

AGENCY OF HUMAN SERVICES

DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING

REGULATIONS OF THE OFFICE OF PUBLIC GUARDIAN

DRAFT

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I. General Provisions

1.1 Purpose and Scope

The Office of Public Guardian (OPG) is a state agency within the Department of Disabilities, Aging and Independent Living (Department). The OPG was established, pursuant to 14 V.S.A. §3091, to provide guardianship services to persons 60 years of age or older with an intellectual or cognitive impairment, who are unable to manage, without the assistance of a guardian, their personal or financial affairs and for whom the court is unable to appoint a private guardian. 18 V.S.A. §§9303 and 9310 authorize the OPG to provide guardianship services to persons 18 years of age or older with developmental disabilities. The Commissioner of the Department, pursuant to 14 V.S.A. §3091(c) and 18 V.S.A. §9317, is authorized to adopt rules necessary for the administration of the OPG. These regulations are adopted pursuant to that authority.

1.2 General Policies

- a. The OPG shall operate independently from other services and programs in the Department and across state government to carry out its statutorily required and court-mandated responsibilities.
- b. Public guardianship shall be utilized only as necessary to promote the well-being of the person under public guardianship and to protect the person from violations of his/her human and civil rights.
- c. The OPG, as the Commissioner's designee, shall assess and monitor that the care, protection, services and supervision of persons under public guardianship, are provided in the least restrictive manner in accordance with the person's level of need.
- d. Public guardianship services shall be provided only to the extent required by the person's demonstrated mental and adaptive limitations and in accordance with the powers vested by an order of guardianship issued by a court of jurisdiction.
- e. The OPG shall encourage the person under public guardianship to exercise maximum self-reliance and to participate in decision-making regarding his/her affairs to the greatest extent possible to achieve the highest practicable level of independence.
- f. The OPG shall utilize person-centered planning to enable the person under public guardianship to live his/her life with dignity and respect.
- g. The OPG shall exercise substituted judgment during decision-making, when appropriate, regarding the person under public guardianship. When unable to exercise substituted judgment, public guardians shall make decisions based on the best interest of the person.
- h. The OPG shall support and assist in the identification of appropriate private guardians, prior to and after an order of appointment to the OPG, so as to limit guardianship appointments to the OPG to only those for whom an appropriate private guardian is not available.
- i. The OPG shall provide assistance to private guardians, when requested, and only to the extent it will not detract from the OPG's ability to provide statutorily required services to persons currently receiving services from the OPG.
- j. The OPG shall support and facilitate termination of a public guardianship when a limited guardianship, power of attorney or representative payee is the appropriate mechanism to provide the necessary assistance and support to persons 60 years of age or older with an intellectual or cognitive impairment and to persons 18 years of age or older with developmental disabilities who are unable to manage, without the assistance of a guardian, their personal or financial affairs.
- k. The OPG shall support and facilitate, when appropriate, reinstating to the person under public guardianship the powers vested in the OPG for that person, based upon his/her demonstrated needs and capacity, or refusal to cooperate with the OPG.
- l. The OPG shall not charge persons under guardianship for its services.
- m. The OPG shall not be available for appointment in connection with petitions for voluntary guardianship pursuant to 14 V.S.A. §2671.

- n. The OPG shall not be available for appointment in connection with petitions in which the person in need of guardianship owns assets which exceed the Medicaid eligibility asset limit.

1.3 Statement of Intent

Upon the effective date of these regulations, the OPG shall adhere to the regulations as adopted.

1.4 Exception and Severability

If any provision of these regulations, or the application of any provision of these regulations, is determined to be invalid, the determination of invalidity shall not affect the validity of any other provision of these regulations or the application of any other provision of these regulations.

II. Definitions:

2.1 General Definitions

For the purposes of these regulations, words and phrases are given their usual meanings unless otherwise specifically defined herein.

