IOWA | Health and Human Services

Frequently Asked Questions

Guardianship and Decision-Making Supports – 1.31.25

Question	Answer
How are end-of-life decisions handled by a guardian? What if a guardianship is set up, but then said they didn't want a new guardian (an attorney) to make end-of-life decisions?	A guardian needs prior court approval to consent to the withholding or withdrawal of life-sustaining procedures. Generally speaking, a guardian should always take the protected persons known wishes, values, goals, and preferences into account when making decisions and should involve the protected person in the decision-making process as much as the protected person is able to participate. In this case, the protected person should talk to the guardian about their end-of-life wishes and document them in writing if they can. They should also consider who would make end-of-life decisions for them if they were unable to make and communicate their own wishes at that time. Who would they want to make those decisions if not the guardian? If they have the capacity to understand and sign advance directives like a durable healthcare power of attorney or living will, they could use those to name someone to make healthcare and end-of-life decisions on their behalf or to make their end-of-life care wishes known. Since the court has already appointed a guardian, the court will likely need to make a finding that they can understand and sign an advance directive before they can do so.
What decisions are guardians allowed to make at the end of life?	A guardian needs prior court approval to consent to the withholding or withdrawal of life-sustaining procedures. If a patient can enroll in hospice without foregoing life-sustaining procedures, the

	guardian might be able to enroll the patient in hospice without prior court approval. If the protected person can receive life sustaining treatment and procedures, such as dialysis, mechanical ventilation, tube feedings, resuscitation, etc. while in hospice, there may not be an issue. If there is someone other than the guardian – an agent under a healthcare POA, a spouse, adult child(ren), parent(s), or adult sibling(s) who can consent to the withholding or withdrawal of life sustaining-procedures if needed, the guardian would not need get prior court approval to make those decisions because there would be someone else making the decisions. But if the guardian will be asked to make decisions about things like discontinuing dialysis, refusing a feeding tube or mechanical ventilation, or refusing resuscitation they must have prior court approval to do so. A guardian does not have to wait until the protected person is actively dying to request court approval. They can make that request at whatever point they know that end-of-life decisions are reasonably likely to need to be made. For example, if the protected person is diagnosed with a terminal condition, the guardian does not have to wait until the protected person is near death and the need to make end-of-life decisions is imminent. They can ask for the court's approval once the protected person's prognosis is known. They don't have to make the decisions right away – they can try whatever treatments are available, etc. But that way they have the authority to make the decisions when the time comes.
Is there a requirement for Durable Healthcare POA to be reviewed/renewed? If so, how often?	No. A Durable Healthcare POA is a private agreement between the principal and agent. It is up to the principal when or if they want to make changes to the document. It's a good idea to review the document every few years or if the principal has significant health changes or other life changes. But they're not required to do so.

Can a person be an agent if they are on a child abuse registry and not the DAA registry?	For a financial power of attorney, an agent's authority terminates when the agent is named as having abused the principal in a founded dependent adult abuse report or the agent is convicted of dependent adult abuse for having abused the principal. This does not apply to healthcare powers of attorney. It also isn't triggered if the agent is on the child abuse registry or on the DAA registry for abuse to someone other than the principal.
What do you think of using the e-filing for voluntary guardianship instead of going through an attorney? Much less expensive.	After the law changes that went into effect in 2020, "voluntary guardianship" is no longer recognized in Iowa*. A person can still petition the court to have a guardian or conservator appointed for them, but all the same rules apply that would apply if someone else filed the petition. The court must hold a hearing and find by clear and convincing evidence that the person meets the legal standard for a guardian or conservator to be appointed. *Many attorneys questioned whether a guardianship could be truly voluntary even prior to the law changes. If a person's decision-making capacity is so impaired that they cannot make important decisions about their care and/or finances, do they really have the capacity to make the decision to give up their right to make decisions about their own life and have someone else appointed to make those decisions on their behalf?
Do you work with a lawyer to ensure correct terminology in certain paperwork to add or take away certain decisions?	Yes, they should work with their lawyer. If the hospital or medical providers are requesting specific language be included in the order, they or their lawyer should find out exactly what language the hospital wants and make sure how the order is worded will be recognized by the providers.
How do you change a payee? If/when a person who has an SSA Rep Payee gains the ability to manage his/her	This is all handled by Social Security. Social Security can appoint a new representative payee if the current one is no longer able to serve, if

