

Agenda

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

December 13, 2017

12:00 to 2:00 p.m.

Administrative Office of the Courts

Scott M. Matheson Courthouse

450 South State Street

Judicial Council Room, Suite N31

12:00 p.m.	Welcome, minutes, meeting agenda		David Connors
12:10 p.m.	Social Security Administration: <ul style="list-style-type: none">• Overview of the judicial guide on representative payee and guardian's responsibilities	Tab 1	Mickie Douglas
12:30 p.m.	Roundtable follow up: <ul style="list-style-type: none">• Utah State University IOTI final report: attached• Roundtable summary: dissemination ideas	Tab 2	Karolina Abuzyarova Mary Jane Ciccarello
12:45 p.m.	Elder Justice Innovation grant: <ul style="list-style-type: none">• Phase I program report: attached• Stakeholder match for 4 months: around \$17,000• Plenary session at the District Court Judges conference on May 16-18, 2018 in St. George: topic and presenters	Tab 3	Karolina Abuzyarova

Committee webpage: <http://www.utcourts.gov/utc/wings>

2018 meeting schedule: February 1, April 5, June 7, August 2, October 4, December 6

Tab 1



Social Security Representative Payees: Judicial Training Guide



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NOVEMBER 2016

Objectives of Training Guide

- **Orient** judges and court staff to SSA representative payee program
- **Highlight** similarities and differences between representative payee program and guardianship
- **Alert** courts to possible misuse of Social Security benefits
- **Better serve** individuals who have both payee and guardian
- **Enhance** collaboration between courts and SSA



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SSA Collaboration with WINGS Guardianship Groups

- Working Interdisciplinary Network of Guardianship Stakeholders (**WINGS**)
- **16 WINGS** groups
- SSA designee as **key stakeholder**



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Training Agenda

- **Overview** of SSA benefit programs
- **Comparison** of guardian and representative payee systems
- Representative payee **duties**
- **Guardianship fees** from SSA benefits
- **Court/SSA best practices** for coordination



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SSA'S Major Benefit Programs



Retirement, Survivors & Disability Insurance
(Social Security)



Supplemental Security Income (SSI)



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Social Security

Protects workers and their families from loss of earnings due to one of the following reasons:



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Supplemental Security Income (SSI)

Needs-based program for:



Age 65 or older OR



Blind or Disabled; and



Limited income and resources



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Compare: Initiate

Guardianship X Representative Payee Payment

Guardianship

- ✓ Petition to court
- ✓ Any interested person

Representative Payee Payment

- ✓ Application to SSA
- ✓ Proposed payee
- ✓ Beneficiary
- ✓ Third party referral



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Social Security

Protects workers and their families from loss of earnings due to one of the following reasons:



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Compare: Need

Guardianship X Representative Payee Payment

Guardianship

- ✓ Statutory definition of incapacity
- ✓ Finding based on clear & convincing evidence

Representative Payee Payment

- ✓ Incapacity to manage or direct the management of payments
- ✓ Court finding of legal incompetency
- ✓ Most children under age 18 unless emancipated



Compare: Process

Guardianship X Representative Payee Payment

Guardianship

- ✓ Notice
- ✓ Medical statement; possible visitor or guardian ad litem investigation
- ✓ Possible appointment of counsel
- ✓ Hearing, testimony, possible presence of person
- ✓ Court order

Representative Payee Payment

- ✓ Reviewing SSA field office investigates and reviews legal, medical and lay evidence



Compare: Selection

Guardianship X Representative Payee Payment

Guardianship

- ✓ Nominee in petition
- ✓ Statutory preference
 - Family
 - Corporate
 - Professional
 - Public
 - Volunteer
- ✓ Possible background check

Representative Payee Payment

- ✓ Nominee in application
- ✓ Regulation guidance
 - Custodial Parent or Spouse
 - Legal guardian
 - Relative
 - Friend
 - Public or nonprofit agency
- ✓ Background check, if applicable



