



Interviewing Respondents

And Collateral witnesses

A glowing blue network of nodes and lines forming a dome shape against a black background. The nodes are small blue dots, and the lines are thin blue lines connecting them. The network is dense and complex, with many connections between the nodes. The dome shape is formed by the network of lines and nodes, with the top of the dome being the most dense part of the network.

Who has ever been
interviewed?

A glowing blue network of nodes and lines forming a dome shape against a black background. The nodes are small blue dots, and the lines are thin blue lines connecting them. The dome is composed of many interconnected triangles, creating a mesh-like structure. The background is a solid black color.

Who has ever been interviewed
for a guardianship?

SO TELL US A LITTLE ABOUT YOURSELF



**I'D RATHER NOT, I
REALLY NEED THIS JOB**

Responses to the Guardianship Petition

- "I think I can make my own decisions"
- "I don't want a guardian"
- "I can wipe my own ass"

Interviewing is Important

- Get to know the Respondent
- Real People
- Real Stories



Your Role in Interviewing

- Ask Questions
- Listen to Responses
- Gather information
- Observe



Ask Questions

- Getting to know their position
- Determining their level of capacity
- Orientation questions
- Do they answer questions appropriately?



Listen to Responses

- Note their responses
- Quote when you can



Gather Information

- What does the home look like?
- Is there food in the cabinets?
- Are there medical devices in the home?



Observe

- Can they do what has been alleged?
- Can they ambulate without assistance?
- Do they trail off on the conversation?
- Do they struggle to answer questions?

Always Keep an Open Mind



Keep an Open Mind

- Don't go into the interview blind
- Know the Reason for the Petition
- Don't make pre-determined judgements



The Interview



- Introduce yourself
- Explain your role
 - Investigate, evaluate and make recommendations to the court in the Respondent's best interest
- Explain the Petition
 - They may have been served, but not understand the petition
- Explain the process
 - Petition, Court Visitor, Professional Evaluation, Hearing

The Interview

- Go over their rights
 - They may contest the petition
 - They have the right to be present at all hearings
 - They may request a jury trial
 - They may request the Court replace the Court Visitor
 - They have the right to be represented by an attorney

The Interview

- Go over their rights they may lose
 - Marry or divorce or enter into or terminate a registered domestic partnership
 - Vote or hold elected office
 - Enter into contract
 - Make or revoke a will
 - Appoint someone to act on behalf of the incapacitated person
 - Sue or be sued other than through the guardian
 - Possess a license to drive
 - Buy, sell, own, mortgage or lease property
 - Consent to or refuse medical treatment
 - Decide who shall provide care and assistance
 - Make decisions regarding social aspects of the incapacitate person's life

The Interview

- Go over Less Restrictive Alternatives (LRAs)
- It is not "Guardianship or nothing"
- Lisa Malpass will discuss LRAs later

Barriers to the Interview

- Legalese
- Limited English Proficient
- Hearing impaired
- Non-verbal
- Cultural diversity



Common Causes to Incapacity

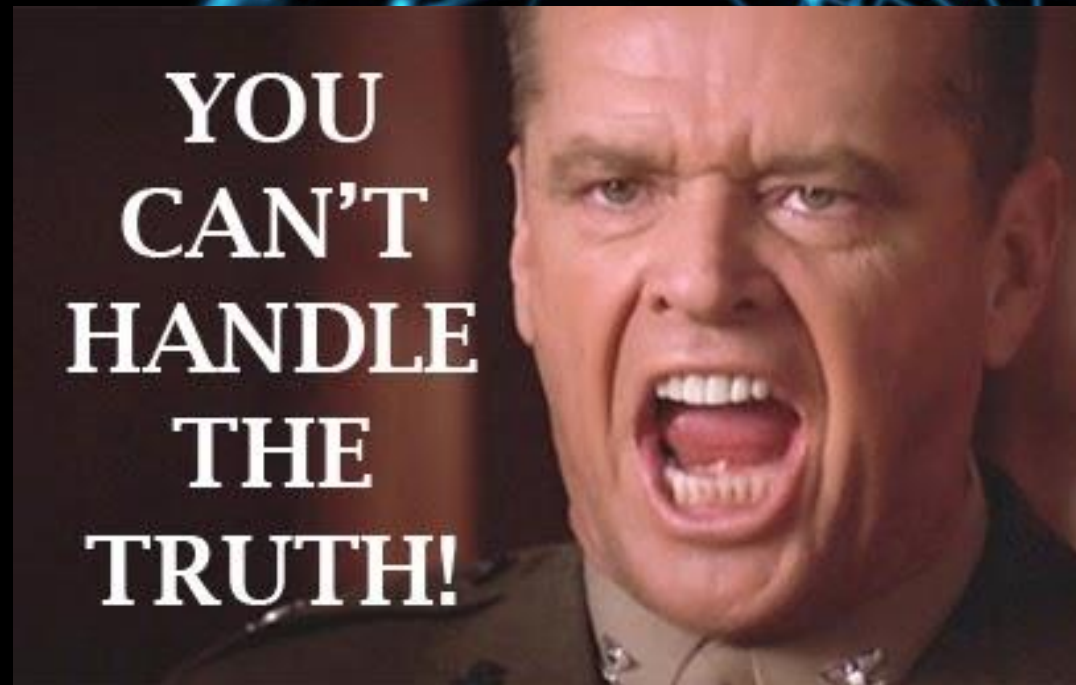
- **Neurocognitive**
 - Cluster of symptoms, not a single disease
- **Reversible**
 - Anemia, urinary tract infection, hyperthyroidism, tumors, metabolic disorders, depression, and the effects of medication.
- **Irreversible**
 - Alzheimer's Disease, stroke (which may cause multi-infarct dementia or vascular dementia), AIDS, substance use disorder (SUD), and Parkinson's Disease

The Questionnaire

- This is a guide
- Ask clarifying questions
- Ok to go off script and ask other questions
- Ask open-ended questions
 - If you ask Yes/No questions, you will get Yes/No responses

Collateral Witnesses

- Why do we interview collateral witnesses?
 - To ascertain the truth



Collateral Witnesses

- Why do we interview collateral witnesses?
 - To get their position on the guardianship
 - They can provide independent perspectives
 - Help corroborate or contradict information gathered from primary sources
 - Enhancing the accuracy and credibility of an investigation by offering a more complete picture of the situation

Collateral Witnesses

- What is a collateral witness?
 - A third party who can support a narrative in the case
- Who can be a collateral witness?
 - Anyone!
 - Doctors, Family, Nurses, Friends, Neighbors, etc.



Collateral Witnesses

- Treat witnesses with respect
- This is an invasive process
- This is their loved one's lives



Putting it all Together

- All of your interviews will be in your report
- Good note taking is crucial
- Spelling is impordant



Putting it all Together

- Report details your investigation
- Recommendations
- Use the local form on website



Tips and Tricks

- Use plain language (Avoid acronyms)
- Recommendations
- Use the local form on website



The background of the image features a complex, glowing blue network of interconnected nodes and lines, forming a spherical shape that resembles a globe or a data network. The nodes are small, bright blue dots, and the lines are thin, glowing blue lines connecting them. The overall effect is a sense of a vast, interconnected digital space.

Questions?



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