monies, can the Payee-ship be terminated? If so, how?	there's a problem with the payee, or if the beneficiary moves and needs a new payee in their new location. If the beneficiary gains the ability to manage their own benefits, they can ask Social Security to make them their own payee.
Can a payee stop representing someone without having another payee established?	Yes, but this can cause hardship for the beneficiary. It can take several months for Social Security to appoint a new payee. In the meantime, they will hold the beneficiary's benefits. This can make it hard for the beneficiary to get their bills paid or afford necessities while they wait for a new payee to be appointed. Ideally, a payee should not resign until a new payee has been established. They will need to send back any benefits they have received on the person's behalf.
There is a document for end-of-life care called The Five Wishes. Is this a legal document?	These documents have been developed to align with most states' laws regarding powers of attorney and advanced directives for healthcare. As long as it meets the requirements for a valid power of attorney, it should be valid under Iowa Law.
The difference between a POA and a Rep Payee: is that the Payee is strictly for the Social Security benefits?	Yes. There are other differences as well, but that is one of the main ones. The payee only manages Social Security benefits and no other money or property.
What is the most effective way to change the payee if the current payee is no longer able (i.e., death)	Notify Social Security that they are resigning, and a new payee needs to be assigned. If the payee has died, someone else needs to notify Social Security. A new person or organization could apply to Social Security to become a payee and explain that the previous payee died or is no longer able to be the payee.
SSA has indicated in the past that they do not believe a member needs a payee and can be their own payee. SSA does not know the individual but is making this comment/decision. Is a doctor's order/statement needed to show otherwise?	Social Security will consider medical evidence, such as a doctor's statement, as well as lay evidence, such as information from family or service providers when deciding if a beneficiary needs a payee. The evidence needs to demonstrate that the individual cannot manage or direct the management of their own benefits.

What if a payee is abusing the client, it's been reported, but Social Security will not terminate the payee?	Social Security will consider medical evidence, such as a doctor's statement, as well as lay evidence, such as information from family or service providers when deciding if a beneficiary needs a payee. The evidence needs to demonstrate that the individual cannot manage or direct the management of their own benefits.
How does someone become their own guardian?	1. Turn 18. By default, we are all "our own guardians" when we turn 18. 2. If the person already has a guardian appointed by the court, they can petition the court to terminate that guardianship. They will need to show the court evidence that they can make decisions about their life.
In IA is a probate guardian the same thing as a conservator?	In Iowa, guardianships and conservatorships are both handled in probate court. Guardians are appointed to make decisions about a protected person's personal care. Conservators are appointed to make decisions about a protected person's finances.
Is it possible to get a member a new guardian if the parent guardian is not good, as in they don't fill out paperwork timely, causing gaps in services, and they aren't appropriately caring for the person's mental health?	Possibly. First, see if it's possible to have a conversation with that guardian to address the issue so they understand the protected person's needs and why not filling out paperwork timely is causing service gaps. If that doesn't work, reach out to the court to inform them about the problems. Try to identify possible successor guardian – other family members or friends, a professional guardianship provider, or if those aren't possible, apply for services through the Office of Public Guardian.
Can a Medial POA remove themselves from this role?	Yes, the agent can resign from that role. If a successor agent was named, they would then take over the role. If the principal has the capacity to sign a new POA and name someone else as their agent, that would be an option as well.
If there has been no opportunity to show they do or do not have the capacity to care for their own needs? Often times guardianship is done through the courts by parents leading to 18 and able to be put into place	The Respondent has a right to an attorney. The attorney's role is to advocate for what the Respondent wants, not what the attorney thinks is in their best interests. Conversations with the family before the individual turns 18 are key when discussing less restrictive alternatives to