2.2 Specific Definitions

The following words and phrases, as used in these regulations, have the following meanings unless otherwise provided:

- a. “Best interest” means a course of action that is best for the person under public guardianship, considering what a reasonable person in a similar situation would decide, given the person’s needs and capacity.¹ The “best interest” standard shall be used when insufficient information exists regarding the person’s wishes, beliefs, preferences and values concerning the decision to be made, or, the public guardian makes a determination that the clear statement of the person regarding the decision to be made is not in the person’s best interest.
- b. “Commissioner” means the Commissioner of the Department of Disabilities, Aging and Independent Living.
- c. “Conflict of interest,” which includes the appearance of a conflict of interest, means a situation in which a public guardian’s decision, on behalf of the person under guardianship, may be influenced by multiple interests (financial, emotional, relational or otherwise) such that the person under public guardianship may be adversely affected.
- d. “Developmental disability” means a severe, chronic disability of a person that is manifested before the person reaches 18 years of age and results in:
 - i. Intellectual disability and/or autism spectrum disorder; and
 - ii. Deficits in adaptive behavior at least two standard deviations below the mean for a normative comparison group.
- e. “Facility” means a hospital, nursing home or intermediate care facility for persons with an intellectual and/or developmental disability (ICF/IID) licensed or required to be licensed by the state of Vermont. A facility may include one in close proximity to the Vermont border, if the location is approved by the Director of the Office of Public Guardian.
- f. “Fiduciary” means an individual that has agreed to undertake, for a person under public guardianship, a special obligation of trust and confidence, having the duty to act primarily for the person’s benefit and subject to the standard of care imposed by law, contract or court order.
- g. “Guardian” means an individual, who has been appointed by order of the court to exercise the powers set forth in an order of appointment over a person under public guardianship.

¹ Definition modified from definition in NGA’s “The Fundamentals of Guardianship.”

- h. “Guardianship” means the legal status of a person, 18 years of age or older with a developmental disability, or, the legal status of a person 60 years of age or older with a physical or mental condition that results in significantly impaired cognitive functioning which grossly impairs judgment, behavior, or the capacity to recognize reality and the court has determined the person is unable to manage, without the supervision of a guardian, any or all aspects of his/her personal and/or financial affairs.
- i. “Interested parties” may include, but not be limited to, the DAIL Commissioner, Attorney General’s office, State’s Attorney, Disabilities Rights Vermont, Vermont Care Partners, Adult Protective Services, Department for Children and Families, developmental services provider agencies, area agencies on aging, nursing homes, hospitals, Vermont Legal Aid, Long-term Care Ombudsman, Community of Vermont Elders (COVE), designated agencies in Vermont, specialized service agencies in Vermont, traumatic brain injury (TBI) providers, Green Mountain Self Advocates, and Vermont Coalition of Disability Rights.
- j. “Least restrictive” means a course of action, situation or environment which allows the person under public guardianship to live, to learn and to work in a setting which places as few limits as possible on the person’s rights and personal freedoms as is appropriate to meet his/her needs.
- k. “Person” means one who is under public guardianship and is a legal resident of Vermont.
- l. “Property” means anything that may be the subject of ownership, including all real and personal, tangible and intangible property.
- m. “Public Guardian” means the Office of Public Guardian in the Department of Disabilities, Aging and Independent Living, acting as the Commissioner’s designee in court appointed guardianships.
- n. “Representative payee” means an individual, agency, or organization named by a governmental agency to receive and manage or administer government benefits on behalf of, and for the benefit of, a vulnerable person.²
- o. “Substituted judgment” means the principles of decision-making which require making decisions and taking actions that the person under public guardianship would if able. It involves implementation of a course of action which comports with the person’s known or previously expressed wishes, beliefs, preferences and values.
- p. “Supported decision making” means an effective, less restrictive alternative to guardianship that uses trusted friends, family members and advocates to give people with disabilities the help they need and want to understand the situations they face and the choices they must make, so they can make their own decisions.
- q. “Vermont resident” means a person who is physically present in Vermont and intends to remain in Vermont and to make his/her home in Vermont, except a Vermont resident may also include, with the approval of the Director of the Office of Public Guardian:
 - i. A person under public guardianship placed in an out-of-state facility in close proximity to Vermont; or
 - ii. A person under public guardianship placed in a shared living arrangement by a Vermont agency and supported by a Vermont agency, in close proximity to Vermont.

III. Duties and Responsibilities of Public Guardians

3.1 General Duties and Responsibilities

If consistent with the powers granted by the court to the public guardian, he/she shall carry out the following duties and fulfill the following responsibilities with regard to the person under public guardianship:

² Definition is modified from NGA’s “The Fundamentals of Guardianship.”

