# Beneficiary Support Toolkit for Trust Professionals



# Chapter 2: Decision-Making

**What to Do With a Poor-Quality Substitute Decision-Maker**

Guardians, conservators, and powers of attorney are entrusted to be good faith actors who help people achieve their best possible quality of life.

Guardians, conservators, and powers of attorney are given a very high level of trust by being empowered to make decisions on a person’s behalf. Unfortunately, while guardianship is intended as a safeguard of abuse, it can also be a source of abuse, neglect, and exploitation.

It is critical for trust professionals to [recognize the signs of abuse and take action as needed](https://ncler.acl.gov/getattachment/Legal-Training/When-the-Guardian-is-an-Abuser-Ch-Summary.pdf.aspx?lang=en-US).

It is also important to recognize people who may not be abusive or neglectful but who may not be fulfilling their intended role. These people are not supposed to be making just the best financial decision or the best investment decision – they should be making the decisions the beneficiary **would want to make, if they were able to do so**. These decisions should be ones that support the beneficiary to live their best life and achieve their goals and passions.

Below is a checklist of steps and tips that can help your trust make sure that your processes and procedures and any staff can identify poor decision-makers and/or signs of abuse – and know how, when, and to whom to report these concerns.

Trust staff receive training and are able to:

Recognize the signs of guardianship abuse, neglect, or exploitation

Include questions around decision-making in regular check-ins with beneficiaries

Observe a beneficiary and surrounding for signs of abuse, neglect, or exploitation

Share and report internally and to the appropriate authority, as needed, when they identify signs of abuse or neglect

Trust policies include:

Requirements to ask about decision-making arrangements at:

Regular check-ins

Site Visits

Yearly budget planning meetings



Annual staff training requirements to review signs of abuse, neglect, and exploitation

A specific trust policy on what to do if abuse, neglect, or exploitation is suspected. This policy includes:

How to capture observations, feedback, and other concerns

A firm timeline on when to report concerns internally and externally

A list of staff and groups that must be informed or reported to if abuse, neglect, or exploitation is suspected. This may include:

* + - Supervisory trust staff
    - Your [state Protection and Advocacy organization](https://futureplanning.thearc.org/professionals?utf8=%E2%9C%93&profession=Protection+and+Advocacy+Agency&state=)
    - A service provider supporting your beneficiary
    - Adult Protective Services
    - Law enforcement or your local court
    - The [Social Security Administration (SSA) Office of the Inspector General Fraud Hotline](https://oig.ssa.gov/)
    - The [Veteran’s Affairs (VA) Office of the Inspector General Hotline](https://www.va.gov/oig/hotline/)



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