianship Act is relatively old and was created in a young country with a mainly young population.9 Since its establishment, the Guardianship Act has not had fundamental amendments, despite the increasing number of elderly in Israel and the influence of this Act on their lives.

Principal Provisions of the Act

Capacity Determination

The Guardianship Act has a capacity presumption, which presumes all adults above the age of 18 have legal capacity. Legal capacity gives them legal obligations and legal rights.10 The Guardianship Act calls the alleged incapacitated individual a “ward” even before the court’s determination of incapacity. Even when only a petition has been submitted to court and the facts are not yet proven, the individual in question is called a ward during the proceedings.11 It is only terminology, but it represents the paternalist approach of the Act. It is as if you are “convicted” before the trial has started.

The court may appoint a guardian for an “individual who cannot—temporarily or permanently—handle his or her interests, all or some, and there is no one else that is authorized and wants to do it.”12 The Guardianship Act does not specify how the court should determine who is a person who cannot handle his or her interests. Moreover, the Act does not have provisions concerning evidence on which the court is to base a determination about legal capacity. It is all within the discretion of the judge.

Procedure

A family member can ask for guardianship, as can the general attorney from the Ministry of Justice by its agents.13 The petition is submitted to the family court. This court has special jurisdiction over family matters, including divorce, child custody, adoption, wills, and guardianship.14 The petition must specify the name of the future ward, the relevant facts, and attach a signed formal statement.15 The petitioner can make a suggestion for who is to be guardian. If so, the petition must include the name and the consent of the future guardian. If the reason for the guardianship is a medical or physiological condition, the petitioner must submit a doctor’s certification about the ward’s condition.16

The court can appoint a guardian who is an individual, corporation, or the State General Guardian from the Ministry of Justice.17 (The General Guardian’s main role is to monitor guardians, but it can also be appointed to serve as guardian.) In 2008 the General Guardian stated that the office supervised over 13 guardianship corporations.18 The guardianship corporations include non-profit organizations or for-profit firms. In general, the corporations have employees who visit the wards (visitors). As reported by the guardianship corporations, on average they visit the ward twice a month. In addition, some of the corporations employ social workers who oversee the visitors.

Carmit Shay is an Israeli elder law attorney who joined the ABA Commission as a law intern in October 2009 through April 2010. She currently is an LL.M. student at American Uni-
The court has discretion to determine the scope of the guardianship. For example, the court can decide that the guardianship will be for a limited time. Also, the court might limit the duties of the guardian. For example, the guardian may be responsible only for medical treatment decisions, or the guardianship may be only for financial issues. With respect to the relationship between the guardian and the ward, the guardian needs “to act in favor of the ward like a devoted person would act,” and especially to avoid conflict of interest. Also, the guardian should determine what the ward wants, if the ward can understand and can express an opinion. However, according to the provisions of the Act, taking into account what the ward wants is discretionary with the guardian. The Act does not provide that the guardian has to consider those wishes. On the other hand, the ward has the duty to follow to the guardian’s instructions. On specific actions, which can cause severe financial damage to the ward, the guardian must receive the court’s approval in advance. These actions include sale of the ward’s house, giving a guarantee in the name of the ward, giving irregular gifts from the ward’s assets, and any other action that the court determines in the appointment order. The guardian needs to submit a report to the General Guardian about the ward’s assets 30 days from the appointment. Also, the guardian must submit an annual report about the ward’s assets and finances to the General Guardian in Israel. Finally, a termination of the guardianship will be in the event of the ward’s death, the restoration of the ward’s legal capacity.

Three Issues That Need Revision in the Israeli Guardianship Act

Due Process

The ward has one right that is specifically mentioned in the Act, the right to be heard in court before the appointment of the guardian. Nevertheless, this right is subject to the court determination of whether the ward is able to be present. The court may hear the future ward, not shall. This provision is discretionary with the judge, as to whether the future ward can understand the issue. However, due process starts with notice concerning participation in the proceedings and, therefore, if the ward is not notified of the hearing, the ward cannot defend his capacity and his basic civil rights. In 2003 the State Comptroller and Ombudsman in Israel examined the policy of the family courts not notifying the future wards about participation in the proceedings. In the report, the State Comptroller recommended that the family courts should send summons and include the ward as a defendant in the guardian proceedings.

