



FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #08-100-9019
Aspen Homes

Case Summary: The HRA substantiated the allegation that a resident had been adjudicated disabled and the guardian passed away about three years ago and a successor guardian had not been obtained. The HRA's public record on this case is recorded below; the provider's response immediately follows the report.

The North Suburban Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation of alleged rights violations at Aspen Homes. On December 4, 2007, the HRA notified Aspen Homes of its intent to conduct an investigation, pursuant to the Guardianship and Advocacy Act (20 ILCS 3955). The complaint investigated was that a resident had been adjudicated disabled and the guardian passed away about three years ago and a successor guardian had not been obtained. If found substantiated the allegation would violate the Probate Act (755 ILCS 5/1-1), the Illinois Administrative Code (59 IL Adm. Code 115.220) and the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102).

To pursue this investigation, a site visit was conducted at which time the allegation was discussed with the QMRP (Qualified Mental Retardation Professional).

Aspen Homes has been in existence for ten years. It is a privately owned business that provides CILA (Community Integrated Living Arrangements) services to fourteen adults with developmental disabilities. The physical composition of the program is two apartments and one group home; the resident to staff ratio is 4:1.

The HRA learned from the QMRP that the since the death of the guardian (exact date unknown - sometime within the past two years), Aspen Home staff have been attempting to secure the family's cooperation in the matter of guardianship for the resident. It was stated that prior to the guardian's death, staff had gone to the address of the guardian to locate a family member, but the guardian was not posted on any of the mailboxes at the residence. Attempts were then made to secure the cooperation of the resident's sister, though numerous telephone calls and meeting at the CILA site. It was stated that when family would visit the site, they would be reminded that upon the death of the father, the resident would be in need of a guardian. It was stated that the sister always promised to complete this task and the previous QMRP gave her the necessary paperwork to complete the guardianship process.

The current QMRP then became involved and proceeded to pursue guardianship with the Office of the State Guardian (OSG). The QMRP was advised by the OSG that since the sister had expressed a desire to be the guardian, this avenue must be pursued. The QMRP made a visit to the sister's home (7/07) and gave her the court papers that needed to be filed, the physician's order (required pursuant to the Probate Act Sec. 11a-9) and the names and addresses of persons with whom she should contact to pursue the guardianship.

The QMRP stated that unfortunately, she did not make copies of the materials that she gave to the sister. The QMRP stated that since the process takes about 6 to 8 weeks, all they could do was wait for the court's decision.

According to the QMRP, she made numerous calls to the sister in 2006 and 2007 and she had the exact dates of each call; with the results of the call (left message, no answer, number checked for trouble, etc.) A visit was made to the sister's home in September 2007 and at that time, the QMRP found the building to be vacant; she rang doorbells and found that the entire building appeared to be vacant.

In September 2007 CAU (Community Alternative Unlimited) called OSG to say that the Guardian had died in January 2005 and that a Guardian had yet to be secured. The Intake Worker documented that he spoke to the Chief Executive Officer (CEO) at Aspen Homes, and he said he would obtain the guardianship as soon as possible. In November 2007, CAU called OSG again to say - still no guardian. The OSG Intake Worker again spoke to the CEO who again said he would get on this right away. It is noted that there was a court date for guardianship in the first of February 2008, however Aspen Homes did not have the necessary paperwork prepared. The next hearing is scheduled for late March 2008.

The new QMRP stated that they learned from this experience and "would not have egg on their face again". She took full responsibility for the delay regarding the pursuance of guardianship. She stated that as a result of this complaint, they will set up a policy to show what steps are to be taken upon the death (or loss) of a legal guardian.

Conclusion

Pursuant to Section 11a-15 of the Probate Act, "Upon the death, incapacity, resignation or removal of a guardian of the estate or person of a living ward, the court shall appoint a successor guardian or terminate the adjudication of disability. The powers and duties of the successor guardian shall be the same as those of the predecessor guardian unless otherwise modified."

Pursuant to Section 115.220 of the Standards and Licensure Requirements for Community-Integrated Living Arrangement, agencies licensed to certify CILAs shall provide for services through a community support team (CST). The CST shall be directly responsible for advocating on behalf of individuals. A CST member who is a QMRP shall be designated for each individual and must also advocate for the individual's rights and services.

Pursuant to Section 2-102 of the Mental Health and Developmental Disabilities Code, a recipient of services shall be provided with adequate and humane care and services pursuant to an individual services plan.

It is concluded that rights were egregiously violated.

Recommendation

The agency, as the **primary care provider and advocate**, must ensure that upon the death, incapacity, resignation or removal of a guardian that the court is informed and a successor guardian is pursued within a reasonable amount of time. **Written policy** with specific guidelines regarding how this must be accomplished is recommended. **Staff members must be trained** in how to pursue a successor guardian.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.

ASPEN HOMES CILA
8315 North Keating Avenue
Skokie, IL 60076

April 28, 2008

Guardianship & Advocacy Commission
North Suburban Regional Office
9511 Harrison Street, W-300
Des Plaines, IL 60016-1565

Dear Ms. Kori Larson, Chairperson,

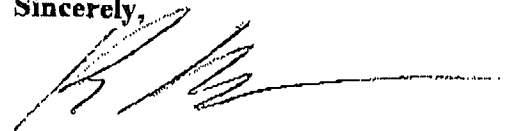
RE: HRA #08-100-9019

Enclosed please find the Policy & Procedures for Guardianship & Advocacy for the clients residing at Aspen Homes CILA.

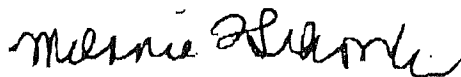
We are in receipt of your letter dated 7 April 2008. As the primary care provider and advocate for all our clients residing at Aspen Homes, we have ensured prompt transfer of guardianship upon the death of the guardians with this document.

In addition, all personnel have been trained in this procedure. The signatures affixed within this document testify as to this training. Francesca M. Kralis, Secretary, is the person in charge of this process of securing guardians for persons living at Aspen Homes. Any questions may be forwarded to her @ ~~XXXXXXXXXX~~

Sincerely,



Konstantine P. Kralis
President



Melanie F. Sikorski
QMRP