



**STATE OF DELAWARE
OFFICE OF THE PUBLIC GUARDIAN**

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**ANNUAL REPORT 2025
DELAWARE GUARDIANSHIP COMMISSION**

I. INTRODUCTION

The Delaware Guardianship Commission was formed in 2011 as part of a legislative package enacting reforms of the Office of the Public Guardian (OPG). This Commission brings the stakeholders in the protection of the elderly and persons with disabilities together to work toward the betterment of that protective mission. The Commission exists in response to concerns in the state and the Nation about the quality of process and procedure in the guardianship process of Delaware. The Court of Chancery has jurisdiction over adult guardianships.

The Commission is currently staffed solely by the OPG and during this reporting period elected a Vice-Chair to assist in chairing the meetings. The Commission does not have a Secretary. The Public Guardian is acting chair by consent of the Commission. There is not currently a fiscal note attached to support for the Commission. The Administrative Officer for the OPG curates the ZOOM Meetings, develops the minutes, does FOIA compliance and participation in the Public Meetings Calendar, and makes certain Agendas and Minutes are available.

Members of the Commission shall serve without compensation, but may be reimbursed, upon request, for reasonable and necessary expenses incident to their

duties as members of the Commission to the extent funds are available through the Office of the Public Guardian.

II. COMMITTEE MEMBERS

Title 12, Chapter 3991 if the Delaware Code states:

The Commission shall consist of 13 members and shall be staffed by the Office of the Public Guardian. The Guardianship Commission shall be comprised of the following:

- (1) One member from the Court of Chancery, designated by the Chancellor; Currently the Honorable Selena Molina.
- (2) A representative from the Department of Justice, designated by the Attorney General; Currently Patrick Smith, Esq.
- (3) The Director of the Guardianship Monitoring Program, or the Director's designee, currently Sherri Hageman, M.S., NCG
- (4) One member of the House of Representatives, designated by the Speaker of the House; Currently Representative Kamela Smith.
- (5) One member of the Senate, designated by the President Pro Tempore of the Senate; Currently Senator Kyra Hoffner.
- (6) The Director of the Division of Services for Aging and Adults with Physical Disabilities, or the Director's designee, currently Lauren Jumps.
- (7) The Director of the Division of Substance Abuse and Mental Health, or the Director's designee; Lauren Grace.
- (8) The Director of the Division of Developmental Disabilities Services, or the Director's designee; currently John Eirdosh, DDDS
- (9) The Secretary of the Department of Health and Social Services, or the Secretary's designee. Currently Judith Ramirez.

(10) A representative from the Disability Community, designated by the Secretary of Health and Social Services, currently Marissa Band, esq. of Community Legal Aid Society, Inc.

(11) A representative from the Senior Citizen Community, designated by the Secretary of Health and Social Services, currently Eric Merlino, Supportive Cares Solutions

(12) A representative from the hospital community, designated by the Delaware Healthcare Association; none at present (position faces revision from JLOSC)

(13) The Chair of the Elder Law Section of the Delaware Bar Association, or the Chair's Designee: Currently Dierdre McCartney, Esq.

Membership is currently under review by the Joint Legislative Oversight & Sunset Committee. Based on previews, it is expected the Commission will have growth in membership which will include care providers and other impacted by guardianship, guardianship policies, and less restrictive options.

III. GOALS AND OBJECTIVES

According to 12 Del.C. §3992, the Delaware Guardianship Commission acts:

- 1) In an advisory capacity to the Office of the Public Guardian, providing assistance to the Public Guardian in establishing administrative policies and procedures in the Office of the Public Guardian, and assistance in developing case acceptance priorities for the Office of the Public Guardian;
- (2) Examine and evaluate the policies, procedures and effectiveness of the guardianship system, and make recommendations for changes therein,

including establishing statewide standards and regulation of public and private guardianships;

(3) Conduct an annual statewide needs assessment relating to the number of individuals currently and predicted to be in need of a decision maker due to incapacity, the resources available or needed to meet that need, and to the processes utilized to meet the need;

4) Advocate for legislation and make legislative recommendations to the Governor and the General Assembly;

(5) Develop public and professional education programs on issues relating to guardianship, alternatives to guardianship, and concerns relating to the abuse, neglect, and exploitation of individuals who are incapacitated.

IV. OVERVIEW OF ACTIVITIES

In 2025, the Joint Legislative Oversight and Sunset Committee (JLOSC) continued to work on the Statute Revisions in Recommendation #2 of the report. Similarly, an assigned sub-committee in the Commission is dedicated to working on the revision of the by-laws. Throughout January to June, work and discussion continued.

January 2025 saw the start of a new year and anticipation of the legislative session. There was an update from Amanda McAtee of the Joint Legislative Oversight and Sunset Committee regarding upcoming meetings and discussions. Further discussions covered a proposed CLE planned for court-appointed attorneys in guardianship cases.

In April the Commission review statistics and discussed educational presentations in conjunction with Senator Kyra Hoffner. The discussion focused on the use of QR codes to connect people with information, flyer development, and possible video presentations.

The meeting in July focused on budget needs of OPG and proposed uses for collected fees in the areas of indigent needs and education. A Joint educational conference on less-restrictive needs was discussed with follow-up needed. The Commission continued discussion of the possibility of a guardianship bill of rights and whether a roundtable discussion would help resolve challenges in the concept.

In October of 2025, Commission Members discussed what they would like to see covered or addressed in future meetings. Suggestions were discussions on how agencies could collaborate better to enhance the guardianship process where it is needed, to discuss and review existing statutes and legislation to examine impact on guardianship and help the objectives of the commission, and to expand education about less restrictive forms of decision-making. The Commission also discussed how the group could present to the Commission in their areas of expertise.

V. PLANNED FUTURE ACTIVITIES

The primary future activity, based on discussion, is development of educational materials in the form of a conference, or written materials, and discussion among members of how their role interacts with the guardianship process.

VI. CONCLUSION

The Delaware Guardianship Commission looks forward to structural changes and new leadership as the JLOSC recommendations and statutory changes come into being more fully. The work on the by-laws and electing new officers should also complete as those changes move forward.

It is a very exciting time for the Commission as it looks towards expansion and moving forward.

Alexandra McFassel, Esq.

Public Guardian

Acting Chair of the Delaware Guardianship Commission

Report approved by vote on: February 2, 2026