The SC Probate Court Special Visitor Project

In 2009 the SC Lieutenant Governor’s Office on Aging (LGOA) received a Model Approaches to Statewide Legal Services grant from the US Department of Health and Human Services. LGOA partnered with a number of SC agencies and organizations with the goal being to increase, improve, and enhance seniors’ access to legal services throughout South Carolina. Stakeholders, including the SC Bar (SCB), its Elder Law Committee and subcommittees, the South Carolina Access to Justice Commission, the University of South Carolina School of Law, the Charleston Law School, and several private attorneys provided collaboration and support.

In 2010 extensive surveys of seniors were conducted statewide in an effort to determine the actual legal needs of the population. The results were analyzed and it was decided that the SC Probate Court Special Visitor Project would be a valuable vehicle for helping to reach the goals set forth in the grant. The University of the SC School of Law took the lead in creating the handbooks, forms and policies with the cooperation and guidance of the Probate judges and staff in Richland and Greenville Counties. Additional valuable resource information was gathered from the LGOA.

During the summer of 2012 two students working in conjunction with the Greenville and Richland County Probate Judges and the Director of the Pro Bono Program assembled background material on guardianship monitoring, volunteer visitor programs and studies from the ABA and AARP in the area of guardianship. Using these materials as a starting point the team developed what has now become three Handbooks. The Program Handbook outlines the basic information needed to develop and manage a volunteer visitor program in a Probate Court in SC. The Training Handbook gives basic guidance and tips on managing the training necessary for a successful program. The heart and soul of volunteer guardianship monitoring program is contained in the Volunteer Handbook. This Handbook contains the most information as it is expected to serve as a reference source for volunteers throughout their time as a special visitor. In addition to background information about guardianship, monitoring and the duties of the volunteer it also contains practical guidance on interviewing, the visit process, ethics, confidentiality and a myriad of other needed elements for success. The Appendix contains a full guardian file as well as sample visit forms, orders and memos.

These Handbooks have been updated to include the most current SC information and have been field tested with a small group of law student volunteers. They are available to the volunteers and the Court as a hard copy but also electronically as are the downloadable forms for completion of the visit reports.

In the Fall of 2012 a team of eight law student volunteers attended a series of four training sessions covering a range of topics that included: introduction to Probate Court and guardianship; disability etiquette, interviewing, ethics and confidentiality, as well as a review of the contents of the Volunteer Handbook. Upon completion of the training the students were scheduled to attend a Guardianship Hearing as well as accompany an attorney on an initial visit.

The next phase of the SC Probate Court Special Visitor Project involves the volunteers with the team going out and performing the duties they have been trained to do: conducting a full review on the guardianship file, interview the guardian and the ward and file a report and memo with the Probate Court. This process is underway and as data is collected adjustments to the program and training will be performed as needed.

The SC Probate Court Special Visitor Project is not the program for every volunteer. It takes someone who not only has an interest in this area of the law but someone who is willing to persist; someone who wants to be part of a solution or as the team explains it- someone who is a piece in the puzzle. The benefits are clearly spelled out in the goals of the Project- PIECE.
**P: Protect the Wards:** This not only involves protecting them from the extreme and rare situations listed above, but it also means making sure that guardians are upholding a minimum level of care for the wards that maintains dignity and health. Some ways to achieve this are by:

- a. Timely filing and review of annual reports
- b. Increase accuracy of annual reports
- c. Determine if guardian is visiting the ward
- d. Visiting wards and guardians to maintain a watchful eye.

**I: Improve the Quality of the Annual Guardian Reports:** The reports are the easiest way of monitoring guardianships, and usually give a strong indication of the situation and the quality of care. However, many guardians do not answer them properly, not necessarily because they are hiding something, but quite often because they are not certain of the answers we are searching for in the reports. By improving the quality of the AGR’s, we can create a program that is more efficient and can save time, energy, and money. Also by informing guardians what we are looking for in the reports, they will better understand their responsibilities.

- a. Training Guardians on how to fill out the AGR and what information the court is looking for on the form
- b. Correcting problems identified by the special visitor
- c. Being reactive when necessary to what is included on the reports

**E: Educating the Guardians:** Guardians are only required to watch a twenty minute video before they are appointed. Understandably many questions may arise that cannot be answered in a twenty minute video or a guardian may need to be reminded of their responsibilities. By educating the guardians as to what exactly their responsibilities are, we can improve the quality of the care given to the wards, increase the effectiveness of the program, and reduce the burden placed upon the court staff.

- a. Holding optional education sessions
- b. Distributing handbooks and brochures
- c. Being available for questions

**C: Community Involvement:** Often times, when problems arise, they are a result of people being intimidated by the image of the court. This program will help to create a more approachable means for guardians to seek guidance and assistance. Hopefully this will create a more involved community in the court system itself.

- a. The most effective guardians can be created by educating, training, monitoring, and helping them connect with the court staff.

**E: Eyes and Ears of the Court:** The overall purpose and most important service that this program provides is reporting to the court. Volunteer programs such as this are a good way to get the community actively involved in the judicial system. In the end the court is the decision-maker and will be responsible for upholding a guardianship or seeking a new guardian.

- a. Increased visits will bring increased awareness of the issues
- b. Bringing helpful resources to the attention of the guardian
- c. Helping the guardian connect with the court staff
- d. Treating the court staff and judges with respect