- a. Maintain consistent and appropriate contact in-person, by telephone and email;
- b. Determine the person's wishes, beliefs, preferences and values, on an on-going basis, to promote self-reliance and to encourage achieving the maximum level of independence practicable;
- c. Assess and monitor the person's physical appearance and condition;
- d. Assess and monitor the current living situation to determine:
 - i. Whether the person is appropriately housed, with adequate heating and ventilation and adaptations, as needed;
 - ii. Whether, taking safety into consideration, it provides the most appropriate, least restrictive living arrangement available;
 - iii. Whether it accommodates, to the greatest extent possible, the person's preferences for a living arrangement;
 - iv. Whether it is necessary to move the person because of unsafe conditions;
 - v. The effect a change in living situation would have on the person's psychological, emotional, social and physical condition;
- e. Monitor the person's access to and receipt of adequate food to maintain good health;
- f. Assess and monitor whether the person has adequate clothing, including adaptive clothing, as necessary;
- g. Assess and monitor the person's access to and receipt of medical care, mental health care and dental care, to include both necessary and routine preventive care, as prescribed by a qualified healthcare professional;
- h. Monitor the person's access to and receipt of necessary supervision and personal care to include assistance with preparing meals, eating, dressing, bathing, mobility;
- i. Assess and monitor the person's social, psychological, educational, health, personal care and recreational needs;
- j. Assess and monitor the person's level of inclusion in the community and access to personally preferred activities;
- k. Assess and monitor the person's available support systems, separate from the OPG;
- l. Assess and monitor the person's financial status to determine that resources are available to meet basic needs of food, clothing and housing;
- m. Identify and assist in securing necessary financial, health care and other public benefits for which the person may be eligible;
- n. Ensure the person is represented by legal counsel in all court proceedings;
- o. Assess the necessity for public guardianship on an on-going basis and advance limiting the powers of the public guardian, as and if appropriate.

3.2 Changing the Residence of a Person in Public Guardianship

- a. A public guardian, vested with general supervision authority, may direct that a move occur based on the needs and wishes of the person under public guardianship.
- b. A person's residence shall not be changed in the absence of a court order or the OPG's approval.
- c. Prior to directing a change of residence for the person under public guardianship, a public guardian shall have the opportunity to:
 - i. Discuss, to the extent possible, the current placement and the proposed move with the person under guardianship and consider his/her wishes and preferences;
 - ii. Determine that the person's needs and wishes are not or cannot be met in the current living situation;
 - iii. Consult with the person's support team and family members actively involved with the person under guardianship;

- iv. Visit and evaluate the proposed new residence, when practicable;
- v. Determine that no less restrictive alternative living situation, other than the new proposed residence, is available and appropriate.
- d. If the proposed new residence is a licensed facility, the public guardian shall contact the appropriate licensing agency for the facility and confirm that the facility's license is in good standing with the licensing agency's regulations. A public guardian shall not authorize a person's move into any facility operating without an appropriate license.
- e. The OPG shall notify the court, as statutorily required, of any change in the person's residence and notify all parties and such other persons as the court directs as soon as practicable prior to the change of placement, unless it is an emergency. In the event of an emergency, the OPG shall notify the court as soon as practicable after the change of placement and notify all parties and such other persons as the court directs.
- f. If a guardian directs that a person should move to a new residence, but is waiting for a new placement to be available, it shall be documented in the person's file.
- g. Before moving a person under public guardianship to a more restrictive environment, a guardian shall document in the person's file justification for the change of residence.
- h. Within ten (10) working days after the change in residence, the public guardian shall visit the person and assess the new living arrangements.
- i. Anytime a public guardian objects to a proposed move, the public guardian shall:
 - i. Notify the court, as appropriate;
 - ii. Notify the person's attorney, as appropriate;
 - iii. Ensure the person's legal rights are respected; and
 - iv. Pursue any appropriate administrative or legal remedies.

3.3 Managing Finances and Property

a. Fiduciary Duties

A public guardian, acting as a financial fiduciary for a person under public guardianship, shall carry out the following duties:

- i. Keep the person's affairs confidential, except when disclosure is necessary and in the best interest of the person;
- ii. Secure all income and resources to which the person may be entitled;
- iii. If vested with the authority of a representative payee, keep accurate records of all payments, receipts and financial transactions undertaken on behalf of the person;
- iv. Within 30 days of appointment by the court, file an inventory of the person's assets;
- v. File annual financial accountings with the court, as required, including a list of all financial transactions made on behalf of the person, identifying the purpose of each transaction.
- vi. Deposit funds into the OPG collective account or individual accounts such that funds belonging to persons under public guardianship are not commingled;
- vii. Establish interest bearing accounts for the person when possible;
- viii. Establish accounts as guardian accounts, in the name of the public guardian and the person;
- ix. Pay the person's bills with a method other than cash;
- x. When a person has sufficient funds and, in accordance with the person's wishes and preferences, when known, establish a burial account or pre-paid funeral account.

