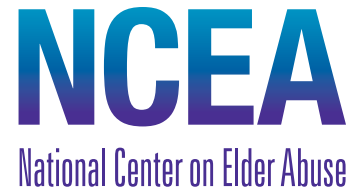


How the COVID-19 Pandemic Changed Adult Guardianship: Lessons Learned



Tragic as it was, the pandemic drove changes in adult guardianship that may spur improvements for courts, stakeholders and for the lives of at-risk individuals. Now is the time to evaluate those changes carefully, add any needed safeguards, and use them to make the process more just, fair and person-centered.



Spotlight on Advance Planning

COVID made it clear that everyone is at risk of unexpected illness and death. It was a wake-up call for all adults to consider putting in place planning tools such as health care advance directives, living wills, powers of attorney, living trusts, and supported decision-making agreements.



Changes in Role of the Court

Throughout the pandemic, judges and court administrators were challenged in handling guardianship cases. If you or someone you know is involved in a guardianship case, pay attention to system changes and contact the court with questions.

- **Remote Hearings.** More remote hearings would allow more widespread participation, but require safeguards such as right to counsel and watching for possible third-party influence by someone off-screen. If it would be hard for you or someone you know to attend a hearing in person, find out whether you can attend online.
- **Changes in Role of Guardian ad Litem and Court Visitor.** While in-person visits are needed, they could be supplemented with video options to get as full a picture as possible.
- **Remote Capacity Assessments.** In the coming years, courts will likely more often rely on telehealth for needed medical and psychological assessments, but precautions will be needed to make sure clinicians can fully observe the patient and the living environment.
- **Emergency Guardianships.** During the pandemic, many guardianships were emergency appointments. Now is the time for courts to take steps to be sure that emergency guardianships: are only granted in true emergencies; are as brief and limited as possible; and that due process safeguards are put in place quickly. If a friend or family member is subject to an emergency guardianship, help them get legal representation as soon as possible.



Changes in the Role of the Guardian

The pandemic highlighted the need for some key shifts in the guardian's role. Many of these are good practices that should be extended beyond COVID.

- **Maintain the Adult's Family and Social Connections.** Guardians must try hard to connect adults in their care to people and groups important to them – through a mix of in-person and remote visits. If you are a guardian for a family member, friend or someone else, encouraging both live and technological connections can make a real difference in quality of life.
- **Maintain Guardian Contact with the Adult.** Guardians could use remote meetings simply to keep in touch between more confidential in-person meetings.
- **Monitor Residential Settings.** As facilities open up, guardians should: visit regularly; be alert to facility practices; ask questions and note gaps in care; and develop an ongoing relationship with the facility director and the local long-term care ombudsman.
- **Respond to Evolving Medical, Social and Financial Developments.** Guardians must be vigilant to respond to the waves of societal change brought by the pandemic such as remote delivery of more social and medical services; and the need for adequate broadband access, computer technology and help in using it.
- **Identify Back-Up Guardian.** The pandemic pointed up the need for guardians to have a back-up plan for who will assume responsibilities if the guardian no longer can do so.
- **Exercise Post-Death Authority.** Guardians need to understand their powers and duties following the death of the adult, and be prepared to act immediately.