pretty quickly. In some cases, this is necessary and I understand, but what about those that are less clear? Who ensures the required rights to the person in question?	put in place, such that a guardian is not needed. Families can also wait and file for a guardianship after the child turns 18 to give them a chance to try making their own decisions. Allow the person to make some decisions before they turn 18. That will help to figure out if they can do so after 18. Take steps beforehand to best prepare.
Can a Guardian be held legally liable for the harmful behavior of the person if they harm someone or cause damage?	Generally, no. A guardian is liable for failure to properly carry out their duties, not for the behaviors of the protected person.
Can a guardian stop the protected person from seeing certain people that they don't feel are "safe" for them, such as those who have taken advantage of them in the past?	Not without court authorization. They can put time, place, and manner restrictions that are reasonable. But to completely cut off contact, they need to have court approval.
Can guardians overrule the service plan that has been agreed upon by the case manager, themselves, the client, the provider, etc.? For example, if a client has 5 hours of alone time approved in their plan, can the guardian decide to allow more alone time that goes against the plan for the day?	It should be a team decision. The guardian could say they are no longer in agreement with what is in the service plan or say they think the rights restriction is too limiting. However, if it's just for a day, what's actually going on? Is there something happening that day that warrants a change to the plan (an appointment, a special activity, staff not available, etc.)? Or is the guardian trying to micromanage the person's day-to-day schedule in a way that might be outside the scope of the guardian's role?
Does guardianship have to be renewed annually?	The guardian needs to file a report with the court annually. In their report, they can tell the court if they think the guardianship is still needed or can be terminated. It's not technically a "renewal," but a lot of people think of it that way.
What if a guardian "resigns" and there is no one to take their place?	Usually, the court will not allow them to resign with no one else to step in unless there's evidence that the guardianship is no longer needed and can be terminated. The court will usually instruct the guardian to try to find a successor guardian – family or friends, professional guardianship providers, or Office of Public Guardian.

Does a guardian need a court order to have an individual admitted to an ICF placement?	If the ICF placement is a secured facility or portion of a facility that limits the individual's ability to leave or have visitors, the guardian will need court approval to make that the individual's permanent residence.
Where do we find more information about professional guardianship providers?	The Office of Public Guardian maintains a listing of professional guardianship providers, which is available on our website at Office of the Public Guardian | Health & Human Services or by emailing the office at opg@hhs.iowa.gov
How can we guide parents to get a guardianship figured out if they are unaware of what the decision was in the beginning?	The parents should get a copy of the court order that appoints them for the full explanation of roles.
What if that guardian was charged with dependent adult abuse as their payee?	If a guardian was charged with dependent adult abuse as the payee, it would be a good idea to let the court know about that, especially if the case is finalized with a founded dependent adult abuse report or a criminal conviction.
Who can request a copy of the original court order from the courts?	It should be a public record. Some documents in the court file will likely be sealed, such as medical records, but the court order itself should be a public record.
Do guardians trump rep payees when it comes to how to spend funds?	No. Guardians don't have any direct control over finances. A conservator would be involved with finances. A guardian would need to be collaborating with a rep payee related to finances.
What if a member wants to spend a spend down on something, and a guardian says no?	The protected person or member should be the one making that decision on what to spend, if able.

Advocacy and Relationships within Guardianship – 3.14.25

Question	Answer
If a guardian wants the member to eat healthier to prevent illness due to diabetic complications and has a doctor order for a specific diet, is this enforceable?	The specific diet or foods within that diet can always be offered and made available for the protected person, but you cannot force them to eat certain foods or not eat other foods.

	Restrictions on what a person eats or drinks should be treated like any other rights restriction. In a community-based setting, that means following the rules at 441 IAC 77.25(5) and 78.41(16). Restrictions on what the person eats or drinks should be tied to a specific assessed need that the individual has. The restriction should only be used to address a real and imminent risk to the member's health and safety. The restriction should be the least intrusive method of meeting the person's need. In some situations, a restriction might be warranted. A person who has a life-threatening allergy to a certain food should be restricted from having that food. In that case, eating the food would cause an imminent risk to the member's health and safety from the allergic reaction. If there is a likely severe interaction between certain foods, drinks, or ingredients (e.g. alcohol or caffeine) and the person's medications, that might be an imminent enough risk to warrant a restriction or limitation. In other situations, the risk to the person's health and safety might not be imminent. Rather than unilaterally restricting that person's food choices, the guardian or service providers can encourage them to start with foods they like and make healthier substitutions or modifications and can encourage other healthy behaviors, such as increasing physical activity and taking medications consistently. Some protected persons live in facilities where meals are provided, such as an assisted living or nursing facility, and there is a limited menu to choose from at each meal. There will probably be options on the menu that align with the doctor's recommendations. Even in those situations, the protected person should have the opportunity to choose foods that they enjoy,