b. Disposition of Property

A public guardian, vested with the authority to dispose of the property owned by a person under public guardianship, shall:

- i. Obtain court approval prior to all sales, leasing or mortgaging of real property owned by the person;
- ii. Follow the wishes and preferences of the person, to the extent that such is known, unless the statutory requirements found at 14 V.S.A. §2881 are met.
- iii. Choose a course of action which the OPG believes will benefit the person most and offer the greatest opportunity for the person's independence and self-determination, if no evidence of the prior wishes of the person exists or if the person's stated preferences are likely to result in actual harm to the person.
- iv. Consider at least the following factors, prior to disposing of property:
 1. Current wishes and preferences of the person with respect to the sale of the property;
 2. Likelihood that the person will need or benefit from the property in the future;
 3. Provisions of the person's estate plan, if any;
 4. Tax consequences of the sale;
 5. Condition of the entire existing estate of the person;
 6. Ability of the person or the person's estate to maintain the property;
 7. Availability and appropriateness of alternatives to the sale of the property;
 8. Potential for deterioration, waste or dissipation of the property if it is retained.

3.4 Public benefits

A public guardian, vested with the authority to secure public benefits on behalf of a person under public guardianship, shall:

- a. Identify and assist in securing all public benefits for the person;
- b. Pursue the application and appeals process when necessary to obtain or retain such benefits;
- c. Appeal all adverse decisions affecting the person's public benefits, if they appear erroneous;
- d. Obtain legal representation, if necessary and possible, for the person for an appeal.

3.5 Contracts

A public guardian, vested with the authority to approve or withhold approval for a person under public guardianship to enter into a contract, shall consider:

- a. Person's wishes and preferences;
- b. Potential benefits and risks to the person;
- c. Ability of the person to comprehend any or all of the terms of the contract;
- d. Ability of the person to comply with the terms of the contract.

3.6 Recovering debts and suing on behalf of person

A public guardian, vested with the authority to recover debts and sue on behalf of a person under public guardianship, shall:

- a. Pursue recovery of all debts or demands due;

- b. Assist in securing counsel for the person to protect his/her interests in legal actions;
- c. Pursue legal action when necessary to recover damages for injury to the person or property of the person;
- d. Settle financial matters in the best interest of the person.

IV. Rights of Persons in Public Guardianship³

4.1 Legal and Civil Rights

A person under public guardianship in the state of Vermont retains the same legal and civil rights guaranteed to all Vermont residents under the Vermont and United States constitutions and all the laws and regulations of Vermont and the United States. These rights include those listed below, and may only be restricted by court order, or, for certain rights, by the Commissioner and then only when based on reasons of capacity, safety, security or treatment:

- a. The right to equal treatment under the law, regardless of race, religion, creed, sex, age, marital status, sexual orientation or political affiliations;
- b. The right to be treated with dignity and respect;
- c. The right to be protected from abuse, neglect and exploitation;
- d. The right to a safe, sanitary and humane living, working and learning environment, which is the least restrictive environment for the person's needs and conditions;
- e. The right to exercise control over all aspects of his/her life not specifically delegated to a public guardian by the court;
- f. The right to appropriate services suited to the person's needs, strengths and conditions, including, but not limited to, guardianship services and mental health services;
- g. The right to explanations for any medical procedures or treatment, including information about the benefits, risks and side effects of the treatment, and any alternative procedures or medications available;
- h. The right to privacy, which includes, but is not limited to, the right to bodily privacy and the right to unimpeded, private and uncensored communication with others in person or by telephone and mail, including electronic;
- i. The right to communicate in his/her primary language and primary mode of communication;
- j. The right to religious expression in the manner of his/her choice;
- k. The right to visit with persons of his/her choosing;
- l. The right to procreate;
- m. The right to interpersonal relationships and sexual expression;
- n. The right not to undergo sterilization solely for the purpose of birth control;
- o. The right to vote;
- p. The right to make a will;
- q. The right to participate in all decisions made by his/her public guardian and to have personal wishes, beliefs, preferences and values followed to the greatest extent practicable and possible;
- r. The right to prudent financial management of property and information regarding how that property is being managed, as applicable;
- s. The right to not be involved in research projects;
- t. The right to petition the court for termination or modification of the public guardianship. This right shall include an explanation by the public guardian of the steps necessary to initiate the procedure;

³ Sources: 14 V.S.A. §3068a; 18 V.S.A. §8728; NGA's "The Fundamentals of Guardianship and The Office of Public Guardian Procedure Manual (Draft 2013).

