

Sunrise Caring Association

Results from the “Future Plans” Brainstorming Session June 3, 2024

In preparation for our 3rd 1/4ly meeting (set for August 22 at our 2024 AGM) we desired to generate questions concerning Future Plans we need answers to:

Here are the results of our session under the headings: Capacity, Guardians, Teams of Care, Financial Matters, Residential Concerns, Quality of Life

CAPACITY

- 1) In Cayman, who determines capacity?
- 2) What are the legal definitions for different levels of Capacity?
- 3) What metrics are used to determine Capacity ?
 - a. What diagnosis or tests are used? Is it simply cognitive ability tests?
 - b. Are the views of the client considered in determination of capacity?
- 4) What ongoing evaluations, regulatory reviews would be needed? How long does the status of a person’s capacity last?
- 5) Do families have input regarding assessments?
- 6) Are their different areas of capacity evaluated? IE- is there a different test to determine a person may make their own healthcare decision, vs. choosing their own food, or transport needs?
- 7) Could we create capacity workshops to empower clients to know their rights and to best integrate into the community?
- 8) How can we ensure the clients capabilities are honored in the community, and their needs met?
- 9) Should evaluations be ongoing? Should reevaluations be based on changes to the clients abilities, or surroundings, or should they recur after specified lapses of time
- 10) Can a capacity assessment be challenged by anyone?
- 11) Who can request a capacity assessment?
- 12) In what areas of functioning does a substitute decision maker need to have the recognized status of “Power of Attorney” or “Court Appointed Guardian” (What triggers this legal status need)

GUARDIANS and POWER OF ATTORNEYS

- 1) If there are no Guardians or P.O.As legally appointed for an individual client / Adult at Risk , does Cayman take on these persons as “Wards of the State” – what does that look like? / Who determines that? What legislation covers that?

- 2) Can a non-related person challenge or contest a Guardian? (in case they are concerned for the welfare of the adult at risk – and feel that the Guardian is not acting in the best interest of the Client.)
- 3) How would anyone report abuse by a Guardian?
- 4) Are there any provisions for a Star Trust like- “Enforcer” or ombudsperson to intervene on behalf of a Client?
- 5) If an Appointed Guardian no longer wishes to or can no longer act in this capacity? What are the legal implications? Is there a system to designate an alternative Guardian? Is there an obligation create a succession plan at the outset of the arrangement?
- 6) Are there institutional Guardians on Cayman? – (a qualified group of Social Workers or Trustees for example.)
- 7) Are there minimum standards for Guardians?
- 8) Is there a system to vet Guardians? Is this ongoing, or only at the beginning of the appointment?
- 9) How is compensation, if any, determined and overviewed?
- 10) What would happen if the Client refused to work with a Guardian that was appointed? Is there any protocol for this instance?
- 11) What are the key elements we should consider when determining who we wish to be a guardian?
- 12) Would our choice for a Guardian need to be in our will? What are the Pros/Cons of trying to direct this from the grave? Should we appoint someone now before we die?

TEAMS OF CARE

- 1) Can we create Teams of Care (for example a medical care person, a financial oversight person, a homecare coach)?
- 2) If we created a team of people – who would provide coordinated oversight - Guardian? Social Worker? Trustee? Power of Attorney?
- 3) What are the minimum qualifications we need to seek in our initial care team ?? How can these same qualities be used to choose their successors?
- 4) What are the legal differences between a “Power of Attorney” and a “Legal Guardian”.
- 5) How should we determine between those two?
- 6) What are the costs and legal complexity of each ?
- 7) What is the process to appoint a P.o.A ?
- 8) What is the process to appoint a Guardian?
- 9) What is a Conservatorship? Is that recognized in Cayman law?
- 10) Could a Care Team member be living overseas – what are legal ramifications?
- 11) With what metric should one determine an individual is fit for these purposes? (- how to make sure they have the best interests of the client at heart)

- 12) What is the process in the event there is a differing of opinion between the care directors on major decisions? Is there a Cayman legal dispute mechanism that can be pre- determined such as mediation?
- 13) If care falls onto the family member next in line (brother/sister of client) are there any community supports already available to these care providers?
- 14) How is it best determined and directed to share personal information about the client with the care providers? Especially regarding medical & financial information flow.
- 15) Does the client have a say in any of these decisions?

