Innovative Supports & Alternatives

Presented by: Virginia Hammerle & Courtney Carey

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Objectives

- Define the Need
- Identifying Alternatives
- Describe the Barriers
- Explore Services and Supports Offered
- Program Overview

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Courtney Carey

Courtney Carey is a Texas Certified Guardian, with over 20 years' experience in guardianship services, case management, crisis services, and continuity of care. She has worked in both the public and private sector providing services and supports to those in need throughout North Texas. She now works at Hammerle Finley Law Firm where she developed the North Texas Guardianship Services, LLC, and provides guardianship services as well as social services at the firm.

She has a bachelor's degree in Social Work from Tarleton State University, and a Master of Science with a degree in Long Term Care, Senior Housing, and Aging Services from the University of North Texas. Courtney has been a member of the TGA since 2015 and is currently serving as Secretary on the Board of Directors.

Virginia Hammerle

- Virginia Hammerle founded Hammerle Finley Law Firm in 1984. She has been Board Certified in Civil Trial Law by the Texas Board of Legal Specialization since 1995. Virginia is a Fellow of the Texas Bar Foundation, and has been voted a SuperLawyer every year since 2012.

- Ms. Hammerle is an Accredited Estate Planner by the National Association of Estate Planners & Councils. She is a member of the National Academy of Elder Law Attorneys, the National Care Planning Council, WealthCounsel and the Texas Academy of Elder Law Attorneys. She is certified as an Ad Litem by the Texas Supreme Court of Texas. She is a member of the American Bar Association, the Denton County Bar Association and the Denton County Real Estate, Probate and Trust Section.

- Her areas of practice are: Guardianship, Probate, Estate Planning & Business Litigation. Virginia is a member of the National Academy of Elder Law Attorneys, and her firm is an Organizational member of the Texas Guardianship Association, among other memberships.

The Need

- The Texas Legislature mandated that alternatives to guardianship and supports and services be considered prior to creating a guardianship.
- Everyone has different needs. Any variation or combination of services that are employed to curb the need for a guardianship is an alternative.
- There is a lack of, or inconsistent, supports and services across the State of Texas.

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The Potential Client Base

31 Million Texans
- 5 million are Baby Boomers
- 3 ½ million have at least on disability.
  - Those numbers do not include individuals in an institution such as State Supported Living Centers (SSLC) or other Intermittent Care Facilities (ICF).

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Identifying the Need

Our Attorneys identified the following needs/questions among our existing client base:

- Implementing Ancillary Documents
  - Durable (Financial) Power of Attorney
  - Medical Power of Attorney
  - HIPAA Release
  - Directive to Physicians
- Identifying appropriate housing
- Dealing with the onset of dementia

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Identifying the Need

Our Attorneys identified the following needs/questions among our existing client base:

- Facilitating the next step with an elder
  - Driving
  - Moving to a facility
  - Family conflict
- Protecting an elder from exploitation
- Self – Neglect
- APS Reporting
- Finding an agent to serve for a client without family/friend support

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Alternatives to Guardianship

Sometimes just one person in an individual life can make a difference.

- Case Manager
- Power of Attorney
- Representative Payee
- Supported Decision Making Agreement
- Durable Power of Attorney
- Person-Centered Decision Making Agreement

All of these require that the individual in need has someone to act and support them.

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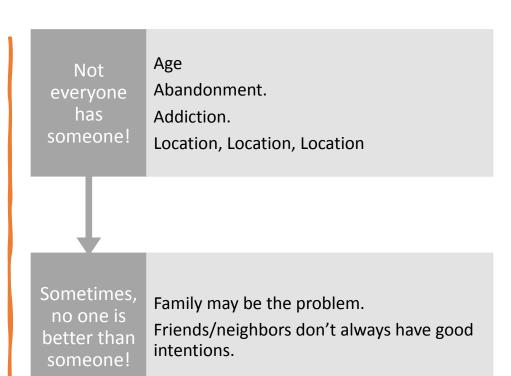
Identifying Alternatives

House Bill 39 implemented alternatives to guardianship to include:

- Advance Directives
- Power of Attorney
- Financial Planning and Management
- Community Administrator
- Supported Decision Making
- Surrogate Decision Making (setting appropriate)

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Barriers
to Services/Supports

Not everyone has someone!	Age Abandonment. Addiction. Location, Location, Location
Sometimes, no one is better than someone!	Family may be the problem. Friends/neighbors don't always have good intentions.

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Practice Areas:

Estate Planning

Probate

Guardianship

Real Estate

Business Law

Elder Law

Litigation

Primary Counties Served

Denton

Collin

Tarrant

Dallas

Wise

Supports/Services in a Law Firm

- What are supports and service?

- How do we find them?

- Who identifies what they are?

- How do they get set up?

- Who ensures there is follow through?

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Social Services/Evaluation

- Home Visit-structure, hazards, needs, areas of improvement

- Listen-What do they say they need, what are they not saying

- Understand-Listen to understand the situation, needs, barriers.

- Research-Based on Home visit research services and supports that could help them. Call if needed. Our firms serves many counties.

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Social Services/Evaluation

- Compose-Put the information in one easy to read report that has numbers and information to help them get the assistance they need.

- Present-Go over the report with the individual and their family. Answer any questions they may have.

- Assist- Follow up in a way that is directed by the original client. Meaning call to set up services should the need arise.

Services Provided

- Guardianship-3rd party private professional guardian

- Case Management –short or long term

- Referral – to assist family or client

- Home Visit – evaluate environment and make recommendations for aging in place options.

- Less Restrictive Alternative – filling in the gap to prevent full guardianship and support the individual

- Expert Witness – evaluate situation when there is family conflicts and establish plan.

One full time employee –
Texas Certified Guardian, BSW,
MS in Geriatrics, background in
guardianship, case
management, mental health,
IDD, & Medicaid Waiver
programs

One PRN staff – Texas Certified
Guardian, BA in Psychology,
background in Guardianship,
Mental Health and Case
Management

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Future

- Updating payment schedule

- Increasing Networking and
  partnerships

- Expand Services to Neighboring
  Counties

- Consistent Evaluation of Program
  and adjust as appropriate

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