- u. The right to have all personal and financial information kept confidential, except when necessary and legally authorized to disclose, in managing the care or affairs of the person;
- v. The right to access all public guardian reports to the court;
- w. The right to have access to, read and challenge any information contained in any records about the person that are maintained by the OPG and to file a written statement to be placed in the person's file maintained by the OPG regarding any portion of the record with which the person disagrees;
- x. The right to appeal actions of the public guardian to the Director of the Office of Public Guardian (OPG Director), the Commissioner, the Human Services Board and to court, as appropriate, and the right to instructions to file such appeals from the public guardian;
- y. The right to retain an attorney, to communicate freely with his/her attorney and the court;
- z. The right to notice, including notice to the person's attorney, by the public guardian of all motions or proposed actions in court initiated by the OPG. If a person retains an attorney independently without the consent of the public guardian, the legal fees incurred and not authorized by the public guardian shall be subject to review and approval by the court.
- aa. The right to petition the court to remove and replace the public guardian, or request that the court restore rights if it can be shown that the person has regained capacity to make some or all decisions;
- bb. The right to communicate freely with the long-term care ombudsman or an advocate of his/her choosing without interference by the public guardian; and
- cc. The right to be free from retaliation for making a complaint, voicing a grievance, recommending changes in policies, or exercising a legal right.

4.2 Respect of Rights

- a. The OPG shall respect the rights of all persons appointed a public guardian in the state of Vermont, and shall assist them in asserting those rights.
- b. The OPG shall provide services and supports that respect the rights of all persons appointed a public guardian in the state of Vermont.

4.3 Explanation of Rights

- a. Upon appointment as guardian, or at the first meeting between the public guardian and the person, the public guardian shall make every reasonable effort to explain to the person the rights listed above, as well as rights provided by state or federal law, and shall provide this information in a format and language that is understandable based on the person's needs.
- b. In the case of persons who, in the judgment of the public guardian, are unable to understand these rights, the public guardian shall provide a copy of these rights to all interested parties in the guardianship proceeding.
- c. In the case of persons who, in the judgment of the public guardian, are only partially able to understand these rights, the public guardian shall summarize these rights and provide a copy of these rights to all interested parties in the guardianship proceeding.

V. Administrative requirements

5.1. Case Records

The OPG shall keep and maintain proper case records, which shall include its efforts to identify appropriate private guardians.

5.2 Alternatives to Public Guardianship

The OPG shall work aggressively to pursue alternatives to guardianship appointments to its office when alternatives to public guardianship are sufficient to meet the person's needs or an appropriate private guardian is available. In the pursuit of alternatives to public guardianship, the OPG shall work with the courts, service providers, family members, state's attorneys, the Department for Children and Families, and Adult Protective Services and other interested parties.

5.3 Public Guardianship No Longer Effective

- a. The OPG shall report to the court when the OPG Director determines that a public guardianship appointment is no longer effective or functional because the person under guardianship demonstrates that he/she will no longer cooperate with the OPG.
- b. The OPG shall not be appointed as guardians for those persons who affirmatively demonstrate to the evaluator and/or the court that they will not cooperate with the OPG.

5.4 Caseload Limits

- a. Public guardians shall not be responsible for more than twenty (20) persons per full-time equivalent (FTE) position at any one time. Supervisors shall not be responsible for more than ten (10) persons at any one time, in addition to supervisory responsibilities. The OPG Director shall be responsible for not more than four (4) persons at any one time, in addition to the responsibility for overall management and oversight of the program. The Intake and Diversion Specialist shall not be responsible for a caseload.
- b. [Exceptions to the caseload limits (e.g., emergencies) to be determined, and will be inserted here. This section will also establish criteria to invoke exception to caseload limits.]
- c. The OPG shall review the established caseload limit on an on-going basis and propose changes, as necessary, to ensure the needs of the persons currently under public guardianship are appropriately met.
- d. The OPG shall exercise flexibility in assignments of court appointments to maximize its capacity to accept the appointments of public guardianship, including adjusting distribution of guardian appointments based on the complexity of cases and geographic location.
- e. The OPG shall provide written notice to the courts and other interested parties when the Director determines that the OPG's caseload is approaching the maximum number of public guardianship appointments. When the number of public guardianship appointments drops below the maximum allowable number, based on the established caseload limits and geographic distribution of cases, the OPG shall provide written notice to the courts and other interested parties.
- f. The OPG Director shall provide written notice to the courts and to interested parties when he/she determines that it is necessary to temporarily suspend acceptance of appointments because, due to the number and complexity of current public guardianship cases, public guardians are reporting that they are having significant difficulty meeting the needs of persons currently under public guardianship or carrying out their statutorily required duties as guardians.

