

# Pilot for Supervision of Legal Guardians for Personal Affairs Summary Report

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Ellen Milshtein Jenny Brodsky Dori Rivkin Hana Goldenberg

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# Abstract

## Background

Over 50,000 adults in Israel have a legal guardian appointed for them by the court; 85% of the guardians are family members and 15% are professional<sup>1</sup> (public) guardians. Until 2014, guardians were under government supervision regarding property and finances only. Changes in attitudes in Israel and abroad regarding the rights of people with guardians to autonomy and quality of life have raised the demand to extend the supervision to cover personal matters as well and to ensure that the guardians attend to all areas of life, including medical care, personal care, appropriate housing, work and employment, social and recreational activities, and to do so while taking account of the person's<sup>2</sup> wishes and acting accordingly.

## Goals

The main goal of the pilot was to help the Office of the Administrator General (public guardian) at the Ministry of Justice design a system to supervise guardians in regard to personal matters so as to identify situations in which guardians are not performing their duties adequately. Another goal was to provide information about the people who have guardians and the guardians themselves, as well as the guardians' performance of their duty, and their needs.

## Methods

The pilot consisted of three main stages: **1. Developing indicators and tools to examine the guardians' performance** – this stage was based on 18 case studies, 39 interviews with professionals, and a review of laws and procedures in Israel and abroad; **2. Implementation of the pilot** – 502 guardians completed a self-report questionnaire. Interviewers made home visits to 453 persons, each visit included an interview with the guardian, observation, and an interview with the person. Social workers at residential facilities completed questionnaires about 213 residents. The data from the questionnaires, the observation and the interviews were reviewed by a social worker who determined

<sup>1</sup> "Professional guardian" the term used in Israeli law for "public guardian" will be used throughout the document.

<sup>2</sup> The term "ward" is not currently preferred, and the current term is "person who has been appointed a guardian," whom we will refer to as "the person" or "persons" for brevity.

whether the guardian was performing adequately or if there were grounds for concern that they were not. **3. Examining the validity and reliability of the tools** – validation of the method of supervision by means of a return visit by a social worker to 113 homes.

## Findings

In 94% of the cases where the guardians were family members, their performance was adequate. However, many of them needed guidance and assistance fulfilling the role. Among the professional guardians, in 52% of the cases, there were grounds for concern that their performance was not adequate; in most cases, this was related to not following the procedures for visiting the person and knowing them personally. Almost half of the persons with guardians (46%) were over the age of 65. About half of them (48%) lived in the community, and 52% lived in residential facilities. Seventy-five percent of those aged 65+ had dementia and 66% of those below the age of 65 had intellectual developmental disability.

Among the guardians who were family members, 38% were guardians of their children, 30% were guardians of their parents and the remaining 32% were siblings or other relatives. On average, professional guardians had 117 people in their care. A home visitor had been appointed for 85% of the people who had a professional guardian, with the role of being frequently in contact with them.

## Conclusion

The model chosen for the pilot consisted of a non-professional interviewer visiting the person's place of residence to conduct interviews and observation and passing on the information for an assessment by a social worker. This model provides the information required to assess the performance of the family guardians. In the case of the professional guardians, a considerable gap was found between the guardian's role as perceived by the organizations providing professional guardianship and as perceived by the Office of the Administrator General. Therefore, for professional guardians, it is preferable for the supervision to be performed by a social worker and include a significant component of instruction. In this way, it will be possible to have a broad-based impact in many cases. In light of the understanding that there are limited resources available for supervision, it is important to set priorities based on risk factors regarding the guardian's characteristics, the person's characteristics, and the relationship between the guardian and others involved in caring for the person.

# Executive Summary

## Background

Over 50,000 adults in Israel have had legal guardians appointed for them; 85% of them have family members as their guardians, and 15% have professional guardians . Until 2014, guardians were supervised by the Office of the Administrator General at the Ministry of Justice in matters of property only. However, changes in Israel and other countries along with public pressure, appeals to the courts by social organizations, academic studies and the State Comptroller's 2004 report led to the decision to broaden the scope of supervision to include personal matters as well, to ensure that the guardians take care of all areas of life, including medical care, personal care, suitable housing, work and employment, social and recreational activities, etc., taking account of the person's wishes and acting accordingly.

