

# Working With Challenging Families: How to Increase Transparency and Partner with Families

**Joyce McHugh, BSW, MSW, CCM, CM**

*joyce@advocatecareservices.com*

**Advocate Care Services** provides Case Management, Legal Guardianship and Medical Power of Attorney services to older adults, individuals with Alzheimer's disease and other dementias, chronic mental illness, brain injury and developmental disability who are no longer legally competent to make decisions regarding their health and welfare.

# Agenda

Introduction: Working With Challenging Families

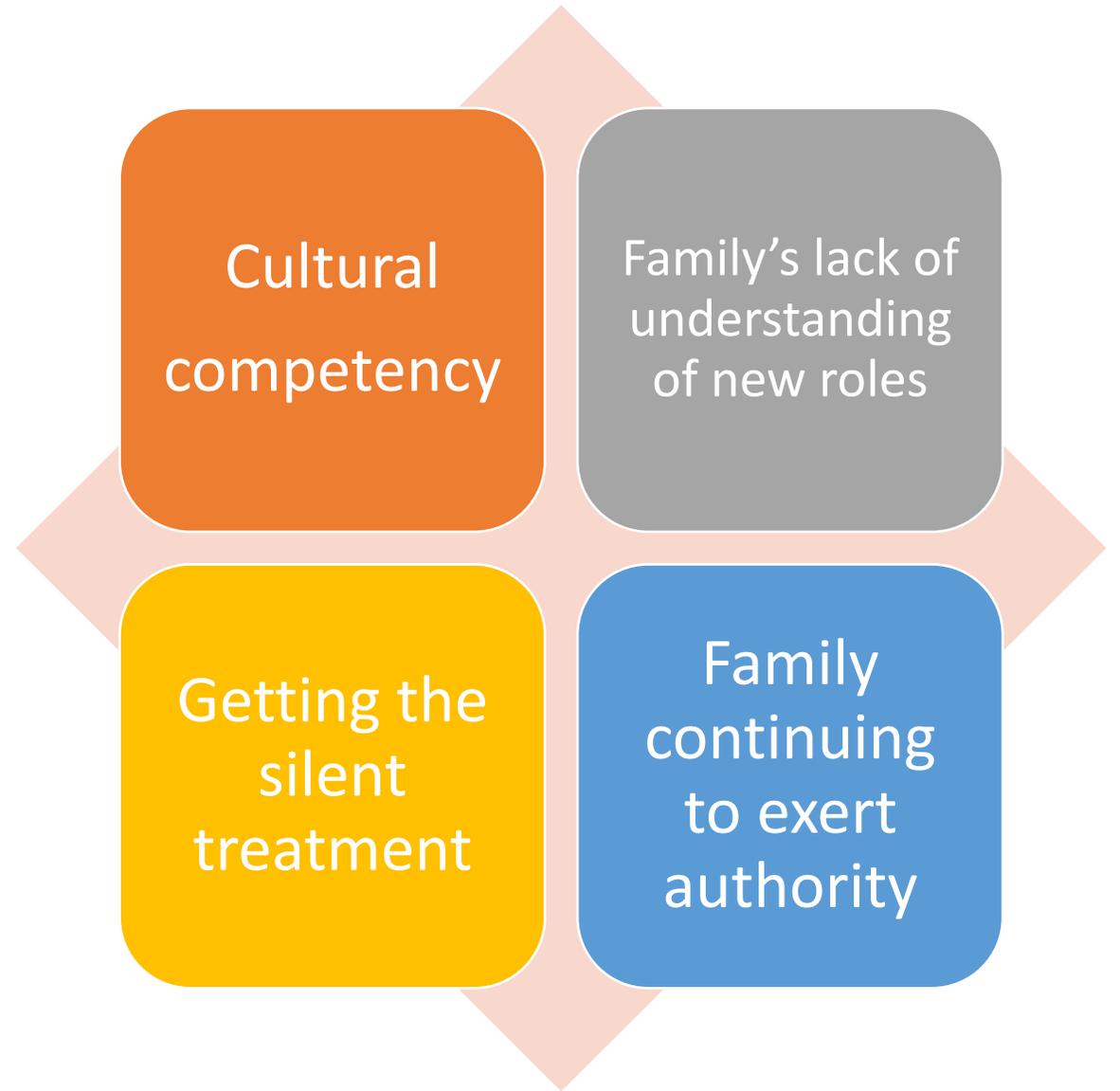
Problematic Family Behaviors: Vignettes and Role Play

Planning and Conducting a Family Meeting and Setting Boundaries

Letters: Guardian's Authority

Q & A and Wrap Up

# What is the Challenge for the Guardian?



# Cultural Competency

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Is there a language barrier

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Consider religion or spiritual  
practices or traditions

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Family hierarchy

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Immigration status

# Family's lack of understanding of new roles

Guardian has a responsibility to the client and the court

They are free to be a loved one

Scope of authority

Guardian becomes primary contact for providers

# Getting the silent treatment

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- Family member not speaking to you
- Not sharing history or information
- Continuing to use established relationships with providers



# Family continuing to exert authority



Making treatment decisions



Making and attending medical appointments



Using established relationships to go around the guardian



Influencing the client through fear or emotional manipulation

# Behavior Demonstration and Vignettes

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# What About the Overly Nice Family Member?