5.5 Conflict of Interest

- a. A public guardian shall avoid conflicts of interest or the appearance of conflicts of interest.
- b. A public guardian shall represent the interests of the person under public guardianship even if it conflicts with a policy, protocol or other directive of the Department.
- c. A public guardian shall not commingle personal funds or any other funds with the funds of the person under public guardianship.
- d. A public guardian shall not borrow funds from the person under public guardianship.
- e. A public guardian shall not lend funds to the person under public guardianship.
- f. A public guardian shall not purchase property, real or personal, for the benefit of the guardian with the funds of the person under public guardianship.
- g. A public guardian shall not provide services for a fee to the person under public guardianship.
- h. A public guardian shall not engage in any employment, activity, or enterprise which has been or may be determined by the OPG Director to be inconsistent, incompatible, or in conflict with his/her duties as a public guardian.
- i. A public guardian shall not engage in a sexual relationship with the person under public guardianship.
- j. A public guardian shall not serve as a private guardian for anyone except a relative. The OPG Director may waive this requirement upon a determination that the private guardianship existed before employment as a public guardian and that it will not interfere with the guardian's ability to perform public guardianship duties.
- k. A public guardian shall not file a guardianship petition seeking initial appointment or re-appointment of the OPG.

5.6 End-of-Life Care Decisions

The OPG shall request permission from the court or meet with the Department's Developmental Disability Services Ethics Committee, as appropriate, regarding end-of-life care decisions.

5.7 Procedures and Guidelines

The OPG shall develop and follow written procedures and/or guidelines to ensure the delivery of high quality services and to provide appropriate direction to public guardians regarding their duties and responsibilities.

VI. Appealing Actions of Guardians

- 6.1 If a person under public guardianship disagrees with a decision of his/her guardian, the guardian shall explain the appeal process to the person. If requested, the guardian shall assist the person with contacting Vermont Legal Aid to discuss legal options.
- 6.2 A person under public guardianship, who wishes to appeal the action(s) of his/her guardian, may contact the OPG Director at the office of the OPG and request a review of the action. The OPG Director shall, within ten (10) working days, acknowledge, in writing, receipt of the request for a review. The OPG Director shall issue a written decision to the person under public guardianship regarding the action at issue within fifteen (15) working days.
- 6.3 If the person under public guardianship is not satisfied with the response from the OPG Director, the person may then appeal to the Director of the Developmental Disabilities Services Division by contacting the Division Director's office. The Division Director shall, within ten (10) working days, acknowledge, in writing, receipt of the appeal request. The Division Director shall issue a written decision to the person under public guardianship regarding the action at issue within fifteen (15) working days after receipt of the appeal request.

- 6.4 If the person under public guardianship is not satisfied with the response from the DDS Division Director, the person may then appeal to the Commissioner by contacting the Commissioner's Office. The Commissioner shall, within ten (10) working days, acknowledge, in writing, receipt of the appeal. The Commissioner shall issue a written decision to the person under public guardianship regarding the action at issue within fifteen (15) working days.
- 6.5 If the person under public guardianship is not satisfied with the decision of the Commissioner, the person may appeal to the Human Services Board or to the court in accordance with 3 V.S.A. §3091.

VII. Public Information

- 7.1 The OPG shall make available to the public, online or upon request, and at no cost, a booklet which provides an overview of the roles and responsibilities of a guardian.
- 7.2 The OPG shall present public education programs on guardianship and alternatives to guardianship, when requested.
- 7.3 The OPG shall prepare an annual report describing activities of the OPG in the preceding year.

VIII. Bonding

- 8.1 The OPG shall be bonded for each person in a sum as directed by the court.
- 8.2 The OPG shall meet the bonding requirements by purchasing a bond in an amount equal to or greater than the amount directed by the court or, if directed by the court, in an amount equal to or greater than the aggregate sum of the resources of the persons for whom the bond is issued. The amount of this bond shall be adjusted as necessary to reflect fluctuations in the aggregate amount of resources owned by persons under public guardianship.
- 8.3 The cost of the aggregate bond shall be assessed on a pro rata basis against the resources of the persons under public guardianship covered by the bond.