Compare: Authority

Guardianship X Representative Payee Payment

Guardianship

- ✓ Full or limited
- ✓ Property
- ✓ Person
- ✓ Both property and person

Representative Payee Payment

- ✓ Only SSA benefit
- ✓ *“A payee has no legal authority to manage non-Social Security income or medical matters. A representative payee, however, may need to help a beneficiary get medical services or treatment.”*
- SSA Guide for Representative Payees



Compare: Reporting

Guardianship X Representative Payee Payment

Guardianship

- ✓ Inventory
- ✓ Accounting
- ✓ Possible guardianship plan
- ✓ Status report

Representative Payee Payment

- ✓ Annual Accounting
 - Expenditures
 - Conserved funds
- ✓ Report changes that may affect the beneficiary's entitlement or amount of payment

(Please see slide 19 for complete list)



Compare: Last Resort

Guardianship X Representative Payee Payment

Guardianship

- ✓ Public guardianship program in many states or localities

Representative Payee Payment

- ✓ A private institution operated for profit and licensed under State law, which has custody of the beneficiary; and
- ✓ Persons other than above who are able and willing to serve as a payee for a beneficiary; e.g., members of community groups or organizations who volunteer to serve as payee for a beneficiary



Compare: Financial Management

Guardianship X Representative Payee Payment

Guardianship

- ✓ Fiduciary duty
- ✓ Possible bond; restricted accounts
- ✓ Marshal assets
- ✓ Separate bank account
- ✓ Possible statutory guidance on investment
- ✓ Possible court approval of real estate and asset sale
- ✓ Account to court

Representative Payee Payment

- ✓ Fiduciary duty
- ✓ Maintain current needs
- ✓ Special bank account
- ✓ Savings account
- ✓ Guidance on creditors' claims
- ✓ No contracts
- ✓ Personal responsibility for misused funds



Compare: Participation

Guardianship X Representative Payee Payment

Guardianship

- ✓ Notice of hearing
- ✓ May attend hearing
- ✓ Appeal to higher state court
- ✓ May file for termination & restoration of rights

Representative Payee Payment

- ✓ Advance notice of need for a payee
- ✓ Opportunity to protest
- ✓ Notice of payee appointment
- ✓ Appeal to SSA



Who Needs a Representative Payee?

Most children under age of 18

Adults declared by court as incompetent

Adults incapable of managing or directing the management of Social Security benefits



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Representative Payee Reporting Requirements

Payee must report changes

- ✓ Beneficiary moves
- ✓ Beneficiary starts or stops working
- ✓ Beneficiary's medical condition improves
- ✓ Beneficiary marries
- ✓ Beneficiary no longer needs a payee
- ✓ Beneficiary dies
- ✓ Rep payee can no longer serve



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Duties of a Representative Payee

- **Determine basic needs** and use benefit for those needs
- Ensure that beneficiaries who reside in a facility receive a minimum personal needs **allowance of \$30** per for personal needs expenses
- **Save benefits** not needed for current needs
- Keep **accurate written records** of what benefits received and how spent
- Provide the **Annual Representative Payee Accounting Report** and make supporting documentation available upon SSA's request
- **Report changes** that may affect payments



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Representative Payee Accounting

- **Separately identify**
 - ✓ Amount spent on beneficiary's basic needs and personal items
 - ✓ Amount saved, if any
- **Submit**
 - ✓ By Mail
 - ✓ Online - www.socialsecurity.gov/payee/form/index.htm



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Representative Payee Accounting Form

(Pages 1 - 2)

Social Security Administration
Representative Payee Report
 This Form

When You Need To Do:

SECTION 1 - Representative Payee Report

SECTION 2 - Changes

SECTION 3 - Information

SECTION 4 - Signature

SECTION 5 - Other

SECTION 6 - Signature

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Failure of Representative Payee to Report