## Goals

The main goal of the pilot presented in this report, was to help the Office of the Administrator General design a cost-effective system to supervise guardians for personal affairs, so as to identify situations in which the guardian is not performing adequately. Unlike other studies that examine existing programs or systems, the current project was a pilot to try out a proposed supervision model developed by MJB, the Ministry of Justice and the pilot's steering committee. Due to the nature of the project, the current report goes into great detail about the process of building the system, examining both the validity of the system and the implications for future development and expansion of the system by Office of the Administrator General.

Another goal of the pilot was to provide information about the individuals who have guardians, and the guardians themselves, the way they fulfill their role, and their needs.

## Method

The pilot included three main stages:

1. **Developing indicators and tools to examine the guardians' performance:** This stage consisted of developing a list of indicators to measure the guardians' performance. This was based on 18 case studies and 39 interviews with professionals, and a review of the laws and procedures in

Israel and abroad. The case studies included people with family members as guardians and people with professional guardians, people of different ages, and people living in the community and in residential facilities.

2. **Conducting the pilot:** In the second stage, we tried out the supervision tools and procedure designed in the first stage. This included self-report questionnaires and supervisory visits. The pilot population was sampled at random from adults (aged above 18) with guardians for personal affairs appointed between 2004 and 2014, in Beersheba, Jerusalem, Tel Aviv and Haifa. Self-report questionnaires were completed by the guardians of 502 people. A total of 453 visits were made to the homes or places of residence of people with guardians – 93 of them people with professional guardians. The visits were conducted by specially trained interviewers between February 2016 and January 2017. They included an interview with the guardian, observation of the person, the home or facility and the interaction between the person and the guardian, and an interview with the person, if possible (47% of the cases). At residential facilities, social workers also completed questionnaires about the resident and the guardian (213). Based on the information collected during the visits, the pilot's social worker determined whether the guardians were performing adequately or whether there were grounds for concern that they were not.
3. **Examining the validity and reliability of the tools:** The supervision method was validated by conducting return visits by experienced, senior social workers to 113 cases.

## Findings

**Indicators of the guardians' performance:** Based on case studies, interviews and a review of procedures, a list was drawn up of five key indicators of the guardians' performance to be used for supervision: 1. Respect for the person's dignity and autonomy; 2. Responsibility for meeting the person's personal needs; 3. Responsibility for the person's social needs and social participation; 4. Relationship between the guardian and the person; 5. Relationship between the guardian and professionals.

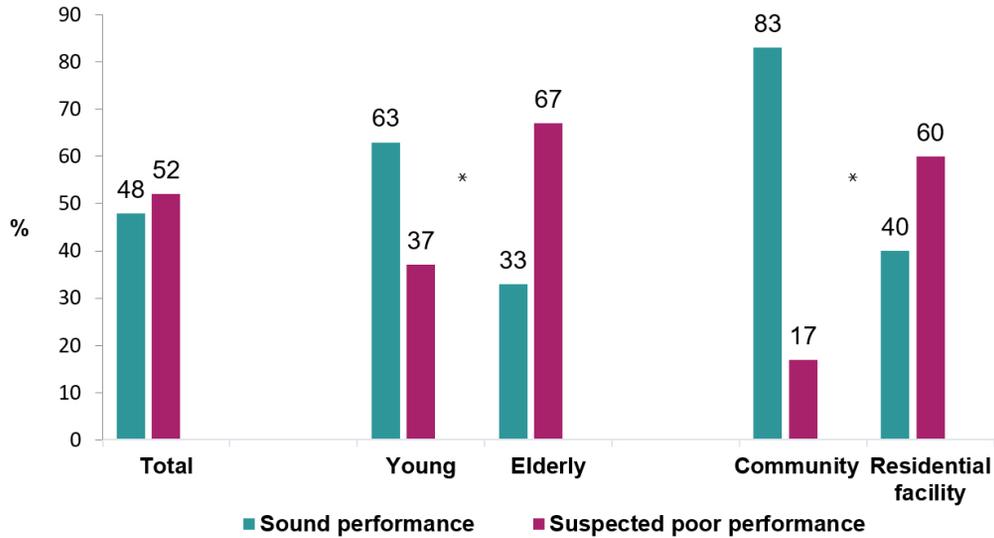
**Examination of the proposed supervision arrangements:** Serious deficiencies in the Office of the Administrator General's information system made it very difficult to carry out supervision. The method of supervision tested in the pilot was based largely on the collection of data by non-professional interviewers. It was found to be viable and effective with regard to the family guardians. With regard to reliability, there was a noticeable difference between the of the two types of guardian. With regard

