**CHAPTER EIGHT**

**RESOURCES**

As GAL, it is important for you to be aware of and to utilize the resources available to you. Aside from the probate court, court-related resources include Article 5 of the South Carolina Probate Code, S. C. Code Ann. § 62-5-101 *et. seq.*, which establishesthe GALposition, and the overall guardianship and conservatorship process. The Code is available at <https://www.scstatehouse.gov/code/title62.php>.

As stated previously in this Manual, in some cases it may be advisable for the GAL to retain his or her own attorney, particularly in contested cases. An attorney can provide the GAL with legal advice. The retention of an attorney for the GAL should be addressed through the Probate Court, as it would require court approval.

A GAL should not hesitate to seek guidance and ask for help. The following is a list of resources, in no particular order, of resources that you may find helpful to utilize in your discretion as GAL. This list, however, is not an endorsement of any particular group, agency, or viewpoint. The goal of this list is to provide you with many perspectives that may inform your investigation or your recommendations to the court.

**GOVERNMENTAL RESOURCES**

**South Carolina Lt. Governor’s Office on Aging**

The South Carolina Office on Aging strives to enhance the quality of life for seniors in South Carolina. The SCOA works with a network of regional and local organizations to develop and manage services that help seniors remain independent in their homes and in their communities.

 Contact information:

 1301 Gervais Street, Suite 350

 Columbia, SC 29201

 Phone: 1-800-868-9095

 Fax: (803) 734-9886

 <https://aging.sc.gov/>

One of the programs of particular interest is the SCOA’s **Long Term Care Ombudsmen**. Long Term Care Ombudsmen investigates and helps to resolve non-criminal complaints made by or for residents of long-term care facilities. They address issues related to quality of care and quality of life. Some of the issues they may assist with include:

 -Violations of rights;

 -Improper transfer or discharge of a resident;

 -Assistance with benefits;

 -Dignity and respect; and

 -Abuse, neglect, or exploitation.

(For more detailed discussion concerning reports of suspected abuse, see Chapter 7 of this Manual.)

**Medicare**

If the A.I.I. qualifies or potentially qualifies for Medicare, then Medicare questions can be answered by the National Medicare Hotline, at 1-800-633-2273, or [www.medicare.gov](http://www.medicare.gov).

**Medicaid**

Medicaid related questions can be addressed to the South Carolina Department of Health and Human Services, at (888) 549-0820, <https://www.scdhhs.gov/>. Suspected Medicaid fraud is investigated by the Medicaid fraud unit of the S.C. Attorney General’s Office, phone number 1-888-662-4328.

**Social Security**

Social Security questions can be addressed to the national hotline, 1-800-772-1213, or to the local offices, the contact for which is available at

<https://www.ssa.gov/atlanta/southeast/sc/south_carolina.htm>.

**U.S. Department of Veterans Affairs**

Some A.I.I.s are veterans and receive medical care from the VA. Therefore, it may be necessary or advisable to contact the local VA hospital. The contact information is below:

 Charleston: Ralph H. Johnson VA Medical Center

 109 Bee Street

 Charleston, SC 29401

 843-577-5011

 Columbia: Wm. Jennings Bryan Dorn VA Medical Center

 6439 Garners Ferry Road

 Columbia, SC 29209

 803-776-4000

**The Department of Social Services (DSS) Adult Protective Services**

The Adult Advocacy Division, which includes Adult Protective Services (APS) and the Domestic Violence Program, protects the health and welfare of elderly, disabled, and vulnerable adults by coordinating services to the victims of actual or potential abuse, neglect, self-neglect or exploitation.

To contact DSS, call (803) 898-7318 or contact the local DSS office of the county where the A.I.I. resides. Contact information is available at <https://dss.sc.gov/contact/>.

**SLED, Vulnerable Adult Investigation Unit (VAIU)**

The VAIU receives and coordinates the referral of all reports of alleged criminal conduct (abuse, neglect, or exploitation) of vulnerable adults in facilities operated or contracted for operation by the South Carolina Department of Mental Health (SCDMH) or the South Carolina Department of Disabilities and Special Needs (SCDDSN). Phone: 1-866-200-6066.

**Local Law Enforcement**

Local law enforcement investigates allegations of criminal conduct which occurs in private or community settings.

**LEGAL RESOURCES**

**The South Carolina Judicial Branch**

By visiting [www.sccourts.org](http://www.sccourts.org), you can find links to court forms and information pertinent to lawyers, litigants, and the general public.

**The South Carolina Bar**

The South Carolina Bar offers information and resources to the public.

