**Communicating and Confidentiality at the Time of Individual under Guardianship’s Death**

**By SOP, the information below is what the GSSW or designee obtains from the entity that notifies guardianship of an Individual’s death:**

* Name and age of the Individual;
* Date, time and placeof death;
* Name of physician who pronounced death;
* Cause of death, and was death expected or unexpected;
* Statement of a DNR in place or approval for termination of life support
* Last residence;
* Name, address and telephone number of the funeral home; and,
* Name of family members and/or friends contacted.

**Typical questions and information families want to know:**

* When and where the Individual passed?
* What was Individual’s cause of death?
* Where is the Individual’s body now?
* Did the Individual suffer?
* Was the Individual alone when they passed?
* Is there a prepaid burial, if not does the state pay for the burial?
* Can family use a different funeral home than the one where the prepaid is established?
* Can the family pick up the Individual’s belongings?
* Who makes the decisions on burial arrangements?
* How much money does the Individual have in their account?
* Past/current instances of abuse/neglect by facility?

If a worker is asked about alleged abuse/neglect/exploitation and/or a pending investigation, they should reply by saying they are not able to discuss any allegations, substantiations, or pending investigation. The worker should also advise that APS/OIG/DDID are the investigating agencies, depending on the level of care. The family can file an open records request with these agencies.

The worker should also be cognizant of questions asked by the family that need to be referred to the facility where the Individual resided or hospital that rendered care. This way the family can receive first- hand information and the worker avoids speaking on things they are not sure about or do not have confirmed, available information on. E.g. did the Individual suffer or were they alone when they died?

**Additional Pertinent Notes**

* For the guardianship field worker, anything involving a Individual’s finances should not be discussed, including information about account balances, amount of burial, etc.
  + Staff should provide fiduciary’s contact information for financial related questions from the family.
  + There are processes that fiduciary has to go through to determine what funds are available after death. In some instances, we have to pay funds back to SSA or other entities.
* Releasing the Individual’s body. Guardianship ends at time of death so guardianship has no authority to release the body to the funeral home or coroner. Options for release of the body are: Physician can release, family can give consent for release of the body, and in certain circumstances the coroner can, if they are involved.
* Giving permission to facility for family to pick up belongings. Guardianship has no authority after the Individual passes away, so we cannot give consent. Facilities should have internal processes on how they release belongings to families once someone passes away.
* Guardianship cannot give consent for an autopsy or organ/tissue donation. Prior to adjudication if an Individual has signed an organ/tissue donation then it can be honored but we would not give the approval.
* Family makes burial arrangements/decisions once an Individual has passed away, so it is within their ability to move the burial policy to a different funeral home. Fiduciary can provide the family with the funeral home policy information and amount.
* Guardianship workers should think about and anticipate potential questions from the family at the time of Individual death. Some circumstances may necessitate the worker having a consultation or discussion with a supervisor prior to speaking with the family.
* Again, if a guardianship worker is unsure of what can and cannot be released or discussed with family members, they should consult with their supervisor. If a question is asked by the family and the worker is unsure of the response, they should tell the family they will get back to them with a response. They should look further into the question, be sure of the response, then follow-up with the family.