- If the payee **does not** respond or cooperate, SSA may:
 - ✓ Change payee or
 - ✓ Initiate direct payment to beneficiary
 - SSA field office **must**:
 - ✓ Evaluate current payee for continued suitability
 - ✓ Consider if beneficiary is capable of managing his or her own benefits
 - ✓ Document any suspected misuse or fraud

Representative Payee Accounting Form

(Pages 3 - 4)

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Payee Misuse of Beneficiary Funds

- Rep payees may not:
- Use beneficiary's benefits for the rep payee's own personal expenses
 - Put beneficiary funds in rep payee's or another person's account
 - Keep conserved funds after no longer rep payee
 - Charge beneficiary for services unless authorized by SSA



Reporting Potential Misuse by Representative Payees

- If you suspect a representative payee has misused SSA benefits, contact SSA OIG Fraud Hotline: oig.ssa.gov/report-fraud-waste-or-abuse/fraud-waste-and-abuse
- Provide identifying information for rep payee and beneficiary
 - ✓ Names
 - ✓ Social Security numbers
 - ✓ Date of birth
- Provide details of when, how, and where



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FFS Organizational Payee Payment

- FFS organizational payees can collect the lesser of 10% of monthly benefit amount or
 - ✓ **\$41 (2017)** for beneficiaries without listed diagnosis code involving drug addiction or alcoholism (DAA),
 - ✓ **\$78 (2017)** for beneficiaries with a listed diagnosis code involving DAA



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Fee-for-Service Representative Payees

- **Fee-for-Service Payee (FFS)** is an organization authorized by SSA to receive payment for their payee services
- To qualify as a FFS payee, the organization must:
 - ✓ Be a state/local government agencies or a bonded and licensed community based non-profit social service organization
 - ✓ Regularly serve at least five beneficiaries
 - ✓ Generally not be a creditor of the beneficiary
 - ✓ Request approval in writing
 - ✓ Receives notice of approval from SSA before collecting fee



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Fee-for-Service Representative Payees

- An organizational rep payee cannot collect the fee for service that SSA otherwise authorized if the organizational rep payee is already being compensated by court/guardianship fees for rep payee services (and the amount of compensation from court/guardianship fees for rep payee services equals or exceeds the fee for service that SSA otherwise authorized)



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Representative Payee Monitoring-Site Reviews

- In addition to annual accounting, SSA monitors representative payee performance by conducting site reviews.
- The SSA Act requires SSA to periodically conduct an onsite review of:
 - ✓ Individual payees serving 15 or more beneficiaries or recipients;
 - ✓ Organizational payees serving 50 or more beneficiaries or recipients;
 - ✓ Fee-for-Service (FFS) payees; and
 - ✓ State mental hospitals participating in our on-site review program.
- SSA also conducts discretionary site reviews of payees, including:
 - ✓ Organizational payees serving 49 or fewer beneficiaries or recipients;
 - ✓ Individual payees serving 14 or fewer beneficiaries or recipients; and
 - ✓ Reviews triggered by reports of potential problems with the representative payee.
- A site review includes:
 - ✓ Face-to face interview with the payee and, in most cases, a visit to the payee's location;
 - ✓ Interviews with a sample of beneficiaries; and
 - ✓ Examination of the financial records and supporting documentation for each sampled beneficiary.



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When SSA Benefit CANNOT be Used for Guardian Costs & Fees

- Guardianship costs and fees **are included** as part of the state's support obligation to the beneficiary
- Cost or fees relate to an **unsuccessful** guardianship petition
- Beneficiary's funds will be depleted by the guardianship costs to the point where personal needs are unmet



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When SSA Benefit Can be Used for Guardian Costs & Fees

Beneficiary's funds may be used for customary guardianship costs (or proceedings) and court-appointed fees, if :

- ✓ Guardianship appears to be in the beneficiary's best interests
- ✓ Beneficiary's personal needs are met, and
- ✓ Beneficiary's funds would not be depleted by the guardianship costs