FINANCIAL MATTERS

- 1) Where should we seek financial advice and support? (We need advice on building a nest egg for our clients now.- this should be a quarterly meeting topic in the near future)
- 2) How much can we predetermine how our money will be managed after we die?
- 3) What happens to the client and the care team if our savings run out?
- 4) If our client needs NAU and it fails, what then?
- 5) How do we go about setting up a trust fund? Will a trustee manage bills and other residential expenses for our client?
- 6) We need advice for investments that will ensure future cash flow.
- 7) How do we determine how much cash flow is needed and who will make decision when to adjust that amount – in the event our client needs additional expenditures (Medical equipment and accessibility changes to their dwelling for example)
- 8) Can we set up budgeting for our clients future as a “continued learning” resource.
- 9) Would Life Insurance be a valuable asset for our situation? How would our client access any insurance payouts?
- 10) Who will assist our client to do banking, budgeting, & ensure they do not waste their money?
- 11) How do we ensure our clients are not taken advantage of financially?
- 12) How do we create our own legally binding Will? What elements do we need to include and can our wishes for our clients be specifically included?
- 13) Can an holographic (hand written) Will be enforced in Cayman, if so, what do we need to do to make sure it is legally enforceable?
- 14) What constitutes a legal will in Cayman?
- 15) What are the key Pros and Cons of formal trusts v informal trusts?
- 16) How should we structure a pseudo trust or informal trust for our clients?
- 17) Which investment professionals on Cayman can be trusted to act in a fiduciary capacity for our clients?
- 18) Which competent investment advisors, portfolio managers exist now with a good track record and a succession plan that will likely outlive our own clients?
- 19) How can we protect against financial abuse by – next of kin, Guardians, others wishing to take advantage of our clients?

- 20) Can the Government or a Non-Profit Trust or Organization be gifted property (real estate or otherwise) in trust for the client's use and benefit during their lifetime?
- 21) Would NAU benefits change for clients once they are individuals without a parent?
- 22) Is there any service provider to assist our Sunrise clients to apply to NAU for funds?
- 23) At what stage does the NAU recognize the status of "Permanent Financial Assistance"?

RESIDENTIAL CONCERNS

- 1) How do we choose a trusted person to watch over our client?
- 2) How can we source assistance with recruitment and training for care providers to manage the specific needs of our individual clients?
- 3) How do we best prepare for our children to take over our homes where they reside – bill payments, home maintenance etc?
- 4) Can we develop special housing and assisted living supports for our clients now? (Government might support once this is up and running so we need to raise cash and develop this for ourselves)
- 5) We would love to have both supported independent living – for individuals who need various limited levels of support (such as nutritionist visits, nurse visit for medication, cleaners and independent living coaches – to help clients meet their maximum potential to live in their own home safely and healthfully as well as fully supported residences with onsite live-in Staff – ie. group homes.
- 6) How do we access qualified and trained staff for this?
- 7) Would this be regulated by Government? What regulations exist now that we need to be aware of?
- 8) Can our individual homes be placed into a trust through our wills, and the care and maintenance of the home overseen by a trustee, and a Board-Enforcer so that our clients can stay in place until they pass away – or wish / need to relocate?
- 9) How can we ensure our clients have future Homes not just custodial care?

QUALITY OF LIFE

As we consider our clients life after our death we are concerned on so many levels,

- 1) Will our client be able to have a fulfilling life without us?
- 2) What more can be done to help prevent loneliness and isolation of clients without parents in the future?
- 3) Can SCA lobby for a residential community that promotes a better quality of life for our clients?
- 4) How can we ensure our clients are going to be able to express their own needs?
- 5) What happens for those children who are existing Foster Care ?
- 6) How do we develop Social Support Groups for all our Sunrise Clients?