to family guardians, in 94% of the cases, the assessment of the guardian's performance by the social worker whose opinion was based on reading the questionnaire completed by the interviewers and that of the social worker who visited the person herself were found compatible. In contrast, when it came to the professional guardians, the level of compatibility was low (33%). In the Kappa index, which measures reliability between two assessments, the scores were 0.31 and -0.27, respectively. The gap in the case of the professional guardians evidently stems from the fact that the social worker who made the assessment on the basis of reading the interviewers' information did so according to the formal criteria in the care package (e.g., frequency of visits), while the social worker who conducted the validation visits paid greater attention to the person's general condition.

**Performance of the guardian's duties:** Among family guardians, 94% performed their responsibilities adequately and met the criteria set by the indicators. However, family members were found to have a great need for guidance and assistance in coping with the responsibility and difficulties inherent in the job. Because of the small percentage of family guardians in the pilot about whom there was concern of inadequate performance, it was not possible to use statistical processing to find predictors of inadequate performance. From the interviews with professionals and discussion of complaints handled by the Office of the Administrator General, several risk situations were identified, e.g., old age or poor health of guardian; guardians of people with challenging behavior without mobility problems who live in the community; guardians with ongoing disagreements with other family members of professionals.

Among professional guardians, in 52% of the cases there was reason for concern that their performance was not adequate, usually because they failed to meet the requirements for meeting with the person (e.g., regarding frequency and duration of visits, and conducting them in privacy) and direct meetings and because the care coordinator did not know the person well enough. Cases with suspected inadequate service by the guardian were more frequent among people over 65, and people living in residential facilities (see Figure 1, below). The care coordinators serving as professional guardians were found to have a heavy caseload (117, on average) and a gap was found between the way the professional guardians perceived their role and the Ministry of Justice's regulations and requirements of them.

**Figure 1: Social Worker's Assessment of the Performance of the Professional Guardians, according to Age and the Place of Residence of the Person with a Guardian (Percent)**



\*Statistically significant at  $p < 0.003$

**Characteristics of the people with guardians in the pilot:** Approximately half (46%) of the people with guardians were aged 65+, and 55% were women. Most of the younger people (under 65) were single (89%). Among the older people (aged 65+), 52% were widowed and 18% were married. Among those with a professional guardian, the percentage of the unmarried or divorced was higher (52%) than among those with family guardians (24%). About half (48%) of the people lived in the community – alone, with family members, or in a supported living arrangement – and the remainder lived in residential facilities for people with disabilities or in old age homes. However, while the rate of people living in the community with family guardians was 56%, among those with professional guardians, 20% were living in the community.

Seventy-five percent of the people over 65 had dementia and 66% of the people under 65 had an intellectual development disability. Thirty-nine percent of the people under 65 and 26% of the people over 65 had a psychiatric disorder (often in addition to other disabilities).

**Characteristics of family guardians:** Most of the guardians (62%) were aged 40-64 and 33% were aged 65+. Sixty percent of the guardians were women and 75% were married. Thirty-eight percent were guardians of their children, 30% were guardians of their parents, 17% were siblings and the remainder (15%) were other relatives or friends. Most of the guardians (91%) had been appointed for both personal and property matters and almost all (99%) were permanent. Sixty-one percent of the guardians shared the role with one or more additional guardians. In regard to their duties, more than two-thirds reported that they assisted the person with bureaucracy, took care of medical matters, and provided financial assistance out of their own pockets. Fifty-three percent reported that they were also involved in their recreational activities. In general, in most areas, when the person lived in the community, the guardians did more for them than when they were in residential facilities. Only 61% percent of the property guardians submitted an annual financial report as required.