	even if they aren't the healthiest options for them.
Can they restrict someone from buying energy drinks because they don't want the protected person drinking them?	Again, follow the steps for determining whether a rights restriction is justified. If the protected person has spending money and can get someplace to get an energy drink, and that's what they want to spend their money on, they can do that. Even if the protected person is dependent on the guardian or service providers to help them buy energy drinks, they shouldn't be completely off-limits unless there is a genuine danger to consuming them. There are often natural limits on how many they're able to consume. What can they afford? How often do they go shopping or how often does the guardian or service provider go shopping for them?
With doctor order for limited caloric intake, can guardian enforce limited intake?	Calorie limits should be treated like other forms of rights restriction. Calorie limits might be necessary for someone who has a feeding tube or who has a limited ability to recognize or communicate when they're hungry or full (e.g. someone with Prader-Willi syndrome). In those situations, determining how much to feed is often based on finding a calorie level that will provide adequate nutrients and maintain the person at a healthy weight. But for most people, calorie limits are hard to enforce because people want and need different types and amounts of food on different days. Strict calorie limits can also backfire and contribute to binging or other disordered eating behaviors. There are often other methods to help a person reduce their caloric intake, such as encouraging them to start with smaller portions, eat more high-fiber and high-protein foods that are more filling, cut back on sugar, and pay attention to when they are hungry and full. Help them find

	other things to do if they tend to eat out of boredom, impulse, or habit.
What would your suggestion be if a guardian is over the top wanting to add restrictions for no gambling, no casinos, and more?	For all of these things, it depends on whether the member wants to do them. If the member doesn't want to do them, I guess the guardian can restrict them without any adverse effect to the member. But if the member wants to do them, they should be treated like any other rights restriction (see above with the questions on food/drink restrictions). I'm not sure how buying lottery tickets, vaping, or drinking beer or liquor at home would increase the risk of the member being sex trafficked in any way, which makes me think there are also some broader moral objections on the guardian's part. For things like going to casinos, other people's homes, bars/taverns, out of town, consider what types of precautions can be put in place to reduce unnecessary risks while still allowing the member to participate in the activity if they want to. For photos and videos, it's less of a rights restriction issue and more of a privacy issue. The guardian should consider what the purpose of the photos and videos is and who will have access to them. The guardian might say it's fine to take pictures and videos that will be for the member's personal use or to share with family and friends, but might not be comfortable with photos and videos of the member being used in a newsletter, on social media, or on the service provider's website.
What if guardians want to restrict alone time in the community? How do you suggest addressing that? Sometimes providers, too, when it doesn't seem to be a safety issue, but they are afraid of past behaviors.	Most adults don't require supervision for their safety, so restricting "alone time" would restrict the adult's right to decide how they spend their time, where they go, who they spend time with, etc. Some adults need supervision for their safety. But limits on unsupervised time should be directly tied to the person's needs, should be the

	least intrusive method of meeting their needs, should be used only for the benefit of the individual and not as punishment or for the convenience of staff, should be part of the person's service plan or treatment plan, and should be reviewed periodically to determine if the limit is still necessary or if it can be reduced or ended.
It occurs quite often that a client has X amount of alone time, but the guardian verbally allows them to go over the amount of alone time for whatever reason. Do guardians have the right to override a restriction that has been agreed upon by the client's IDT team?	What is the reason for the restriction on alone time? What situations are coming up where the guardian is allowing them to go over the amount of alone time? Have there been actual safety risks or behavioral issues caused by the increased alone time? It might be time to review the restriction and consider whether it's still necessary or whether the client should have more alone time.
Does a guardian have access to all medical records including medical and behavioral health?	Generally speaking, yes. If it's a limited guardianship, they might not have access to all medical records if they don't have authority to make medical decisions. The guardian steps into the protected person's shoes, with respect to things like HIPPA or other confidentially rules. They would have access to those records and authority to consent to or refuse release of those records.
When signing paperwork if both parents are guardians, do both parents need to sign the paperwork or can just one?	It depends on how the order appointing is worded. The default is that all co-guardians need to agree on decisions, so if that's the case, both co-guardians would need to sign it. Sometimes co-guardians would prefer it if one co-guardian can make a decision or sign paperwork without the other co-guardian. That way they don't both have to attend appointments, sign all the paperwork, etc. In those cases, their attorney can make sure the order is worded in a way to allow that.
I think Jennifer said close to the beginning of the training about the Payee trying to avoid the member from using Cash for purchases. I don't find	This is less about the member using cash for purchases and more about the payee using cash for purchases. The payee needs to be able to document how they used the person's money. If

