



dLCV's Quick Guide to Making a Complaint About Your Guardian

How Do I Know Which Complaint Process to Use?

A Guardian is a person a court has given the legal right to make decisions for you, and to make sure you are in a safe place and that your needs are met. Your guardian may be either an individual or an organization, which is usually a nonprofit organization or social services agency. If your guardian is an organization it will work with you through one of its staff members or volunteers. In this case, you need to keep in mind that it is still the organization, and not the staff member or volunteer you see, that is your actual guardian.

In addition, some organization guardians are part of the [Virginia Public Guardian and Conservator Program \(VPGCP\)](#) or have smaller programs that are. There are other guardian organizations and programs that are not part of VPGCP.

The process you need to use to make your complaint is determined by the type of guardians you have. To work that out, you can start by finding out exactly who the court legally appointed as your guardian. That may turn out to be the individual you want to complain about, or it may be the organization they work for or volunteer with. Either way, you will need the full name and contact information of the organization or individual who is your actual guardian.

Often, the easiest way to get this information is to ask the person you see as your guardian. If you don't want to do that, or if that person won't tell you, then you should be able to get it from the Court's Order that appointed the guardian. You should have received a copy of this Order at the time the guardian was appointed. But if you did not, or if you no longer have your copy of the Order, you can get a new copy from the Clerk of the Court that appointed the guardian.

When you look at the Order, check for the name of the person or organization who was appointed to be your guardian. If the Order names an individual and does not refer to any organization or agency, then you most likely have a private, or individual, guardian. For instructions on making complaints about an individual guardian, please skip to Page 3 of this Quick Guide.

If your guardian turns out to be an organization, then the next step is to check the attached list of [Local Public Guardian Service Providers \(LPGSP's\)](#). If the organization's name is on the list, you will need to contact the organization and verify that the person you wish to complain about works within that organization's VPGCP program. If they do, then you can use the [VPGCP's Complaint Process and Procedure](#) (CPP) to file a complaint against them. You can also use the CPP if you want to make a complaint against the organization or program itself. Instructions for filing CPP complaints are on Page 2 of this Guide.

If your guardian organization is not an LPGCP, or if the individual you want to complain about does not work in the organization's VPGCA program, then you cannot use the CPP to make your complaint, and you should skip to Page 2 of this Quick Guide for instructions on finding an appropriate process for making your complaint.

Resolving Complaints with VPGCP and CPP

To File A Formal Complaint:

You will find a copy of the CPP (including fill-in-the-blanks Complaint forms), attached to this Quick Guide. The CPP provides instructions for making complaints regarding LGSP's and their VPGCP programs and their staff and volunteers. You will need to read and follow these instructions carefully.

Please note that the two Complaint Forms attached to the CPP are NOT the same. You must use the one labeled "Complaint Form—1" when you first make your complaint. And, please note that you must mail or physically deliver your completed Complaint Form—1 to the LPGSP organization as explained in the CPP. *Telephone calls and emails are not accepted.*

After you submit your complaint, the LPGSP has 14 days to respond to you in writing. If you do not receive a written response within 14 days, or if you disagree with the response you do get, then you can use Complaint Form-2 to escalate your complaint to the Department of Aging and Rehabilitative Services (DARS). You should receive their response within 14 days.

To Address Your Complaint Informally:

If you want to try to resolve your complaint informally, you can call or email the VPGCP Coordinator, Patti Meire, at DARS to ask for help. You can reach the Coordinator at (804-588-3989 PHONE / 804-662-9354 FAX / patti.meire@dars.virginia.gov). The Coordinator will try to work out your complaint with the LPGSP.

If you decide to try to resolve your complaint informally, please be aware that you will need to do that before you start the CPP. Once you have filed Complaint Form—1 the CPP must continue to its conclusion. The Coordinator cannot interrupt the CPP process once it has been set in motion.

Complaints Involving Non-VPGCP Programs and Organizations

If your guardianship organization is not on the LPGSP list, or if it informs you that the person you want to complain about does not work for the organization's VPGCP program, then you cannot use the CPP to make your complaint. Instead, you will need to make your initial complaint using whatever procedure that organization may have in place for handling complaints internally.

If the organization does not have a formal procedure, then writing a letter to its director or Chief Executive Officer (CEO) is often a good approach. When you write, include all of the important facts surrounding your complaint, attach any documentation you may need to support it, and state exactly what you would like the director or CEO to do to fix the matter. Be sure to keep copies of everything you send to the organization.

Unless the organization's complaint process provides for an appeal, you probably will not be able to appeal the organization's decision on your complaint. In that case, or if you followed an organization's appeal process and are still unsatisfied with the outcome, then you can consider asking the court to consider it. See below.

Resolving Complaints in Court:

Whether your guardian is an individual or organization, and whether or not they work under the VPGCP, you can always ask the court that is supervising the guardianship to help you with your complaint. The Court can potentially dismiss or replace your guardian, require them to post additional bond, change the terms of the guardianship and the powers of the guardian, or even end the guardianship altogether.

You can ask the Court for help at any time. It does not matter whether or not you have tried the CPP or any of the other complaint processes discussed in this Quick Guide. If you are having problems with an individual guardian who does *not* work with an organization, then asking the court may be the only process you can use to have your complaint decided.

Unfortunately, going to court usually requires an attorney—at least if you want a good chance of succeeding. If you do not have the money for an attorney, you can try writing to the judge and asking them to hold a hearing to resolve your complaint. Judges are often sympathetic to the position and financial limitations of a person under guardianship, and may appoint an attorney or do what they can to help you with the process. You could also apply for legal services with your Legal Aid office or the disability Law Center of Virginia.

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