

Working Interdisciplinary Network of Guardianship Stakeholders

December 14, 2016 summary minutes

Attendees: Judge David Connors, Judge James Brady, Kent Alderman, Nancy Sylvester, Nan Mendenhall, Andrew Riggle, Karolina Abuzyarova

Excused: Kaye Lynn Wootton, Nels Holmgren, Daniel Musto, Wendy Fayles, Shannon Alvey, Holly Kees, James Toledo

No show: Joanne Bueno Sayre, Rob Denton, Patricia Vigo, Joseph Taylor

Annual Assessment: National Center for State Courts in conjunction with the Conference of Chief Justices and Conference of State Court Administrators issued a Strategic Action Plan of the Adult Guardianship Initiative that addressed key policy issues to promote court reform.

Utah WINGS has already been working on lot of items on the list of the policy issues including:

- Public education on less restrictive alternatives;
- Outreach activities;
- Training judges on guardianship best practices;
- Started discussion regarding the introduction of background checks in the guardianships.

Aside from the guardianship initiative goals, the document listed the following project concepts:

- Funding that is recommended to be requested through the Guardianship Court Improvement Program;
- Conservatorship accountability project that will recreate Minnesota's software "MyMNConservator" that tracks assets managed by court appointed conservators and includes risk factors that can be used to predict "concern of loss";
- National summit for courts on improving adult guardianship practices;
- Establishing judicial response protocol to address guardianship abuse, neglect and exploitation;
- Developing a mentor guardianship court program;
- Building a research portfolio and developing court performance management systems;
- Developing innovative distance-learning programs.

Judge Brady said that the judicial response protocol has to be uniform throughout the state. A chart might have to be created with judicial response protocol indicating the red flags in situations of abuse and financial exploitation and the corresponding referral agency where the person could be referred. Karolina asked Judge Connors what the process is like in his court in cases of alleged abuse and neglect. Judge Connors responded that he sets up a hearing and questions parties about alleged wrongdoing. Notices about hearing are usually sent out to all interested parties. In cases when there is not enough information, a visitor is assigned to conduct investigation. At the hearing Judge Connors usually asks if somebody can explain the problem.

Judge Brady was concerned as for how far the judges go in terms of making decisions in cases of abuse and/or exploitation. He inquired about the level of the involvement of the judges under the code. Judge Brady was curious about statutory and/or regulatory basis or whether it is a matter of judicial education.

Andrew Riggle asked how these problems come to judges' attention. Judge Brady responded that about 30% of the reports are confusing when parties don't understand how to fill them out. Karolina responded that sometimes the problems in the reports are identified by the assigned

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court visitors. In other cases Adult Protective Services and other agencies request court investigation or clerks and judges see a possible problem.

Andrew raised another concern as for how often parents are excused from filing the reports and whether judges can order annual report. Judge Connors responded that it is up to the judge's discretion whether to order parents to report on financial expenses in the case of adult child. In any case, it would be a good idea to train judges on the best practices.

Judge Brady recommended coming up with anecdotes and cases of emergency that would draw legislators' attention and would most likely help pass the bill. Karolina suggested forming Judicial Response Subcommittee and Judge Brady agreed that it would be a reasonable approach to address the course of action judges have to take in cases of abuse.

In the further discussion of the annual assessment, Karolina went over the Utah WINGS strategic goals chart developed at the Annual Assessment meeting in February 2016 for the FY 2017. It was divided into three categories: evaluation, education and legislation.

Accomplished goals were:

1. Evaluation: completed beginning stage of the evaluation of the Court Visitor Program; estimated traffic on guardianship webpages; tracked number of guardianship petitions.
2. Education: continued building capacity of the judiciary by presenting at the conferences; developed and posted online training program to provide educational support to family guardians and caregivers <https://www.utcourts.gov/howto/family/gc/training.html>; secured grant funding from the Utah State University and trained 97 professionals on advance life planning and guardianship.
3. Legislation: APS reported on sponsoring a bill that will clarify the agency's role in providing protective services in emergency situation.

Goals to achieve:

1. Evaluate the impact of the Court Visitor Program: look at the ways it benefits adults with diminished capacity, guardians and the courts.
2. Create online training module on National Guardianship Association's standards of practice as they apply towards the family/lay guardians.
3. Increase number of limited guardianship appointments; track cases where guardianship is terminated due to the restored capacity. Involve medical professionals in achieving this goal.

Andrew Riggle asked what it involves to increase appointments of limited guardianship as opposed to full guardianship. In his opinion, WINGS has to start with where we are now in terms of full versus limited appointments. Nancy Sylvester spoke with Clayson Quigley several months ago, but there was no follow up. Clayson Quigley coordinates Coris rewrite workgroups. Input from WINGS will be very timely as the workgroups have not yet finalized the rewrite. Karolina would follow up with Clayson regarding providing an input to the workgroup focusing on adult guardianship matters.

Standards of Practice for Family Guardians

WINGS Executive Committee identified background checks as an alternative way to implement standards of practice for lay guardians. A chart was provided in the materials on what states conduct background checks. Judge Connors suggested gathering case anecdotes that will prove the need for background checks. Committee decided to discuss on how to proceed with introduction of background checks at the February meeting.

Meetings in 2017: Feb.22, April 26, June 28, Aug. 23, Oct. 25, Dec.27.