that in the PowerPoint. Is that some place for reference?	the payee withdraws cash, that is harder to do than if the payee writes checks or uses a debit card that will show how much was spent and who was paid.
Does a person need a conservator if the only funds they receive are SS, and that person already has a payee?	No. If their only income is Social Security or SSI and they already have a payee, they most likely do not need a conservator.
If they need to have contact limited with others, is it okay to be supervised for specific reasons related to safety?	Yes, requiring supervision can be a reasonable limitation on contact if it is necessary for the safety and wellbeing of the protected person (e.g.
What if a guardian isn't that involved, lives in another state, and doesn't send back signed documents we need? Can we just notate that in the file?	You should work with your legal counsel or compliance officer to determine what steps to take when you have a guardian who is not fulfilling their responsibilities. The most appropriate response may depend on the facts of the situation. See below for some of the options for dealing with an unresponsive guardian.
What do you do if you have a guardian who has no contact with the member, nor attends meetings, responds to email or sends paperwork back?	Document attempts to get ahold of the guardian, send another letter by certified letter or one with a return receipt, and let the court know what the situation is – what efforts have been made to get in touch with the guardian, how long the guardian has been unresponsive, and how this is impacting the protected person. Ask the court to investigate this situation.
How do we let the court know?	The guardianship paperwork should tell you what county the case was filed in, that's your starting point, and reach out to the Clerk of Court in that county. If your organization has legal counsel, they may take on the case. You can also write a letter with the case information from the top of the paperwork, and write to the judge what the situation is, examples, and what help you are looking for/ want them to do.

Does guardianship drop when filing does not occur every year and then does that mean the member becomes their own guardian?	Guardianship does not automatically end when a guardian fails to file their annual report. The clerks of court run a delinquency list twice a year (in June and December) of cases where the guardian has not filed their annual report. They then send notices out to those guardians to file their report. If the guardian still does not file their report, there are several things that could happen. Sometimes the guardian might go several years without filing a report before the court takes any action. Other times the court will schedule a hearing and order the guardian to appear and explain ("show cause") why they have not filed their report. If the guardian doesn't file their report or attend the hearing, the court might end the guardianship at that time. Or they may try to find out if the protected person still needs a guardian and if there is someone else who can step into that role.
Members who have recently turned 18, the parents do not have the funds to maintain legal guardianship. Any suggestions?	First make sure that guardianship is really needed. If there are less restrictive alternatives (see the first training) that could meet the members' needs, those are almost always less expensive options as well. If less restrictive alternatives won't work, there are a few options for reducing the costs associated with guardianship. 1) Information about free or low-cost legal service providers is available on the Iowa State Bar Association's site at iowafindalawyer.com. 2) Look for attorneys who offer unbundled legal services. Unbundled legal services can help keep costs down by only paying for the help you need with the case rather than full-service, start-to-finish representation. 3) Most guardians can prepare and file their own annual reports, which means they don't have to pay attorney's fees every year for the annual report. Forms are available on the judicial branch website at Court Forms | Iowa Judicial Branch or from the clerk of court.