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Promising Court Practices to Coordinate With SSA Representative Payee System

General Court Practices

- Consider representative payee as option to avoid need for guardianship of property if no other income or assets
- Require guardianship petition to include rep payee status and contact information for payee
- Instruct guardian ad litem, court visitor, investigators to inquire about rep payee status
- Alert local SSA office of appointment of guardian for person receiving SSA benefits



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Promising Court Practices to Coordinate With SSA Representative Payee System

Court practices when guardian is also rep payee

- Identify cases where there is **dual role**
- Identify cases in which **guardian seeks fee** from a bank account containing SSA benefits
- **Notify SSA** of any changes to status of guardian who is also representative payee
- **Report suspected abuse/exploitation** by guardian who is also rep payee to
 - ✓ Local SSA office
 - ✓ SSA Office of Inspector General
 - ✓ Local adult protective services



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Promising Court Practices to Coordinate With SSA Representative Payee System

Court – SSA systemic coordination practices

- Judges & court staff meet regularly with designated SSA representative payees to address coordination and training needs
- Recruit and encourage attorney volunteers to serve pro bono as representative payees



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Key SSA Resources for Courts

- SSA Regional Communications Directors in the federal regions at www.socialsecurity.gov/agency/rcds.html
- SSA Guide for Representative Payees at www.socialsecurity.gov/pubs/EN-05-10076.pdf
- SSA Guide for Organizational Payees at www.socialsecurity.gov/payee/NewGuide/toc.htm
- U.S. Consumer Financial Protection Bureau, Managing Someone Else's Money at www.consumerfinance.gov/managing-someone-elses-money



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Representative Payee Guide

www.ssa.gov/pubs/EN-05-10076.pdf



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Tab 2

Final Report of IOTI Project Accomplishments rev. June 2017

USU Purchase Order #: PO323711	Name of Project: Advance Life Planning and Guardianship Class for Professionals and Caregivers	Administering Agency: Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), Administrative Office of the Courts, Utah State Courts
Principal Investigator: Karolina Abuzyarova, WINGS and Courts Visitor Program Coordinator		Reporting Period: From July 1, 2016 To November 15, 2017
<p>100-word summary of project training activities and accomplishments for the year:</p> <p>WINGS under the leadership of the Utah State Courts held classes throughout Utah for 243 professionals, caregivers and guardians. Participants received training on life planning tools, alternatives to guardianship, guardianship process and were prepared to:</p> <ul style="list-style-type: none"> • Make advance life planning utilizing legal resources and tools • Locate and refer clients to resources available on the Court website • View guardianship as a last resort when dealing with vulnerable adults and look for less restrictive alternatives <p>Online Training Program was developed, translated into Spanish and published on the Utah State Courts website for free and unlimited public access. Roundtable on adult guardianship, involuntary commitment and essential treatment produced recommendations for further study and action to best protect and support adults in Utah with their families, friends and caregivers.</p>		

Describe efforts you made this year to acquire funding to continue these training efforts. Categorize these efforts as indicated below. If this specific training will not continue, please indicate "NA".

- **Legislative/Policy** - Utah State Courts will approach Utah State Legislature in 2018 legislative session to secure permanent funding for WINGS and Guardianship Reporting and Monitoring Program, formerly Court Visitor Volunteer Program. IOTI grant helped establish and reinforce WINGS partnership.
- **Grant applications** - WINGS secured Elder Justice Innovation grant of the Administration for Community Living to conduct judicial training on guardianship and less restrictive alternatives in 2018. ASPIRE organization and Department of Education awarded WINGS a grant to train families with children with disabilities on SSI about advance life planning and guardianship.
- **Meetings/collaborative discussions** - Roundtable hosted with IOTI support produced action steps focused on education:
 - Establish a working group of WINGS and other interested entities to create and maintain ongoing education efforts for the public and professionals on guardianship, involuntary commitment and essential treatment
 - Establish a study group on how guardianship, involuntary commitment and essential treatment address notice issues, reporting, oversight, guardianship and treatment plans
 - Create a flow chart on the judicial processes for essential treatment act, and then create related ones on guardianship and involuntary commitment process.