 Contact: 950 Taylor Street

 Columbia, SC 29201

 (803) 799-6653

 <https://www.scbar.org/>

**Protection & Advocacy for People with Disabilities, Inc.[[1]](#footnote-1)**

Protection & Advocacy for People with Disabilities, Inc. is an independent, statewide nonprofit corporation that seeks to protect and advance the legal rights of people with disabilities. P&A’s publications include resources on issues such as disability access, assistive technology, behavior support plans, mental health, Medicaid and healthcare, mental health, and special education. Its mission includes the investigation of reports of abuse or neglect. Their website, <https://www.pandasc.org/>, provides information that may be of assistance to the GAL. The phone number is 866-275-7273.

**Attorney General’s Office**

If the GAL becomes aware of Medicaid fraud, it may be reported to the Attorney General’s Office’s Medicaid Fraud Unit at: (803) 734-3660 or call toll-free: 1-888-NO-CHEAT (1-888-662-4328). Tips can be made anonymously. For more information, visit: <http://www.scag.gov/medicaid-fraud#ixzz5lTVBz5Io>

Suspected Medicaid recipient fraud should be reported to the South Carolina Department of Health and Human Services via the toll-free tip line: 1-888-364-3224.

Read more: <http://www.scag.gov/medicaid-recipient-fraud#ixzz5lTV5Xt21>

**ASSISTED DECISION-MAKING RESOURCES**

* **Adult Students with Disabilities Educational Rights Consent Act Fact Sheet by Protection & Advocacy for People with Disabilities, Inc.:**

<http://www.pandasc.org/wp-content/uploads/2016/07/Adult-Students-with-Disabilities-Educational-Rights-Consent-Act.pdf>

* **Presentation from the ABA Section of Civil Rights and Social Justice, with background information regarding supported decision-making (SDM):**

<https://www.americanbar.org/content/dam/aba/administrative/crsj/committee/aba-webinar-for-judges.pptx>

* **Presentation about supported decision-making program jointly sponsored by the Center for Public Representation (CPR) and the Massachusetts Supported Decision-Making Project discussing how SDM works:**

<https://www.americanbar.org/content/dam/aba/administrative/crsj/committee/aba-sdm-webinar-powerpoint-feb-2018.pptx>

* **American Bar Association Commission on Law and Aging PRACTICAL tool and Resource Guide, for use in evaluating cases involving the need for supported assistance and/or guardianship:**

 <https://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice/practical_tool.html>

* **National Resource Center on Supported Decision-Making**:

<http://www.supporteddecisionmaking.org/>

* **Center for Public Representation & Nonotuck Resource Associates, Inc. Supported Decision-Making Pilot Project:**

<http://supporteddecisions.org/>

* **Supported Decision-Making New York:**

<http://sdmny.org/>

* **American Bar Association Commission on Disability Rights Supported Decision-Making Resource Page:**

<https://www.americanbar.org/groups/disabilityrights/resources/article12.html>

* **Autistic Self Advocacy Network Supported Decision-Making Toolkit:**

<http://autisticadvocacy.org/2016/02/the-right-to-make-choices-new-resource-on-supported-decision-making/>

* **The Arc’s Position Statement on Self-Determination:**

[https://www.thearc.org/who-we-are/position-statements/rights/self-determination](https://www.thearc.org/who-we-are/position-statements/rights/self-determination%20)

* **The Arc’s Position Statement on Autonomy, Decision-Making, Supports, and Guardianship:**
* <https://www.thearc.org/who-we-are/position-statements/rights/Autonomy-Decision-Making-Supports-and-Guardianship>

* **The Arc’s Center for Future Planning:**

<https://futureplanning.thearc.org/>

* **ACLU Supported Decision-Making Resource Library:**

<https://www.aclu.org/other/supported-decision-making-resource-library?redirect=supported-decision-making-resource-library>

* **Glen, “Piloting Personhood: Reflections From The First Year Of A Supported Decision-Making Project,”:**

<http://www.cardozolawreview.com/content/39-2/BOOTH.GLEN.39.2.pdf>.

* **Kohn, Blumenthal, Campbell, “Supported Decision-Making: A Viable Alternative to Guardianship?”**

<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2161115>

**OTHER RESOURCES**

* **Involuntary Mental Health Commitments Fact Sheet by Protection & Advocacy for People with Disabilities, Inc.:**

<https://www.pandasc.org/wp-content/uploads/2018/10/Involuntary-Mental-Health-Commitments.pdf>

* **American Bar Association resources on Capacity Assessment**

<https://www.americanbar.org/groups/law_aging/resources/capacity_assessment/>

* **ABA Publication “Legal Standards of Diminished Capacity”**

<https://www.americanbar.org/content/dam/aba/administrative/law_aging/2012_aging_capacity_hbk_ch2.pdf>

* **South Carolina Department of Education Office of Special Education Services**

Phone: 803-734-8485

1. https://www.pandasc.org/ [↑](#footnote-ref-1)