If guardianship is appointed in another state, and the member moves to IA, is that guardianship still valid? Does the other state require an annual report that guardians need to complete, or does anyone know for sure?	See below.
The guardianship originated out of state, and the guardian continues to renew out of state, though the protected person lives in IA. There has not been an updated report or documentation received. How do we have a situation where an adult client has a Guardianship in place, but the guardian has increased mental and physical health declines?	Two ways to bring an out-of-state guardianship into Iowa to enforce it here: 1. Registering the out-of-state guardian to Iowa. Bring the orders from the other state to Iowa, you file in the appropriate county and tell the court you would like to register this guardianship here. This is ideal if the protected person is temporarily here in Iowa and the goal is for the person to not be here very long. 2. If everyone has moved to Iowa, you tell the state where the guardianship is filed, that you would like to transfer the guardianship to Iowa. File at the same time in Iowa, or after the okay from the prior state, telling Iowa that this is a transfer guardianship from said state and got permission to do so. Both states will work together to get this accomplished. It helps to have an attorney in both states to ensure smooth process. Should encourage the guardian to register or transfer their out-of-state guardianship to Iowa. Guardianship orders aren't automatically enforceable in other states. If all doctors, service providers, etc. decide to honor an out-of-state guardianship order, there may not be any issues. But if they don't, the guardianship will have to be registered or transferred in order for Iowa courts to enforce it.
What is the difference regarding signing documents for providers and medical care for guardians and medical power of attorney?	The medical power of attorney is signed by the individual, naming somebody else to make medical decisions for them when their doctor certifies that they are not able to make decisions for themselves. Key – it only covers healthcare decisions, and it only goes into effect when the doctor certifies. This can be "turned on and off" based on the patient's outcomes, so if a patient

	improves, the doctor can “turn off” the duties of a medical power of attorney. Guardianship – more black and white - once the guardian is appointed, they are given authority to make medical healthcare decisions, consent to services, service approvals, etc. They have the authority as long as they’re still guardian.
Are payees required to sign off on opening lines of credit?	No. A representative payee only manages the person’s Social Security or SSI benefits. A bank or other financial institution might want the payee involved, especially if the Social Security or SSI is the person’s only income. Otherwise, the bank might not feel confident that they will be repaid.
If a conservator is withholding money to pay for their fees associated with performing the guardianship duties, but this causes the nursing home resident to not be able to pay their share of cost in full to the facility, how should this be handled? We have asked the conservator to go to the court to have these fees approved by the court.	The conservator should have the fees approved by the court, they should not be withholding fees that have not been approved by the court. You can consider reporting your concerns to the court. You can also consider reporting your concerns to HHS Dependent Adult Protective Services.
Can a guardian (if not conservator) request financial records from a financial POA or representative payee to review regularly?	A guardian can request them. That doesn’t mean the agent under the financial POA or the representative payee is obligated to provide whatever the guardian asks for. But the agent or representative payee should work closely with the guardian to make sure the protected person’s needs are being met.
A conservator is allowed to dispose of brand new shoes that were gifted to them by a relative because they were "unnecessary" and felt their heavily worn shoes were "just fine"?	No. The conservator could decide not to use the protected person’s money to buy new shoes if they weren’t needed. But I’m not sure why a conservator would get rid of new shoes that were gifted to the protected person and did not cost the protected person any money.

	I'm guessing there is some sort of history between the conservator and the relative, and that this was really an attempt to "punish" the relative (or the protected person for having a relationship with the relative). Is this a one-time thing or are there other concerns with how the conservator is managing the protected person's affairs? If it's part of a pattern, consider whether it warrants notifying the court or making a report to HHS Dependent Adult Protective Services.
Can we get the complete guardian papers from the court, or does the guardian have to get them?	Anything that is public record, you should be able to get from the court.
How can we obtain the original order document if the guardian fails to supply it?	Contact the clerk of court in the county where the guardianship cases are filed.
What would be the reason that the court ordered a restriction to access records---INCREASING 2-14-20 ORDER SECURITY LEVEL TO 3? What does that mean?	Usually, an increase in security level means there is sensitive or confidential information in the document that should not be made available to the public.
Would it be the court's responsibility to find/appoint a guardianship if one is needed, rather than a member or representative having to do that?	In an ideal world, maybe? In Iowa right now, there are some significant barriers to the court being able to do that: • It might come as a surprise to some judges that the court is the ultimate guardian of the protected person. It was a surprise to me the first time I heard it said that way at a conference, but it made sense. • The court doesn't know who in the protected person's network of family or friends might be willing to be guardian. The person and their service providers are more likely to know names and contact information for family and friends and be able to reach out to them to see if they are willing to serve. • The court is in a good position to know about professional guardianship providers in their area, but if the