Training Events

List only events where actual delivery of training has occurred. DO NOT include planning or other organizational meetings as training events. Training delivered to multiple-sites (i.e., utilizing distance education), should be reflected as a single training event with site locations listed. (Use additional pages if necessary.)

Date	Location	Length of Time	# of Trainees	Topic	Instructor(s)	Outcomes
08.26.2016	Vernal, Utah	2 hours	19	Advance Life Planning and Guardianship	Kent Alderman, David Connors	Training of trainers/providers
09.30.2016	Logan, Utah	2 hours	34	Advance Life Planning and Guardianship	Mary Jane Ciccarello, James Brady	Training of trainers/providers
10.21.2016	Provo, Utah	2 hours	5	Advance Life Planning and Guardianship	Mary Jane Ciccarello	Training of trainers/providers
11.10.2016	Ogden, Utah	2 hours	18	Advance Life Planning and Guardianship	Kent Alderman	Training of trainers/providers
12.16.2015	Salt Lake City, Utah	2 hours	21	Advance Life Planning and Guardianship	Kent Alderman	Training of trainers/providers
01.27.2017	Sandy, Utah	2 hours	4	Advance Life Planning and Guardianship	Kent Alderman	Training of trainers/providers
03.09.2017	Richfield, Utah	2 hours	5	Advance Life Planning and Guardianship	Kent Alderman	Training of trainers/providers
03.10.2017	St. George, Utah	2 hours	10	Advance Life Planning and Guardianship	Kent Alderman	Training of trainers/providers
03.11.2017	St. George, Utah	1 hour	62	Advance Life Planning and Guardianship	Kent Alderman David Connors	Training of trainers/providers
04.06.2017	Price, Utah	2 hours	8	Advance Life Planning and Guardianship	Mary Jane Ciccarello	Training of trainers/providers
04.07.2017	Moab, Utah	2 hours	12	Advance Life Planning and Guardianship	Mary Jane Ciccarello	Training of trainers/providers
05.19.2017	Salt Lake City, Utah	2 hours	5	Advance Life Planning and Guardianship	Mary Jane Ciccarello	Training of trainers/providers
11.02.2017	Salt Lake City, Utah	6 hours	40	Crossroads of guardianship, involuntary commitment and essential treatment.	David Connors, Mary Jane Ciccarello Nini Rich (Moderator)	Recommendations for further study and action to best protect and support adults in Utah with their families, friends and caregivers
Total			243			

INFORMATION ON TRAINEES

Please enter a cumulative total of training participants for the year, counting each individual only once.
Use the most appropriate category for “type of participants” and for “occupation.”

TYPE OF PARTICIPANT				OCCUPATION	
Total # of Consumers or Parents of Individuals with a Disability that received training	Total # Paraprofessionals That received training	Total # Professionals that received training	# Other (please describe)	# Currently Employed in Disability Services	Type of Agencies Where Employed
13		232	6 (volunteers)	3	Court judges, clerks, commissioners, Mental Health and Substance Abuse agencies, State Hospital, legislators, private and public guardians, Adult Protective Services, UNI, nursing homes, seniors centers, Long-Term Care Ombudsman, social workers, Court Visitor Volunteer Program, public, caregivers, Central Utah Counseling, private attorneys, Intermountain Senior Clinic, Area Agencies on Aging, Alzheimer’s Association, Health Department, Adult and Aging Services, hospice, students.

Please provide an aggregate summary of the data on outcomes as presented and approved in the evaluation plan of your proposal for the grant period.

Trained 243 professionals and caregivers who will further disseminate information and provide access to information to their clients, constituents and family members on advance life planning, alternatives to guardianship and guardianship.