# Behavior Demonstration and Vignettes

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# What about the mean family member?



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We need to get on the same page

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# Defining and Setting Boundaries with Positive Intention

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# Planning Family Meeting

- Pre-meeting tasks
  - What is the challenge you are facing (this flows into the goal of the meeting)
  - The goal of the meeting (how can this be stated in one clear sentence)
  - Decide most appropriate format (Zoom, in-person, phone) and if applicable - location
  - Deciding attendees
  - What each person contributes or needs to hear for meeting
  - Request specific information to be brought to the meeting Ex. Burial plans, previous evals
  - Set a date/time for the meeting and notify attendees
  - Requests concerns/questions from attendees
  - Set and publish agenda

# Meeting Agenda Worksheet

- What is the goal of the meeting in one clear sentence?
- What is the most appropriate format for the meeting?
  - In-person – where will the meeting take place
  - Zoom
  - Phone
- Who **NEEDS** to attend: Keep in mind need versus wants – many will want to attend but who needs to attend?
  - What information does this person have and how will they contribute?
  - Keep the attendance as low as possible – usually six or under.

# Meeting Agenda Worksheet

- What information do I need to request and from whom?
  - Burial plans
  - Medical records or medication lists
  - Contact information for friends and other family members?
- Set a date and time for the meeting and notify attendees
- Request concerns from attendees and be clear that the agenda is robust so concerns sent ahead of time will not be addressed
- Compose final agenda and publish to attendees

# Conducting the Family Meeting

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# Family Meeting Flow

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Guardian: Opening statement and setting boundaries for participation

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Guardian: Explain scope of authority and pathways for communication

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Guardian: Address any specific issues (Guardian to present specific issues sent prior to meeting)

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Family discussion with Guardian

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Guardian to outline resolutions

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Closing and circulate meeting summary (within 24 hours)

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What to include  
in a letter to  
providers  
regarding  
guardian's  
authority

Letters of  
Guardianship/Conservatorship

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graph TD; A[Letters of Guardianship/Conservatorship] --> B[Quote the statute regarding required release of information if applicable]; B --> C[Affirm decision-making participation from the person under guardianship];
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Quote the statute regarding  
required release of information  
if applicable

Affirm decision-making  
participation from the person  
under guardianship

# Letter to providers

Date:

RE: (Insert Client Name and DOB)

I am the Legal Guardian for the person mentioned above and have attached my Letters of Guardianship and the Order of Appointment from the Court with this information because we want to have a clear understanding of how to work together.

A Legal Guardian is a Court-appointed office. The individual named has been determined by a medical professional to be incapable of making decisions in their own best interest, and the Court has agreed and appointed a Legal Guardian, whom the Court charges with all decision-making duties and responsibilities regarding the Ward.

# Letter to providers

What this means for working together:

Any and all information and records are to be furnished to the office of the Legal Guardian. Because there is a Legal Guardianship in place, there is no requirement for a release.

***The Guardian shall have access to the Ward's medical records and information to the same extent that the Ward is entitled. The Guardian shall be deemed to be Ward's personal representative for all purposes relating to Ward's protected health information, as provided in HIPAA, Section 45 CFR 164.502(g)(2).***

- No written prescriptions, samples, or medications are to be given directly to the Ward if the Legal Guardian or a Representative is not present.
- Any and all appointments must be scheduled with and approved by the office of the Legal Guardian.
- Any and all contact with the Ward needs to be reported to the office of the Legal Guardian.

Per the statutes, we make every effort to allow the Ward to express their desires and fully participate in decision making. However, there are times when the Legal Guardian must make a decision contrary to the expressed desire and, at times, historical treatment for the Ward. It is also not always appropriate to discuss or debate the issue in the presence of the Ward. If you feel like more discussion is needed after an appointment, or regarding a presenting issue, please feel free to contact me.

I appreciate the time you have taken to read this information. Legal Guardianships are not typical and must be treated differently than other cases.

With best regards,

Q & A and Wrap up

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Thank you!

Joyce McHugh

720-435-7241

[joyce@advocatecareservices.com](mailto:joyce@advocatecareservices.com)