

**Thank you for giving
Jewish Family Service of Tidewater
the opportunity to care for your loved one.**

Important numbers:

Phone: 757-938-9130

Fax: 757-938-9139

Emergency: 757-455-9215

Guardian Representative: _____

Email: _____@jfshamptonroads.org

**You never know when you'll need help,
but you'll always know where to find it.**

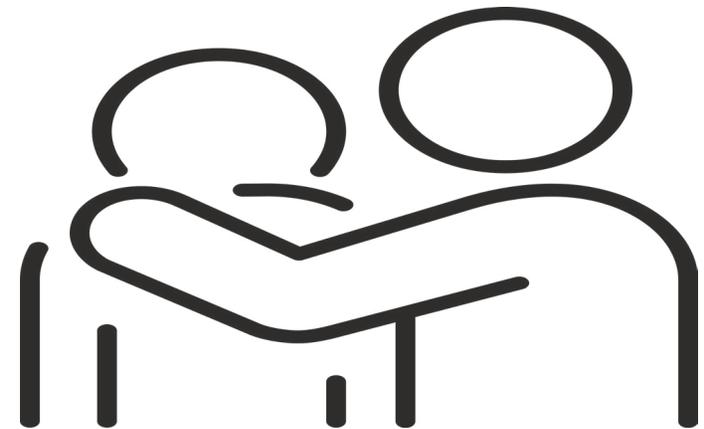
Guardian & Conservator Services

Program Guide

PAM

Personal Affairs Management

a program of Jewish Family Service of Tidewater



Office Hours

**Monday through Friday – 9:00 am – 5:00 pm
Appointments must be scheduled in advance.**

Welcome to the PAM program

JFS' Personal Affairs Management Program (PAM) has been assigned by the Circuit Court as Guardian and/or Conservator for incapacitated individuals in Virginia. This happens when a person is no longer able to make decisions for themselves. Our staff of dedicated, experienced professionals are committed to serving our clients and we look forward to working with you.

Below are some frequently asked questions about the Guardian and Conservator Process.

FAQs

Why is a person assigned a guardian or conservator, and how does this happen?

An individual is assigned JFS as guardian and/or conservator when a Court determines they need an impartial representative to help them make decisions, and has deemed that there is no appropriate family member or friend who can fill this role.

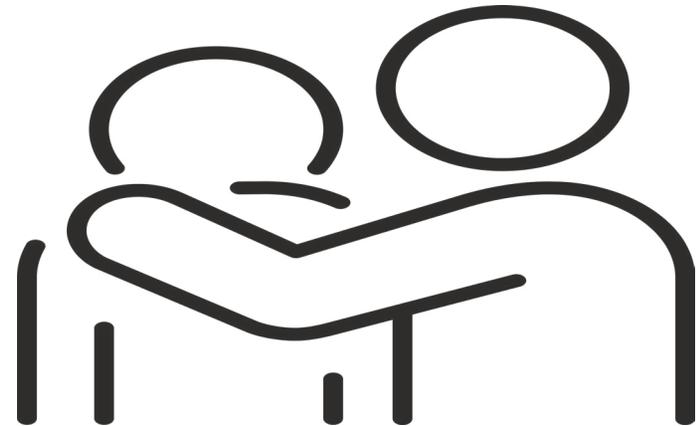
A Petition is filed in the Circuit Court by an attorney representing someone with evidence that a person needs a guardian / conservator.

All bills must come to JFS as Conservator. The client's address will be changed through the U.S. Postal Service to:

Jewish Family Service

5000 Corporate Woods Drive, Suite 300

Virginia Beach, VA 23462



Confidentiality & Communication

JFS is committed to protecting the privacy of our clients.

Please identify a family spokesperson to receive communications from the Guardian Representative and provide contact information such as cell phone number, email address, etc. Establishing a telephone tree with your family members will assist in communication.

Misconceptions and Facts about Guardianship

Misconception:

The JFS Guardian Representative is legally responsible for the behaviors of an incapacitated person.

Fact:

JFS Guardian Representatives are employees of JFS who interact with clients directly to help support their needs; they are not responsible for the acts of the incapacitated person.

Guardian Representatives work in teams with experienced supervisors and have extensive knowledge of laws, regulations and systems affecting their clients. Guardian Representatives also work with other system providers to help promote services that will benefit the client directly (e.g., placement, medical professionals, mental health providers).

Misconception:

My loved one has a guardian, so family has no further role.

Fact:

Your input is important! Family relationships and friendships will be maintained unless there are safety considerations involved. A guardian is a substitute decision maker. Guardianship is not intended to replace family relationships. Family and friends are encouraged to visit and maintain contact with loved ones and JFS.