Are there training aspects or outcomes you regard as particularly significant and would like to highlight? Please list below:

Development of the online training program, its translation to Spanish, delivering live classes in all parts of the state, outreach and partnership with interdisciplinary team of professionals.

Do you have materials (curricula, videos, booklets, etc.) either in print or electronic format that are available to share? How can they be accessed?

Online training program is published on the Utah State Courts website in English and Spanish:

<https://www.utcourts.gov/howto/family/gc/training.html>

Will there be ongoing training based on your IOTI work? If so, how can this be accessed?

Online training program: <https://www.utcourts.gov/howto/family/gc/training.html>

Please provide a 4-5 slide PowerPoint that summarizes your project’s accomplishments, products and highlights. The PowerPoint will be presented to the IOTI Steering Council as part of the year-end summary.

Tab 3

WINGS ACL Elder Justice Innovation Grant: Utah WINGS Phase I Program Report

This report covers activities from June 1, 2017 through September 29, 2017.

Due Date: October 30, 2017

Coordinator/Report Author: Karolina Abuzyarova, karolinaa@utcourts.gov, 801-578-3925

Date of Report: October 30, 2017

List the Utah WINGS Stakeholders, and indicate members of the Steering Committee:

1. Andrew Riggle, Disability Law Center, **Steering Committee**
2. Daniel Musto, Long-Term Care Ombudsman
3. David Connors, Second District Court Associate Presiding Judge, WINGS Chair, **Steering Committee**
4. Dustin Hammers, University of Utah Center for Alzheimer's Care, Imaging and Research
5. James Brady, Fourth District Court Judge
6. James Toledo, Office of Indian Affairs
7. Joanne Bueno Sayre, Probate Department, Third District Court
8. Karolina Abuzyarova, WINGS and Court Visitor Program Coordinator, Utah State Courts, **Steering Committee**
9. Kaye Lynn Wootton, Medicaid Fraud Control Unit, Office of Utah Attorney General
10. Kent Alderman, Elder Law Attorney, **Steering Committee**
11. Mary Jane Ciccarello, Borchard Foundation on Law and Aging, **Steering Committee**
12. Michelle Wilkes, Court Visitor Volunteer Coordinator, Utah State Courts
13. Nan Mendenhall, Adult Protective Services, **Steering Committee**
14. Nancy Sylvester, Associate General Counsel, Utah State Courts, **Steering Committee**
15. Nels Holmgren, Division of Adult and Aging Services, **Steering Committee**
16. Robert Denton, Disability and Elder Law Attorney
17. Shannon Alvey, Office of Public Guardian, **Steering Committee**
18. Wendy Fayles, National Alliance on Mental Illness.

List any Working Groups your WINGS has created:

- Subcommittee on judicial response protocol in cases of abuse, neglect and exploitation
- Subcommittee on judicial protocol in establishing limited guardianship.

What did you accomplish during the reporting period?

- **Qualitative:**

Utah WINGS formed two Subcommittees that were able to generate lively productive discussions on establishing judicial protocol in area on responding to abuse, neglect and exploitation, and in establishing limited guardianship. Abuse Subcommittee produced a flow

chart, but above all discussions and increased level of coordination improved communication between agencies, when a referral became a phone call away and agency representatives met each other in person at the WINGS meetings.

Limited guardianship subcommittee discussed the guardianship process as a whole, as it is difficult to dissect only the limited guardianship from the whole process. Members of the Steering Committee, in particular, Disability Law Center Policy Analyst, Andrew Riggle, brought up alternatives to guardianship as a crucial piece of judicial education. Judicial determination of capacity was another important segment, as well as restoration of capacity. Unless a problem is brought up to the judicial attention, most of the matters are viewed as a consent calendar. As pointed out by the WINGS Chair, Judge David Connors, judges need to know what questions to ask. Subcommittee identified the need in providing training to the private Bar and the Court clerks, as these are the parties that the judges heavily rely on in guardianship proceedings. WINGS experts are working on updating the judicial materials and flowchart will be part of the materials together with the updated Bench Book and Bench Card. Based on the judicial feedback, materials will be presented in 20-minute Nuts and Bolts of Guardianship session at statewide bench meetings in January-May 2018 by experienced attorneys-members of the WINGS group and WINGS Coordinator. In addition, a plenary session on guardianship will be part of the Annual District Court Judges Conference in May 2018.

