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North Carolina 

Uniform Guardianship Rules Could Improve Care

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Nancy Graham, a ward of Catawba County, would like to return to West Virginia, her son said.

Photo by D.L. Anderson.

By Lisa H. Towle

Nancy Graham, 74, just wants to go back to West Virginia, according to her son Jeff. But the Graham family can become. A uniform law linking North Carolina to other states could help resolve the situation.

Jeff Graham, 51, and his family helped care for his mother, who could not drive because of a disability. Living in Catawba County was named as Graham's guardian by a court, and she was moved to assisted living facilities.

Graham is allowed to visit with family members, but Jeff and his wife, Lovelia, of Claremont, said she is depressed. A daughter has offered to become her guardian.

"We understood this was to be temporary custody" by the county, said Jeff Graham. "That was 10 years ago. I've been to court about it. I was told we would be part of any decisions, but I don't feel we are part of the decisions."

Michelle Pennell, supervisor of adult services for the county's social services department, characterized the issues involved in Nancy Graham's case.

"We have a caring family living in two states," Pennell said. "Now that things like Medicaid and standards of care are complicated. It's a legal matter."

One development that could help resolve this case would be if the General Assembly were to adopt the Uniform Jurisdiction Act, which would make it easier to transfer cases from state to state. AARP North Carolina is at a new session April 25.

So far, 42 states, including West Virginia, have passed the law, which helps ensure that court-ordered guardianships are enforceable.

Multistate cases

Reliable information is scarce on how many older North Carolinians have guardians. It's estimated that 1.5 million people over 65 have some form of disability.

A guardian is appointed when a court determines that an adult is unable to manage his or her affairs, or is in a mobile society, adult guardianships often involve more than one state.

Adoption of the uniform law could make it easier for the courts and North Carolina, West Virginia and the federal government to coordinate care, Pennell said.

Charmaine Fuller Cooper, associate state director for advocacy for AARP North Carolina, said, "The fact is, but caring for a loved one across state lines should be consistent when it comes to the law."

Cooper said the uniform law would also help prevent exploitative actions such as "granny snatching"—the practice of moving across state lines in order to establish guardianship, often to gain control of money or other assets.



Volunteer advocates for AARP North Carolina are hopeful of passage. Last year, the state House of Representatives passed a bill for guardianship jurisdiction that would sync North Carolina with other states. Now the focus will be on the Senate.

John Eller, director of Catawba County Social Services, said he agrees that the uniform guardianship law is “We’ve just got to have a better system,” he said. “Right now, what exists isn’t necessarily senior-friendly or be a valuable tool for those who want to act in the best interests of a vulnerable population.”

Lisa H. Towle is a writer living in Cary, N.C.

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

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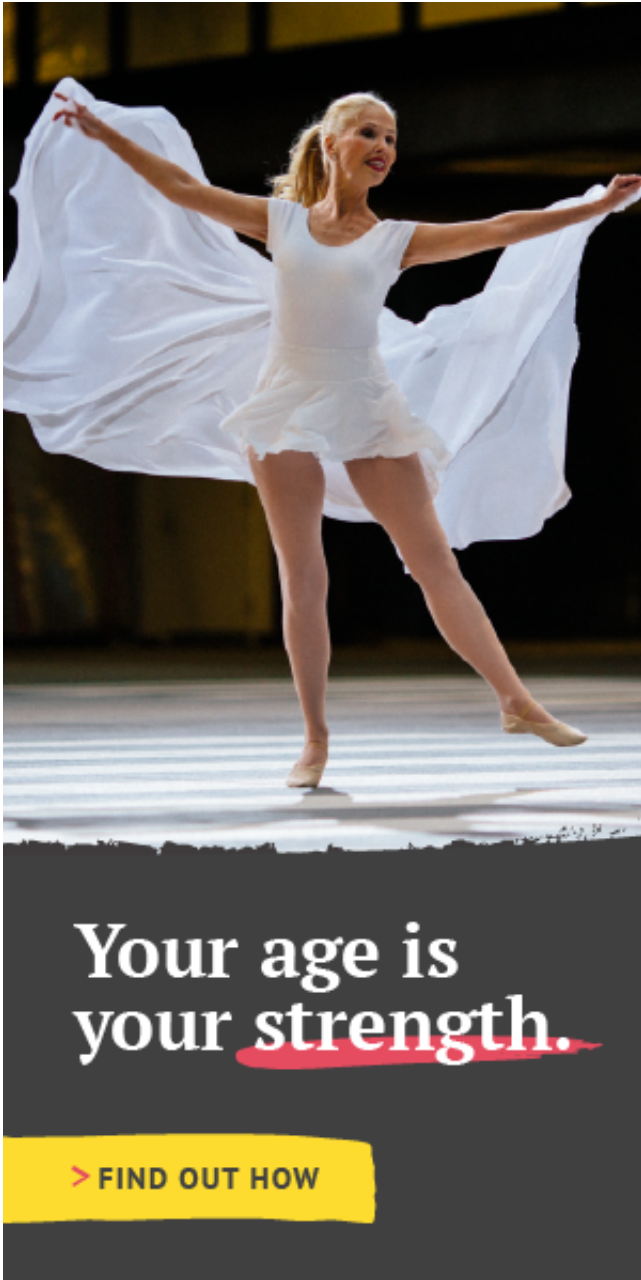
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