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## Newsroom: PBC: Safe Passage Through Guardianship

Roger Williams University School of Law

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# Newsroom

## PBC: Safe Passage Through Guardianship

The Pro Bono Collaborative's Guardianship Project brings together a hospital, a law firm, law students and the parents of disabled children – and helps them all



A young person's passage from the sheltered years of childhood to the independence of adulthood can be traumatic for any parent. But when the child reaching 18 is mentally or physically unable to handle adult responsibilities and demands, establishing an appropriate form of guardianship can carry emotional and financial burdens of its own.

One of dozens of programs coordinated through the **Pro Bono Collaborative** at Roger Williams University School of Law, the Bradley Hospital **Guardianship Project** offers a fascinating glimpse at just how the Collaborative operates – and how clients, law firms and students all benefit from the experience.

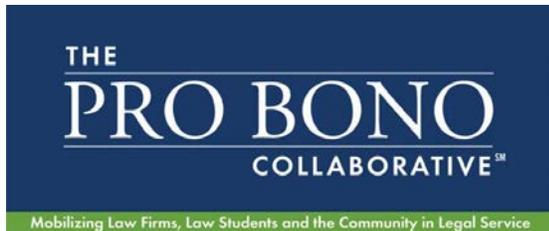
Launched in 2008, the Guardianship Project – operated through **Bradley Hospital's Center for Autism and Developmental Disabilities** in Riverside, R.I., in partnership with the law firm of **Barton Gilman LLP** in Providence – has donated hundreds of hours assisting the parents of disabled children turning 18, by providing legal advice and counsel regarding their options and, where appropriate, establishing legal guardianship of their children.

"It's a very strong program that has helped a lot of families in need over the past seven years," said **Suzanne Harrington-Steppen**, Associate Director of Pro Bono Programs at RWU Law, adding that the project will be showcased at this year's **Pro Bono Collaborative Cocktail Reception**, this **Thursday, May 28 at 5:30 p.m.**, at One Citizens Plaza Rotunda in Providence.

One participating lawyer is **Jenna Pingitore '12**, a medical malpractice litigator at Barton Gilman LLP, who has handled about ten guardianship cases through the PBC program since 2010.

“As a Roger Williams alum, the guardianship project was something I was immediately interested in, Pingitore said. “It was a way to give back and to stay involved with my Roger Williams community – and truly, these are some of my most rewarding cases that I deal with. You really see tangible results, the positive impact you’re having on the child’s parents and on the entire family. It’s a very gratifying experience all around.”

### Softening the Emotional Impact



Pingitore begins each new case by meeting with the child’s family at their home. “That initial client meeting can last well over an hour, two hours,” she said. “I try to get a sense of their circumstances and environment; and I try to make them feel comfortable. We really talk through the whole history and what everybody wants to get out of the case.”

That’s an essential step, according to **Christine Brown**, community organization liaison at Bradley Hospital. She said many parents of disabled children have established a routine of care over the previous 18 years – but then the legal ramifications of a child reaching legal adulthood suddenly begin to manifest: they can’t obtain test results; they stop getting callbacks from doctor’s offices; complications arise with federal benefits. Yet the disabled child remains unable to represent his or her own best interests as an adult.

Often the solution is some form of guardianship, which can make such routine transactions easier – but comes with its own emotional costs. “Sometimes the parents are just coming to terms with the fact that their child isn’t going to get better,” Brown said. “It’s one thing when they don’t go off to college with everyone else; it’s another when you need to take their rights away and make all their decisions for them.”

“There is a tremendous financial and medical stress involved in attending to the day-to-day problems of kids in this situation – legal problems are not always their top priority,” said **Lena Thomas ’15**, a former social worker who assisted Pingitore as an RWU Law student. “So it was great to be able to help these parents, who are already dealing with so much, and help them overcome the hurdles they face.”

That’s why it’s important to really get to know the families, Pingitore explained. There is a continuum of possible solutions– including a power of attorney to handle just financial matters; establishing a special needs trust; or appointing a medical proxy – and sometimes full guardianship just isn’t the right fit.

One case, for example, involved a family whose daughter had “some mental health issues,” but was otherwise “fully functional,” attending high school and holding down a part-time job. “As we proceeded, the parents decided they would go with a limited guardianship,” Pingitore said. “They’ll be in charge of her financial issues and her health care power of attorney, but it’s not as restrictive as a full guardianship.”

### **Removing Legal and Financial Burdens**

In addition to the emotional impact, guardianship proceedings can be a costly, time-consuming legal expense that many families – already burdened with the expenses associated with raising and caring for a disabled child – are simply unable to meet. And this is where the Pro Bono Collaborative’s contribution really shines.

“The program truly is, in every sense of the word, collaborative,” Pingitore said. “When I met with one family, they didn’t even have funds to pay for the advertising fee or filing fee. So I reached out to Chris Brown and she was able to secure the money for them from a fund that they maintain at Bradley. It was just unbelievable that we were able to help this much.”

The courts pitch in too. “The second that any probate court hears you’re involved with the Pro Bono Collaborative, they go out of their way to make it easy for you,” Pingitore said. “On the first few cases I handled, the clerks would literally send me a checklist basically laying out, ‘Here’s everything you need to do and submit.’ Every town is different, so it makes it a really wonderful experience when everyone is working together for the same ultimate goal.”

The experience is deeply appreciated by the families, as well. “It’s a huge benefit to our families on so many levels – in terms of the respect these lawyers show them, the peace of mind they gain, the quality of the legal advice they receive, and a huge list of benefits from relieving that financial burden, which is so prohibitive for many families,” Brown noted.

And the legal assistance they receive is top quality. When one probate hearing required the presence of a family’s mentally disabled, non-verbal daughter who lived in a group home hours away, Pingitore filed a successful motion to waive her appearance. “We do everything that we possibly can do to make it easier on the family,” she said. “I’ll even stop by their home to pick up and drop off documents that have to be signed and notarized.”

The experience also afforded Thomas, as a law student, important practical exposure to legal practice. “I got to attend client meetings with the parents, did legal research, and even tagged along to probate hearings.”

“As a litigator, I feel that seeing things happen in court is one of the best learning tools a law student can have,” Pingitore noted. “It’s helpful for Lena to do research and fill out forms, but when you actually see the final product in court, I feel that that’s the best learning you can get. I got that as a student at Roger Williams, so I want to pass it along and help others.”

Another important service offered by Thomas, Pingitore and other program participants are guardianship workshops held at Bradley on guardianships that typically draw packed houses of 50 attendees or more. “We’ve found that parents really have a lot of questions about helping their children manage their finances and health decisions, particularly later life and end-of-life decisions,” Brown said. “The PBC program really helps answer that need.”