However, even if the future ward is notified, how will his voice effectively be heard? In the Act there is no provision for requiring appointment of an attorney or for a petition requesting appointment to represent the future ward in the proceedings. Representation is important especially in cases when the family thinks that the best interest of an elderly parent is guardianship. The special social worker from the Ministry of Social Affairs and Social Services does not represent the future ward. The social worker is the court’s agent to collect and provide information about the future ward’s situation. The social worker’s report and recommendations might reflect the future wards wishes, but is not required to do so.

Thus, the ward does not have the same opportunity for participation in the procedure like the other parties. The Israeli Guardianship Act leaves the ward’s right to due process to the discretion of the family, the proposed guardian, and the judge. They can all derogate this basic right by their own discretion. Because the ward can lose basic rights to control over his or her life, effective participation in the proceeding is very important. The ward’s presence and zealous representation...
Alternatives to Guardianship in the Act

The Guardianship Act does not have provisions that guide the judge to choose less restrictive means. The Act itself has no other legal options than guardianship. By looking at the Israeli laws, in general, there are very limited legal alternatives to guardianship. The alternatives are more developed in health decision issues than in financial issues. For example, there is an option to make a durable power of attorney for health decisions and to make advance directives for terminal illness situations. In the financial aspects an individual can create a power of attorney document, but the widespread interpretation of the law is that the document will be invalid when the creator no longer has legal capacity. In some cases the National Insurance Institute of Israel appoints a representative payee for social insurance benefits for a person who cannot collect or manage his benefits.

Nevertheless, the judges could be more creative in implementing the provisions of the Guardianship Act. The judges can limit the duration of the guardianship, can limit the scope to health or financial issues only, or can order any other scope that would be less than absolute guardianship.

Another alternative to court appointment of a guardian might be through interpretation of the “guardian de-facto”, a little known legal concept. The Guardianship Act provides that appointing guardians for individuals will be only in cases in which a person cannot take care of himself and there is no one that is able and wants to do it. Thus, the Act provides legal recognition to individuals who act as de facto guardians without official order. This might frequently happen when caregivers, such as an adult child or a partner, are taking care of an older person. This provision can be relevant for many situations where the elderly are taken care of by supportive families or friends. In those cases the court could avoid formal appointment of a guardian. But this interpretation is not common and the court appoints guardians in many of those cases.

The use of guardian de-facto has consequences, as well, because it gives power to control the ward’s life without capacity determination and monitoring. This power might be used as abuse and unnecessary control over individuals.

In addition, in appropriate cases when the future ward does not have other income or assets besides National Insurance benefits, and the ward needs financial management only, the court can order the National Insurance Institute to appoint a representative payee instead of a guardian.

Need for Monitoring and Training of Guardians

The Guardianship Act and the Guardianship Regulation order the guardian to submit an annual report on the ward’s financial affairs to the General Guardian. The General Guardian receives those reports, and can decide in each case how the office will examine the report. The provisions of the Guardianship Act and the Regulation give the financial issues central place in the report. The provisions do not require any information about the social welfare of the ward. Indeed the General Guardian provides oversight mainly on the financial management and not on the care of the ward.

In 2007 the General Guardian stated that the office is considering establishment of a supervisor unit that will monitor guardians in regard to their performance in health and personal care actions. The General Guardian suggested a one-year pilot of this unit in order to check its effectiveness. As of this year, the pilot unit has not yet been established.

The Guardianship Act and regulation does not have provisions about training for guardians. In 2003 the State Comptroller concluded that in that year only 60 guardians out of 16,000 in one district received training. The State Comptroller recommended that the General Guardian send an informational guide to all guardians and provide a guardian training program. The General Guardian has not provided training programs, but sends to new guardians a guide with instructions and published the guide on the General Guardian Web site.

Although the State Comptroller statements are important, they are recommendations only. It would be helpful if the Act included provisions that require the General Guardian to provide training, and the guardian to receive training. The training should ensure that the guardians have the tools to provide good treatment for the wards. The provisions for monitoring and training in the Guardianship Act are especially important because a guardianship can be established without considering alternatives and with minimal due process rights.

