



Ohio County Establishes Unique Guardianship System

Written by Tami Kamin Meyer

When Robert Montgomery was elected the sole Probate Judge of Ohio's largest county in 2014 (*sic 2010*), he inherited a guardianship system in total disarray.

For starters, an attorney who handled several hundred guardianships was charged with embezzling from his wards and other abuses of the system; he committed suicide before the case was adjudicated. Another problem was that few attorneys sought court-appointed guardianships because the pay was low and the workload daunting.

So, Montgomery, who had never held judicial office before he ousted Franklin County's longstanding probate judge, set out to completely revamp the system. As Montgomery saw it, the two biggest challenges to successfully overhauling the Franklin County guardianship system were:

- How to find suitable guardians
- How to pay them

His vision involved a transition from what was then an attorney-based guardianship system to one where social service agencies took the lead in protecting the needs of the indigent in Franklin County. A social-services model allows social workers and other professionals with specific expertise to assist vulnerable sectors of the population more efficiently than other methods.

Columbus, the nation's 14th largest city and the Midwest's second largest city behind Chicago, is the county seat of Franklin County, so its guardianship system serves a large, diverse population. Montgomery's idea called for two major quasi-governmental agencies in Franklin County to join the effort. Those two organizations, the Alcohol, Drug & Mental Health (ADAMH) Board of Franklin County and the Franklin County Board of Developmental Disabilities, serve many impoverished county residents who rely heavily on guardianship assistance.

Montgomery approached David Royer, the CEO of ADAMH and Jed Morison, Superintendent of the Board of Developmental Disabilities, to gauge their interest in his idea: a Guardian Services Board (GSB). The judge believed that if the probate court partnered with those two agencies, wards could be efficiently served by the board if they did not have someone who agreed to act as their guardian.

Montgomery's vision included licensed social workers, "people who know the ins-and-outs of system," serving as the guardians for those in need. Rather than naming a specific person as the ward's guardian,

the head of the GSB, currently Jack R. Kullman, Jr., would be named as guardian. However, the licensed social workers working for the GSB would actually provide the various guardianship needs of its wards.

Establishing a GSB necessitated more than a handshake from the three men. Not only would each of the three organizations need to agree that indigent wards would be best served by a central system of guardianship in the county, but ADAMH and the Board of Developmental Disabilities were asked to pay into the venture, too. Both organizations agreed to contribute \$250,000 annually, with the Franklin County Board of Commissioners pitching in funding, too.

According to Montgomery, an idea requiring the cooperation of what may be construed as competing governmental agencies might seem foreign elsewhere, but not in Franklin County. “People here tend to work together, not against one another” and that mutual vision made the task of creating the GSB that much easier, the judge says.

Once his partners were in place, Montgomery’s vision next required a change in state law. With the assistance of Ohio State Senator Jim Hughes, whose constituents are Franklin County residents, legislation was approved in September 2014 that allowed Franklin County to create the GSB.

Royer and Morison sing the praises of the GSB. They agree that wards who would not have someone competent to act as their guardian are enjoying improved conditions and better lives under the auspices of the GSB. Meanwhile, Montgomery and the GSB have been the recipients of awards and accolades as the program continues on its successful path. For example, this past April, the Columbus Foundation, among the top ten local foundations in the United States, established a program designed to increase services for indigent wards of the Franklin County Probate Court.

In turn, the GSB is utilizing those funds to create a volunteer visitor program, pairing volunteers with wards seeking interaction with others. Ohio law permits a probate judge to accept donations to fund the delivery of guardianship services. Other signs of the program’s viability are beginning to sprout.

Both ADAMH and the Board of Developmental Disabilities have upped their financial commitment to the GSB for 2018, the judge says. ADAMH will tack on another \$50,000 to their \$250,000 contribution, while Disabilities Board will kick in another \$35,000. The GSB has also received another \$150,000 from the Franklin County Job & Family Services.

And there’s even more good news. In late August, the Ohio State Wexner Medical Center entered into an agreement with the GSB for its guardianship services. The new partnership means the GSB will provide guardianship services to hospital patients in need of someone to assist them.

“What this really means is that the collaborative model is working and more wards are getting the guardianship assistance they need,” says Montgomery, noting his pleasure to work alongside Ohio State’s prestigious medical facility. The new arrangement means another \$65,000 annually for the GSB budget.

Additional funding is imperative to the continuing ability of the GSB to serve Franklin County wards effectively because a caseworker-to-ward ratio is in effect. The GSB employs seven full-time social workers and has served upwards of 200 people since its inception, Montgomery says.

And if imitation is the highest form of flattery, the GSB is the darling of the Ohio probate world. Creating entities to emulate the successes of the GSB has garnered a lot of attention from other probate judges throughout the state, says David A. Hejmanowski, probate judge of Delaware County, Ohio.

“We are trying to get language in the statute to allow counties to create” their own version of Franklin County’s GSB, he says. While none of the state’s 87 other counties will be forced to participate in a social-services based system of guardianship, Hejmanowski, for one, is very interested in pursuing it for his growing county. “The number of cases is increasing but fewer attorneys are willing to take on these cases,” the judge says.

As Baby Boomers start entering a life stage where guardianships can be necessary, but with a limited number of lawyers willing to tackle these matters, an organization like a GSB is imperative, says Hejmanowski. “We need qualified folks to serve as guardians and if we don’t have enough lawyers to do it, we need someone safe and appropriate” to fill the gap, he says.

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