- **Quantitative:**

Utah WINGS had two Steering Committee meetings where Elder Justice Innovation grant was discussed on May 25 and August 8, 2017. Full WINGS group met twice during the reporting period on June 28 and August 23, 2017. Agendas and minutes are posted at <https://www.utcourts.gov/utc/wings>. Two Subcommittees met for a full hour at each meeting in June and August and had follow up assignments. Multiple calls and emails were placed between the Courts and WINGS participating agencies, as well as outside agencies, to work on the flowchart on judicial response in cases of abuse, neglect and exploitation. Multiple emails and phone calls were exchanged to communicate with the Subcommittee on establishing limited guardianship: Handbook on Judicial Determination of Capacity in Older adults produced

by the American Bar Association and American Psychological Association was circulated and feedback was gathered on what had to be included in the Bench Book and Bench Card.

Describe the status of your strategic planning process and its results:

- **Who participated?**

Since the Steering Committee was build on the basis of the WINGS existing Executive Committee, initial participants included: Shannon Alvey, David Connors, Mary Jane Ciccarello, Kent Alderman, Nancy Sylvester, Karolina Abuzyarova. In June 2017 WINGS Coordinator reached out to WINGS Chair and Courts Associate General Counsel to seek advice on the format and scheduling of the Steering Committee meeting. First full Steering Committee meeting took place after the end of phase I on October 13, 2017. Adult Protective Services Director, Nan Mendenhall, was excused, but Disability Law Center and Division of Adult and Aging Services representatives participated, Andrew Riggle and Nels Holmgren respectively.

Full WINGS discussed Elder Justice Innovation grant at the meetings in June and August. Committee discussed strategic goals and then divided into two Subcommittee discussions. Work was mostly done in the Subcommittees at the breakouts and between the meetings.

- **Objectives identified:**

Subcommittee on judicial response protocol on abuse, neglect and exploitation decided to identify the protocol in the format of a flowchart. Nancy Sylvester, Associate General Counsel, was Subcommittee Chair and coordinated the work completed.

Subcommittee on judicial protocol on limited guardianship discussed available resources and focused on reviewing Handbook on Judicial Determination of Capacity in Older Adults that provides detailed description of crafting limited guardianship. Question remained on the format of the protocol to be presented to the judges.

- **Strategies to reach the objectives:**

Subcommittee on abuse, neglect and exploitation reached out to agencies outside WINGS to identify the referral process when cases of abuse, neglect and exploitation come up in the court. Generally, probate matters are on consent calendar of the judge assigned on probate matters that could be as short as a six months assignment, and cases are transferred to trial by a different judge when parties don't agree. With 70% of the District Court bench being newly

appointed by the Utah Governor, there are many new judges and very rarely they come with expertise in disability or elder law or adult guardianship. A flowchart was finalized in October 2017. As part of the materials presented to the new bench the flowchart could provide guidance in navigating cases involving abuse, neglect and exploitation of vulnerable adults. Subcommittee on limited guardianship reviewed existing Bench Book for Adult Guardianship and Conservatorship that was created in 2014 and updated in 2017. Bench Book is 34 pages long and provides an overview of the adult guardianship process. However, more detailed and comprehensive information has to be included on capacity determination and limited guardianship and restoration of capacity from the Handbook on Judicial Determination of Capacity in Older Adults. Subcommittee discussions shifted from solely limited guardianship towards the whole guardianship process that would also look at less restrictive alternatives. WINGS Coordinator reached out to the Board of District Court Judges to seek guidance on the format of the information to be presented. Judges responded that with a lot of new members of the bench the most appropriate format would be 20-minute presentations at the monthly bench meetings in 2018 on “Guardianship Nuts and Bolts” with review of existing resources and contact information to seek further advice.