Conclusion

The Guardianship Act in Israel is relatively old and expresses a paternalistic approach. The legislators in Israel should consider changes in the Act such as alternatives to guardianship, expanded due process rights, and requirements for training and monitoring of guardians. Those changes can be made by amendments to the Act or by more comprehensive reform.
In the meantime, the courts can use broad discretion in implementing the Act’s provisions. The courts may interpret the Act’s provisions to emphasize less restrictive alternatives and this approach might lead the courts to avoid unnecessary guardianship. Even if the Act is not amended, the court should expand the due process rights by interpretation. The court should require notice to every future ward in each case and limit the future ward’s absence from the hearing to exceptional circumstances. In addition, the court should consider in each case ensuring legal representation for the ward. If the ward cannot afford legal counsel, the court can increase the future ward’s absence from the hearing to exceptional circumstances. If the court is amending the Act, it should expand the court’s supervision of the ward.

The court should require notice to every future ward in each case and limit the future ward’s absence from the hearing to exceptional circumstances. If the court is amending the Act, it should expand the court’s supervision of the ward.

## Notes

2. Id. at 67-68.
5. Id. at art. 33 in the Guardianship Act. The Legal Capacity and the Guardianship Regulation, 5730-1970.
6. This model can be used in general elder law jurisprudence, not only in Israel. See Israel Doron, Theories on Law and Ageing - The Jurisprudence of Elder Law 59 (Springer 2008). For the model in Israel, see Israel Doron, A Multi-Dimensional Model of Elder Law: An Israeli Example 28 Ageing International 242, 247-248 (2003).
8. Id.
10. Art. 1 & 2.
11. Art. 80.
12. Art. 33 (a) (4). The quotation is a translation from Hebrew by the author.
13. Art. 33 (b) and art. 80.
15. The Guardianship Regulations at art. 6.
16. Id. at article 7.
17. The Guardianship Act, art. 34.
21. Id. at art. 70.
22. The Guardian Act art. 35 (a).
23. Id. at art. 47.
24. Id. at art. 41 & 48. The quotation is the author’s translation from Hebrew.
25. Id. at art. 42.
26. Id. at art. 43.
27. Id. at art. 47.
28. Id. at art. 51 & 53.
29. Id. at art. 60, 61, 62, 63.
30. Id. at art. 36.
31. Id. at art. 36.
33. Id.
37. Doron, supra n. 1, at 74.
38. The Guardianship Act, at art. 39.
39. Id. at art. 67.
40. Id. at art. 33 (a)(4)
41. Doron, supra n. 1, at 66.
42. The Guardianship Act, at art. 51&53.
43. The Guardianship Regulation, art. 15 D.
44. The State Comptroller Annual Report, supra n. 26, at 672.
46. Id. at 670.
47. Id. at 670-671.
49. In 2008 the Advising and Legislation unit in the Ministry of Justice in Israel made a draft of amendments to the Guardianship Act in Israel. The amendments included durable power of attorney for personal and financial matters, and a general provision to choose the less restrictive alternatives before appointing guardian. As of yet, the draft has not been submitted to the Knesset (the Israeli Parliament). Thus, there is no progress toward a change in the Guardianship Act.
50. Doron, supra n. 1, at 75.
Recommended Reading

Passages in Caregiving: Turning Chaos into Confidence

By Gail Sheehy
William Morrow: 2010. 396 pp
$27.99 (hardcover)
ISBN: 978-0-06-166120-4

Review by David Godfrey, Senior Attorney, ABA Commission on Law and Aging

This book is written straight from the heart of a caregiver. Gail Sheehy was inspired by her experience caring for her husband for over 17 years—through four battles with cancer, an extended period of chronic illness, and, finally, his death.

The book describes in detail eight stages or “passages” common to caregivers from “shock and mobilization” when they first learn of a serious illness to the “long goodbye” at the end of life.

She offers practical advice on obtaining desired health care and blunt criticism of the shortcomings in services and supports necessary to help people maintain their dignity and autonomy in health care, healing, living with chronic illness, and dying. Sheehy offers advice on finding appropriate medical care, how to work with health care providers, and the importance of not trying to fly solo through the passages of caregiving.

