

# A LOOK AT HOW BUTLER COUNTY'S VOLUNTEER GUARDIANSHIP PROGRAM IMPACTS THE CRIMINAL OFFENDER

By: Judge Randy T. Rogers  
Butler County Probate Court  
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Courts are where justice should be found. Efficient justice is good, effective justice is better. Butler County's Volunteer Guardianship Program has made Butler County's courts more effective courts.

*"Efficient justice is good,  
effective justice is better."*



*According to some research studies 40% of all individuals with severe mental illnesses are not receiving treatment at any given time.<sup>1</sup> Because they are not receiving treatment many of these individuals revolve through the doors of hospitals and jails or assume their place among the nation's homeless.*

## Jeffrey's Story

Jeffrey<sup>2</sup> is in his 40's and has schizophrenia. He first came to the attention of the Probate Court a few years ago when an affidavit was filed by a mental health worker who reported that Jeffrey had been walking in traffic making obscene gestures toward drivers which resulted in a police intervention. Court records indicate that the police had great difficulty getting Jeffrey to leave the roadway but that they chose to transport Jeffrey to a hospital rather than to the jail.

At the hospital Jeffrey was diagnosed with an acute exacerbation of undifferentiated schizophrenia, a condition for which Jeffrey had been receiving

treatment for 24 years. During those 24 years, Jeffrey had been hospitalized in psychiatric wards 16 different times. In the months immediately preceding the police intervention, Jeffrey had stopped taking his prescribed medications, had begun to experience persecutory and grandiose delusions, and had been evicted from his residence.

After hearing the evidence the Probate Court found that Jeffrey was a mentally ill person subject to court ordered hospitalization and ordered that he be committed to a hospital for a period of 90 days. His commitment was later continued for a period of 6 months, but in the less

restrictive environment of a large nursing home where Jeffrey continued to receive his medication.

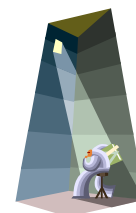
After Jeffrey's civil commitment was ordered an application was filed seeking the appointment of a guardian for Jeffrey. The Probate Court chose a guardian from the Butler County Volunteer Guardianship Program. Since the guardianship has been in place there have been no subsequent civil

commitment proceedings involving Jeffrey and he has had no subsequent psychiatric hospitalizations. He lives in a small group home with a few other men, all of whom have their own room.

Today Jeffrey pretty much comes and goes as he pleases, and lives on a budget worked out by his guardian.

From experiences behind the bench, most judges have discovered that **there are some persons who suffer from chronic illnesses that seriously impair a person's ability to make judgments.** These illnesses also severely restrict a person's capacity to function and provide for basic needs. Judges regularly see these people in their courts and many times know them by name.

Persons with severe mental illnesses may appear in a municipal court on a disorderly conduct or menacing charge, in a domestic relations court on a domestic violence charge, a juvenile court on a dependency charge, a common pleas court on a felony charge, or a probate court as a respondent in a civil commitment or guardianship proceeding. Like anyone else, judges want to do the right thing in every case that comes before them. Judges want the justice they dispense to be effective.



**Jeffrey could have gone to jail for standing in the middle of a busy highway hurling expletives at the passing motorists. But after he served his time, if Jeffrey had continued to neglect to take his prescribed medication and his illness remained untreated, the police would have been called again for some similar event, and Jeffrey would have been back before another judge somewhere.**

## Volunteer Guardianship Program



Because of situations like Jeffrey's, Butler County started a Volunteer Guardianship Program. The Program began its operation in 1996 and since that time has been administered by **Lifespan**, a non-profit social service organization that administers other programs that meet the needs of the elderly and the mentally disabled. During its first eight years, the Guardianship Program has received 542 referrals from hospitals, nursing homes, mental health and mental retardation agencies, attorneys, and others. At the end of 2003, the Program was providing guardianship services to 167 very needy persons.



The Program's 1996 budget of \$51,000 was funded by grants from the general operating budgets of the mental health and mental retardation boards and from the indigent guardianship fees collected by the Probate Court. Since then, additional funding sources have been secured by the ongoing fund-raising efforts of Lifespan. In 2001 the Program's annual budget was \$227,200, but in 2003 the Program operated on only \$206,900, although more people were being served. Contributions to the Program now come from private donors, private foundations, hospitals, nursing homes and adult protective service agencies supplementing the contributions from Butler County's mental health and mental retardation boards and the Probate Court.

Guardianship services are provided by volunteers trained by Lifespan and by staff members employed by Lifespan. As in any other guardianship the Probate Court appoints the guardians. Court personnel meet as needed with the Program administrator to establish protocols. The Program has met what was a desperate need. At the end of 2003 there were 25 active volunteer guardians and two staff guardians. The volunteer guardians were handling 48 guardianships and the staff guardians were handling the other 119.



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effective justice is better."***



Butler County's Volunteer Guardianship Program is one example of how problems resulting from severe mental illnesses can be addressed by the ***coordinated efforts of the court system and the treatment community***. The Program has enabled Butler County's court system to be more effective.

## ENDNOTES

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<sup>1</sup> Regier, D.A, Narrow, W.E., Rae, D.S., Manderscheid, R.W., Locke, B. Z., Goodwin, F. K. The de facto US Mental and Addictive Disorders Service System: Epidemiologic Catchment Area prospective 1- year prevalence rates of disorders and services. *Archives of General Psychiatry*, 50:85-94 (1993).

<sup>2</sup> "Jeffrey" is not his real name.