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## Significant Asset Cases Referral Program

### Fact Sheet

#### PROGRAM OVERVIEW

The Center for At-Risk Elders, Inc. (CARE) is a non-profit, public interest law firm. Since launching our adult guardianship program in 2013, CARE has served as the court-appointed guardian for nearly 700 vulnerable individuals. CARE is designated as a Volunteer Advocates for Seniors and Incapacitated Adults (VASIA) program in Indiana pursuant to I.C. 29-3-8.5 *et seq.*

Prior to becoming guardian, CARE rarely knows much, if anything, about a client's financial situation. From time to time CARE discovers that a client has "significant assets" and therefore capable of sustaining the costs of a professional, for-profit guardianship service.

While CARE will serve as guardian for any individual that meets its acceptance criteria, our non-profit mission is focused on meeting the guardianship needs of unbefriended, *indigent* clients. Every client with "significant assets" we serve is one less indigent client we have the capacity to serve.

The CARE Board of Directors has established the **Significant Asset Cases Referral Program** through which any CARE client found to meet the "significant asset" threshold (as periodically defined by the Board of Directors) may be referred out to a "qualified professional guardian" to become guardian. Referrals are made on a sequential rotating basis among a list of "qualified professional guardians" maintained by the CARE Board of Directors.

The CARE Board of Directors reserves the right to revise or revoke its policy at any time at its sole discretion.

The variables ("significant asset" definition and "qualified professional guardian" definition) can change from time to time by acts of the Board of Directors. For 2022, the CARE Board of Directors has also adopted the following definitions for the two variables:

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| <b>“Substantial assets”</b>              | Net asset values, of whatever kind, totaling \$100,000 or more as shown on CARE’s Temporary Guardian’s Inventory filed with the court.   |
| <b>“Qualified Professional Guardian”</b> | <p>To be a “Qualified Professional Guardian” CARE requires the following:</p> <ol style="list-style-type: none"> <li>1. The guardian must be a National Certified Guardian (NCG) or, if the guardian is an entity, it must have a principal owner that is a National Certified Guardian.</li> <li>2. The guardian must accept “guardianship of the person” as well as “guardianship of the estate.”</li> <li>3. If an entity, the guardian must agree to abide by the National Guardianship Association’s “Standards of Practice for Agencies and Programs Providing Guardianship Services” unless a request for waiver of any parts thereof is approved by the CARE Board of Directors.</li> <li>4. If the guardian is an individual rather than an entity, the guardian must have a defined succession plan if the individual is no longer able to serve as guardian (retirement, relocation, death or disability). Also, such guardian shall agree to have a “Stand By Guardian” designated for any case referred to them by CARE.</li> <li>5. The guardian must commit to a “no-abandonment” principle, meaning that they will not seek to resign as guardian (unless another suitable successor guardian is identified) just because the client’s funds capable of paying the guardian’s fees have been exhausted.</li> <li>6. The guardian must never have been removed as guardian in another guardianship case for malfeasance, nor had a surcharge asserted against any surety bond they might have posted in prior guardianships.</li> </ol> |

## **HOW OFTEN IS THE LIST OF QUALIFIED PROFESSIONAL GUARDIANS REFRESHED?**

Initial applications to be added to our list of Qualified Professional Guardians are accepted throughout the year. Roughly once a year, existing participants will be asked to complete a renewal application to ensure the participant still qualifies for the program.

## **AM I OBLIGATED TO ACCEPT REFERRALS?**

No. If you are on our list of Qualified Professional Guardians, you will be contacted on a sequential rotating basis to see if you are willing and able to accept the referral and become the guardian for the client. If you are unable to accept the referral at that time, then the next Qualified Professional Guardian on the list will be contacted and offered the referral. Your name will remain on the Qualified Professional Guardians list maintained by CARE, so you will be contacted when your name comes up again on the rotation.

## **ONCE I AM CONTACTED WITH A REFERRAL, WHAT'S THE PROCESS?**

If you agree to accept a referral, then a representative of CARE will arrange a time to discuss with you the next steps. Generally speaking, CARE will complete and file a petition for your appointment as guardian and send any appropriate notices. CARE's attorney will be present at the hearing when the court considers appointing you guardian. You should plan on having your own counsel present at the hearing and to represent you thereafter.

Once you are appointed guardian, CARE shall file its Final Accounting within thirty days and once approved by the court will turn the protected person's assets over to you so you may file your Inventory and proceed with the administration of the guardianship. CARE will also share with you other information we have compiled about the protected person.

## **WHERE CAN AN APPLICATION BE FOUND?**

An application to participate in CARE's **Significant Asset Cases Referral Program** can be found at [www.indianacare.org/SACApplication](http://www.indianacare.org/SACApplication).