I would recommend this book to anyone, including family members and friends, who may find themselves one day in the position of caregiver. Practitioners seeking an understanding of the journey of caregivers also will find the book helpful.
Guardian Resources

Adult Guardianship Education and Training Videos and DVDs

By Danielle Valdenaire

The following is a list of adult guardianship education and training videos and DVDs, as compiled by the ABA Commission on Law and Aging. The videos and DVDs are first listed in state alphabetical order, with additional general resources at the end. If your state, court, or organization has a guardianship video or DVD resource that you would like to add to this list, please e-mail Erica Wood at ericawood@staff.abanet.org.

State Specific Videos, DVDs

- **Becoming a Guardian or Conservator in Alaska.** Alaska State Association for Guardianship and Advocacy (ASAGA). 50 minutes. A judge and association president describe the guardianship process and guardian duties as illustrated in various settings and examples. Different guardians describe their specific situations and problems. Explanations are clear and easy to understand, even without a background on the topic. Can be viewed online at: http://www.courts.alaska.gov/guardianship.htm (a PDF document complementing the video and frequently updated is also available at http://www.courts.alaska.gov/forms/pg-510.pdf).

- **With Heart: Understanding Conservatorship.** Alameda County Bar Association. 20 minutes. Developed in conjunction with the California Handbook for Conservators, this video details the process of establishing a conservatorship (California terminology of adult guardianship), and shows several conservators as they go about their tasks. The video is free and available online at: http://www.courts.alaska.gov/forms/pg-510.pdf.

- **Guardians and Conservators for Adults.** Judicial Branch of Georgia. 30 minutes. A “professor” is giving a lesson to the different people involved in the guardianship process. After defining the role of a guardian and explaining guardianship duties, a special emphasis is given to handling finances. All through the lesson, the listeners ask relevant questions, making the video lively and interesting. The speaker suggests various solutions for specific problems. The video is free and available online at: http://www.gaprobate.org/guardianship.php.

- **Adult Guardianship in Illinois.** Illinois Guardianship & Advocacy Commission. 17 minutes. This video was developed with a grant from the Illinois Department of Human Services’ Office of Developmental Disabilities, with assistance from Equip for Equality, Inc. (the Illinois Protection & Advocacy agency). The video tells the stories of three individuals and their families, with the intent to educate family members of individuals with disabilities about adult in dealing with nursing homes, attorneys, and the paperwork involved. The focus is the care, dignity, protection, and nurturing of the incapacitated person, as well as meticulous handling of the assets. The court process of monitoring and the role of the court investigator are portrayed. Watch it online at: http://www.courtinfo.ca.gov/programs/equalaccess/conserv.htm or contact the Alameda County Bar Association, 360 22nd St, Suite 800, Oakland, CA 94612, phone (510) 893-7160 or fax (510) 893-3119. The video is $30 plus $5 shipping and handling, but free online.

- **What Do I Do Now?** AARP. 8 minutes & 20 seconds. Designed as part of series on practices for DC courts to use in a video kiosk in the clerk’s area of the courthouse. Contact Pam Johnson at the National Training Project, AARP Foundation, 601 E Street N.W., Washington DC 20049, phone (202) 434-2118. The video is available for loan only.
Adult Guardianship Education and Training Videos and DVDs

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guardianship and alternatives. Contact the IGAC intake unit at (708) 338-7500. The video is free.

• **Guardianship: The Hidden Issues.** Massachusetts Guardianship Task Force. An engaging judicial training video, in which actors portray the complexities in a guardianship case. Between each scene, questions are presented for interactive judicial discussion. While produced for judges in the state of Massachusetts, it works for other audiences as well, and with introductory explanations, can be used in other states. Contact Judith Lennett, Executive Director, Northnode, Inc., phone (617) 522-8755, by email: Indra@northnode.org or on the Web at www.northnode.org. The video is $50.

• **Guardianship and Conservatorship.** Michigan Guardianship Association. This DVD package includes three informative videos about the duties, practical concerns and procedural steps involved in becoming and serving as a guardian or conservator. The three video programs feature unscripted commentary from family and agency guardians/conservators. The three include: (1) “Introduction to Guardianship and Conservatorship” (13 minutes) defines roles and presents procedural aspects of appointment along with practical, emotional and ethical issues; (2) “Serving as Guardian” (10 minutes) further explains responsibilities, reporting duties and practical concerns in providing ward’s care, supervision and rehabilitation; and (3) “Serving as Conservator”(11 minutes) addresses prudent decision-making concerning the individual’s property and financial affairs, including advice on record-keeping, money management, and reporting requirements. To order a copy of the DVD, see: http://www.michiganguardianship.org/dvd/. A written manual supplementing the DVD is available from the Michigan State Court Administrative Office at http://courts.michigan.gov/scao/resources/publications/manuals/guardianship.pdf.