	protected person cannot afford to pay the provider, that is usually not a viable option. There aren't many funding sources available for guardianship services. • The court is also in a good position to know about the Office of Public Guardian and to identify cases where an application should be submitted to our office. Unfortunately, with the length of our waiting list, we just aren't able to timely serve those individuals, and the court has to figure out what to do in the meantime while the person's application is on our waiting list.
Do we have any idea if funding that regions are currently paying will continue once the districts take over? For Guardianships.	The plan is for the Office of Public Guardian to take over responsibility for currently region-funded guardianship services after July 1, 2025.
Private guardianship is over $100/hr. How do we get something more affordable for people who don't have anyone in the family to be a guardian? Most people cannot afford that.	That's where the Office of Public Guardians comes in, who are the guardians of last resort and those who don't have family or friends for such and don't have the resources to pay private professional providers.
Access to Justice/Rights: Who is responsible for ensuring these rights are realized prior to guardianship appointment? How is this ensured and rights realized for those who are nonverbal and cannot make specific statements, or whose guardian disagrees with assessments of the nonverbal cues the team might observe?	These usually fall on the courts to ensure and enforce because they are tied to the court process. Unfortunately, in Iowa most of the courts don't maintain a list of attorneys willing to be appointed to represent respondents. So it usually falls on whoever files the petition to try to identify an attorney that's willing to represent the respondent. I don't know that there is one correct answer for how to handle a situation where the guardian disagrees with assessments of nonverbal cues the team observes. There are different situations and different levels of involvement of the caregivers and guardians, which can affect the individual situation when working with nonverbal cues and disagreements on assessed cues.

Do you know if the districts will continue to fund region-funded guardianships?	The plan is for the Office of Public Guardian to take over responsibility for currently region-funded guardianship services after July 1.
When there are no other options & OPG has a waitlist, what do you do??	If there are any resources to fund a private professional guardianship provider, that is often the fastest route to go. Otherwise, apply for services through OPG and advocate for expanding access to guardianship services. Let your state legislators know how this issue is impacting you, the organizations you work for, and the people you serve.
What if the member specifically advocates for their family/parent to not have guardianship?	If a guardianship hasn't been put in place yet, first consider whether there are less restrictive alternatives that will meet the member's needs. If guardianship is necessary, find out who the member would like to have as their guardian. Encourage them to talk to their attorney about why they don't want their family/parent to be their guardian. If the guardianship is already in place, you could help the member reach out to Disability Rights Iowa and/or Iowa Legal Aid to try to get help either ending their guardianship or changing who their guardian is. Changing their guardian will of course be easier if they have they have someone else in mind they want to be their guardian.
Should a hospital question your role of a guardian? specifically, how you know the person as you inform them you are a legal guardian and have the documentation.	I don't think that would be a common situation unless the guardian says or does things that cause hospital staff to have concerns about the guardian's relationship/interactions with the protected person or their knowledge of the protected person and the decisions they are making.
Medicaid in many states will pay for a guardian service if no one else is available. Has Iowa considered this?	At least one state (Utah) uses a process called Medicaid Administrative Claiming to support their public guardianship program. We are looking at whether that is an option for Iowa's public

	guardianship program – ours is structured differently from Utah's program. Twenty-two states allow Medicaid members in facilities (and some HCBS waiver programs) to deduct some amount of money from their income to pay for guardianship costs. The exact amounts vary. This then decreases the amount of their income available for client participation and increases the amount Medicaid pays for their care. With a high enough deduction (e.g. Washington allows $235/mo and Texas allows $250/mo; several states do not set a cap as long as the fees are approved by the court), this would not only subsidize Iowa's public guardianship program but also expand access to private professional guardianship services to Medicaid members. At least two states (New Hampshire and Wisconsin) allow an income deduction for court-ordered guardianship expenses for members on regular Medicaid as well.
Are there contacts that could be provided to us that we could reach out to and request funding for guardianship per areas throughout IA?	Reach out to your state legislators. You can find their contact information on the legislative branch website at Iowa Legislature - Legislators
What is the expectation of a case manager's involvement in guardianship proceedings of any kind, whether during the initial petition for guardianship? And what is considered within our professional assessments, since we intentionally do not complete assessments for our members.	There is not necessarily any formal expectation. Case managers are often a great source of information because they have a good overall picture of the individual's situation and often have access to various reports, assessments, and evaluations. At the Office of Public Guardian, we get applications from case managers, and we often reach out to get more information about the individual.

	If you are involved in filing for guardianship, or if you are asked to testify as a witness or provide documents to be used in a guardianship case, work with your agency or organization that you work for to decide how best to proceed.