Misconception:

The JFS guardian representative provides direct services to clients.

Fact:

Guardians are legal decision makers for clients. Guardians consent to and oversee the services provided to JFS clients and advocate for their needs.

JFS Guardian Representatives are not hands on care givers.

Medical Care Management

As Guardian, JFS has legal authority to make medical decisions for the client.

- JFS will arrange for and monitor routine and emergency medical care and will make medical decisions after consultation with appropriate medical professionals.
- JFS will maintain communication with medical providers to ensure continuity of care.
- JFS will secure transportation for medical appointments.

After Death Services

Guardianship ends at time of death. The Conservator manages the estate until it is delivered to the Executor or other qualified person as prescribed by the Code of Virginia.

- Whenever sufficient funds are available, a pre-need funeral policy will be purchased to be used by family at time of need.
- Any funds remaining in client's Conservator accounts may be applied to funeral expenses at time of need.
- Family may contact the Department of Human Services in the city of the client's last residence to access indigent burial funds.

Bills & Benefits

Client Funds

Client's funds must be used to provide for the following in order of importance:

NEEDS:

Shelter, food: facility, rent, mortgage

Medical care: medication, co-pay, equipment, nursing

Transportation for medical needs

Clothing

WANTS:

Phone

Cable

Outings

Cigarettes

Benefits

A guardian representative will complete a financial assessment and benefits analysis to assess entitlements such as Medicare, Medicaid, Social Security, retirement income, etc.

- Family members may be asked to assist in gathering information so that funds needed for support and care will be available in a timely manner.
- Please assist us in this effort by turning over any bills, bank statements, insurance policies, identification or credit cards, and legal documents you might have in your possession.

Important Definitions

• **Incapacitated Adult:** An incapacitated adult has been found by the Court to be “incapable of receiving and evaluating information effectively or responding to people, events, or environments to such an extent that the individual lacks capacity to manage the above responsibilities without the assistance and protection of a guardian and/or conservator.”

• **Guardian:** A Guardian is appointed by the court as an agent to represent the best interests of the incapacitated person. The Guardian is responsible for making decisions regarding the person's support, care, health, safety, rehabilitation, education, therapeutic treatment, and residence. The Guardian must visit the incapacitated as often as necessary to understand the person's capabilities, limitations, needs and opportunities and consider the wishes and values of the person when making decisions on their behalf. Guardianship must be performed in the least restrictive manner possible.

• **Standby Guardian:** Va. Code Sec. 64.2-2013 and the appointment order require the appointed guardian to biennially file an affidavit with the court affirming the standby appointment and further affirming that the standby guardian remains willing and able to assume the guardianship.

• **Conservator:** A Conservator is appointed by the court to manage and preserve an incapacitated adult's estate (both personal and real property) to the best advantage of the incapacitated adult.

• **Representative Payee:** Appointed by the Social Security Administration or requested by the individual to receive and manage Social Security or Supplementary Security Income (SSI) benefits of a recipient that has been determined by a physician to be incapable of managing such benefits. A Conservator must still apply to become Representative Payee for these benefits.

Misconception:

A guardian can control an individual's behavior.

Fact:

A guardian is a legal decision maker. A guardian of an incapacitated adult cannot control the behaviors of a client. A guardian can consent to medical care, arrange residential placement, and consent to the provision of services.

A guardian cannot force a client to take medication, keep a job, or terminate a relationship with a person with whom the client wishes to see and can contact. Concerns regarding safety for the individual are taken into consideration, and some interactions may require monitoring for the protection of the incapacitated person.

If you would like to plan an outing with your family member, please contact the JFS Guardian Representative to make arrangements.

Requests will be honored if outings are not medically contraindicated or pose potential danger to health or wellbeing. Facilities require proof of permission from JFS with sufficient time allowed for them to prepare.

Investments, Property & Assets

Any person appointed Guardian or Conservator of an estate must qualify before the Clerk of Court before administering the estate. This may occur on the date of appointment or on a date shortly thereafter, dependent on the Clerk's schedule.

- As Conservator, JFS will invest client's funds in accordance with the Jewish Family Service Investment Policy Statement.
- An unoccupied dwelling is a liability and a drain on an estate. JFS's decision as to whether to sell or rent a vacant property will be predicated on the physical and financial circumstances of the client.
- Property will be managed and/or sold by a real estate professional. Heirs will be notified of the sale as required by law.
- All usable or valuable items of personal property must be given to the client or sold for his/her benefit.
- Every effort will be made to preserve family photos and other memorabilia.
- As Conservator, JFS will make periodic accountings to the Court as required by law, with copies available for family review upon request after approval by the Commissioner of Accounts.