• **New Mexico Guardianship Video.** New Mexico Guardianship Association. 9 minutes each. Two fairly short videos, one on guardianship and the other on conservatorship, giving good definitions and explanations of the specific duties of the guardian and of the conservator. Gives examples of difficulties commonly faced. Good as a first introduction for those with no prior knowledge on the topic. The videos were produced in 2008. Both are available in Spanish. The New Mexico Guardianship Association Web site is easy to navigate. Both videos are available online and free at: http://www.nmgaresourcecenter.org/guardianship/; http://www.nmgaresourcecenter.org/conservatorship/.

• **Guardianship.** New York State Bar Association. 30 minutes. This video explores New York State guardianship laws and includes the role of the New York Mental Hygiene system. The video highlights the key elements in the guardianship process. The video primarily focuses on New York laws and practices. The examples faced by a family in the process are used to clearly highlight what guardians need to do. Contact the New York Bar Association on the Web to order your copy of the film: http://www.nysba.org/AM/Template.cfm?Section=Home&Template=/Ecommerce/ProductDisplay.cfm&ProductID=1292. The video is $25. No DVDs are available.

• **Becoming a Guardian.** North Carolina Governor’s Advocacy Council for Persons with Disabilities. 19 minutes. The video follows the path of James Doe, petitioning to be his sister’s guardian. The video is divided into four parts. The “Introduction to Guardianship” presents the different types and levels of guardianship. “Filing for Guardianship” details the procedures to follow to establish a guardianship. “The Hearing” presents the court proceeding for appointment of a guardian and describes the responsibilities of guardianship. Written transcriptions on the screen through the video highlight important aspects. Contact the North Carolina Administrative Office of the courts to request a copy of the video at http://www.nccourts.org/Support/FAQs/FAQs.asp?Type=15&language=1. The video is not available as a DVD.
• **The Guardianship Process.** North Carolina Governor’s Advocacy Council for Persons with Disabilities. 30 minutes. This video is similar to the video described above, but is primarily directed to professionals, including court clerks and individuals interested in recent changes in North Carolina law. Although it is sometimes very technical, it nonetheless presents the basics about guardianship. The video is divided into five parts following the process of James Does petitioning to be his sister’s guardian. First is an “Introduction to Guardianship,” which presents basic information about the types of guardianship. Second is “Pre-Hearing Considerations,” giving special emphasis to the roles of court clerks and other professionals involved in the process, with key statutory references. The third part is “The Hearing,” which demonstrates the court proceeding, including the role of the court clerk. The fourth part is “Accountings and Post-Appointment Issues,” followed by “Restoration to Competency.” Order the video from the North Carolina Administrative office of the Courts at: http://www.nccourts.org/Support/FAQs/FAQs.asp?Type=15&language=1 (usually cannot be ordered without the Becoming a Guardian video).

• **A Guardian’s Helping Hands.** Trumbull County, Ohio, Probate Court. 16 minutes. This video uses three common scenarios to give prospective guardians an idea of what a guardianship involves and how it can help in certain situations. The scenarios include an adult son whose mother has had a stroke and is not expected to regain full mental capacity; an adult daughter whose elderly father has dementia and wanders; and a grandmother who was appointed guardian of a minor with developmental disabilities, who is about to turn 18 and, thereby, needs a new “adult” guardianship. The video provides an overview of guardianship and explains the process for how a person becomes a guardian. It provides examples of what the “typical” first year for a guardian is like as far as forms and requirements. It describes also the services and resources offered by the Trumbull County Probate Court. The video can be downloaded, for free, from the Trumbull County Probate Court Website at http://www.trumbullprobate.org.

• **Instruction for Guardians.** Spokane County, Washington, Guardianship Monitoring Program. 14 minutes. A court commissioner answers questions about guardianship and gives clear explanations. Focuses on both adults and minors. A PDF text version of the script is also available. See online at: http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.display&fileName=guardianInstructionVideo.