**Characteristics of the professional guardians:** The vast majority of the professional guardians provide service through professional care coordinators, who are responsible for a large number of people, and non-professional home visitors who have direct contact with a smaller number of people. The care coordinators serve as guardians for an average of 117 people. A new regulation that was applied in 2018 stipulates that a maximum of 75 people can be served per care coordinator. Seventy percent of the care coordinators had held the position for at least two years and 38% had at least 5 years seniority. Among the professional guardians, 91% had been appointed for financial and personal matters, and 98% were permanent. The most common reason for appointing a professional, rather than a family guardian (74% of cases), was that family members were not capable or interested in fulfilling the role. In 23% of the cases, the reason was that the person had no family at all or no family in Israel; 3% of the coordinators reported that they did not know why a professional guardian was appointed. In general, most of the professional guardians noted that they were involved in areas that had to do with the person's financial affairs (98%), and bureaucratic matters (100%), and far less with personal matters, such as medical matters (17%) or taking the person to medical appointments (11%) or recreational activities (6%).

Eighty-five percent of the people with professional guardians had a home visitor appointed by the professional guardian organization. The visitor's job is to be in regular contact with the person; in 7% of the cases, the coordinator also acted as the home visitor and in 8% of the cases, there was a coordinator, but no home visitor. The average age of the visitors was 58 and a third of them were past retirement age. Sixty-one percent of the visitors had been employed for over 5 years. Each home visitor visited an average of 48 individuals.

## Main Recommendations

1. **Database:** The information in the Office of Administrator General's database needs to be substantially improved and the supervision system should make greater use of computer systems. The information systems should provide current data on the person and contact details of the guardian. The system should also be used to create alerts that help make the supervision more efficient and make it possible to prioritize and direct efforts to high-risk cases.
2. **Supervision system:** The model examined in the pilot, which is based on home visits by specially trained interviewers and an assessment given by the social worker, appears to provide the information required to determine the performance of guardians who are family members. With regard to the professional guardians, there is a gap between the expectations and requirements of the Office of the Administrator General and the way the professional guardians actually perceive their role. Evidently, in the case of professional guardians, the system needs to intervene regarding fulfillment of the role, meeting criteria, and supervision. Furthermore, the supervision should be conducted by skilled professionals and not by interviewers, and should include a meaningful training component with the care coordinators, in order to have a broad-based impact on many cases.
3. **Priorities for supervision visits:** On the understanding that there are limited resources available for supervision, it is important to prioritize according to risk factors based on the guardian's characteristics, the person's characteristics, and the relationship between the guardian and other parties involved in caring for the person. Given that the vast majority of family guardians perform adequately, it is evidently possible to do with less intensive supervision for that population, apart from those in risk situations. In addition, it should be noted that people with professional guardians are naturally at greater risk, since no family member is available to serve as guardian, sometimes because they have no family at all, or because they have a poor relationship with their family or none at all. Therefore, many of the resources need to be centered on this population. Furthermore, professionals should be called upon already at the stage of appointment, in order to identify the risk factors, encourage receipt of public complaints and bolster cooperation with the Ministries of Health and Social Affairs and Services' existing inspection mechanisms of residential facilities. Along with the need to take risk factors into account in order to prioritize, there should also be a random sampling supervision component in low priority cases, chiefly to ensure that no case is completely unsupervised.

4. **Follow-up study:** We recommend conducting a study to examine the implementation and effectiveness of the supervision system once it is set up. In particular, it is important to examine how far the deficiencies in the performance of the professional guardians have been reduced. A methodical examination of the estimated risk factors for inadequate performance of family guardians, which could not be done in the current pilot, is also recommended.