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New! Special Dues Rates for Legal Aid Attorneys, Government Attorneys, Judges, and Solo Practitioners in Private Practice

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The American Bar Association represents the best interest of lawyers on a national level—in the courts, in legislatures, in the media, and even in the classroom. Our goal is to serve each and every lawyer, each and every day, by protecting attorney-client privilege, lobbying for protection of legal services funding, educating potential clients on the benefits of legal advocacy, working for more work/life balance, and more.

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Adult Guardianship Education and Training Videos and DVDs

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General Guardianship Videos and DVDs

- Adult Guardianship Mediation: An Introduction. The Center for Social Gerontology. 30 minutes. The video tells the story of a 75-year-old man who lives in his own home with his daughter and her two children. His son is concerned about his situation and his sister’s management of financial matters. After consulting an attorney and realizing that a contested guardianship could destroy the family, the son decide to use mediation to resolve the problem. In the video, segments of the mediation sessions are shown step by step and illustrate the mediation process. This video is directed to attorneys, social workers and other professionals, but also is helpful in raising awareness of the mediation option for families. TCSG states that the video “can be shown by mediators, courts, attorneys, and others to people who are facing conflicts arising out of guardianship petitions and related matters. Although some Michigan terminology is used, the presentation is general enough to be of valuable use in other jurisdictions as well.” To order the video visit online: http://tcsg.org/mediation/video.htm, or call (734) 665-1126. Price: $50

- Guardianship Videos Series—Informing Families, Building Trust. Three videos, approximately five minutes each. Those videos focus particularly on people with developmental disabilities. The presentations are dynamic, straight to the point and very clear, with a backdrop of music. The first part, “What Is Guardianship?” includes various speakers giving the basics. The second part “Guardianship and Alternatives to Guardianship” presents less restrictive options. The third part is about “Guardianship and Individual Rights,” and emphasizes ways of enhancing the rights, choices and participation of individuals under guardianship. The videos were released recently and are broadcast on Youtube at: http://www.informingfamilies.org/Page.aspx?nid=72.

- Living Well: Guardianship and Probate Court. U.S. Health Care Financing Administration (currently the Centers for Medicare and Medicaid Services in DHHS). This older video, featuring discussions on guardianship by nationally recognized experts, is part of a five-video set entitled Living Well: A Guide to Healthy Aging. The five-part set is endorsed by the National Institutes of Health and was a winner of the National Mature Media Award in 2000. The guardianship video is not available separately. Contact Mari-Lynn C. Evans, Evening Star Productions, 219 Overwood Road, Akron, OH 44313, phone (330)-867-7443 or email mlevenesp@aol.com. The set is available for $29.99 plus shipping and handling.
Make a Charitable Donation to the ABA Commission on Law and Aging

Your gift to the ABA Commission on Law and Aging will support the programs and research that help protect the rights of elders, ensure their access to the legal system and educate lawyers, policy makers, professionals and the public about the legal issues affecting older people.

The ABA Commission on Law and Aging is grateful for every donation it receives, including memorial donations, tribute donations, and contributions from members and friends.

As a 501(c)(3), non-profit organization, all donations are tax deductible.

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• **Write a check** to the ABA Fund for Justice and Education and designate the “Commission on Law and Aging” as the donee.
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Let the ABA Commission on Law and Aging Help You in Your Work

The ABA Commission on Law and Aging provides valuable professional and consumer resources, technical assistance and legal education, and research on a wide-range of critical issues affecting older persons, including:

• Legal Services Access and Delivery
• Elder Abuse
• Guardianship and Conservatorship
• Dispute Resolution and Mediation
• Professional Ethical Issues
• Housing Options and Needs
• Health and Long-term Care Quality, Planning, and Decision-making
• Social Security, Medicare, Medicaid, and Other Public Benefit Programs

The ABA Commission on Law and Aging provides a forum for legal professionals to communicate and share ideas on two active listserves—Elderbar and Collaborate—and distributes a bimonthly e-journal Bifocal.

Find up-to-date and practical information on the Commission’s publications Web page, which offers an extensive catalog of professional and consumer resources on a wide range of issues of concern to elder law practitioners, advocates, and older persons.

See how the ABA Commission can help you. Visit us online at: www.abanet.org/aging