Describe the actions you have taken to ensure broad-based public participation:

An active member of Utah WINGS is Utah Office of Indian Affairs. Looking forward, WINGS are going to collaborate on outlining jurisdiction of the Tribal Courts and Utah State Courts in potential adult guardianship cases and in response to abuse of vulnerable adults.

In 2015-2016 Utah WINGS reached out to the non-profits Comunidades Unidas, Centro de La Familia and a Consulate of Mexico in Salt Lake City. WINGS members conducted presentations in Spanish at the Consulate of Mexico on advance life planning and guardianship process. Despite continuous communication from WINGS, non-profits serving Utah’s largest minority group are currently not attending the meetings. WINGS created online training program on advance life planning and guardianship that is published in English and Spanish on the Utah State Courts website.

Describe any indicators of increased collaboration among the WINGS stakeholders:

Some stakeholders reported improved communication with the Courts, in particular the Medicaid Fraud Control Unit got in touch with the Court Visitor Volunteer Program and was able to get the questions answered. Subcommittee on abuse, neglect and exploitation coordinated with Adult Protective Services and other agencies on referral information for the flowchart. Court Visitor Volunteer Program regularly communicates with the Office of Public Guardian and Adult Protective Services. Office of Public Guardian contacted WINGS Coordinator with information request from Utah Legislators on guardianship reform efforts in Utah, caseload information and how guardianship oversight is being performed by the Courts. WINGS Coordinator attended Celebration of Self-Determination Conference organized by the Disability Law Center. WINGS Coordinator invited one of the Conference presenters, Self-Advocates Speakers Network, to present on supported decision-making to the full WINGS meeting in June and at the Court Visitor Volunteer recognition event in August.

Volunteer Court Visitors are self-organizing to support funding request from the Judiciary to fund the Court Visitor Volunteer Program. Volunteer visitors are meeting with legislators and registered voter groups to generate legislative support for the program they are passionate about during the February 2018 legislative session. Funding for the Utah WINGS comes from the Court Visitor Volunteer Program that is currently on a one-time funding support by the Utah State Courts.

What challenges did you face and what actions did you take to address these challenges?

Engagement of Court leadership in supporting WINGS continues to be a challenge. Judges learned to rely on volunteer court visitors significantly and appreciate the service. WINGS Chair and Coordinator annually report to the Utah Judicial Council on WINGS progress. Judicial Council hosts WINGS meeting and provides lunch for participants. Judicial Council also identified funding for the Court Visitor Program (WINGS and Court Visitor Program Coordinator is funded through that program) as one of the programs in the building block of judicial funding request to the Utah State Legislature in 2018 session. We hope that in conjunction with the self-organized volunteer visitors, the guardianship reporting and monitoring program will be permanently funded. With support of the Elder Justice Innovation grant, WINGS will bring judicial education and resources on guardianship and less restrictive alternatives to the bench

meetings and to the plenary session of the Annual District Court Judges Conference in 2018. WINGS hopes that continuous movement forward, better and more efficient collaboration with agencies outside the court, and internal capacity building of the judiciary will eventually produce results by generating future champions of guardianship reform within the Courts.

What was produced during the project period and how have these projects been disseminated?

Subcommittee on abuse, neglect and exploitation finalized a referral flowchart. WINGS identified an expert, Co-Director of Borchard Foundation on Law and Aging, Mary Jane Ciccarello, to update the judicial materials including Bench Book and Bench Card for Adult Guardianship. This task will be completed by December 2017. Judicial class schedule will be part of the bench meetings in each judicial district, as recommended by the Board of District Court Judges. By the end of the 2017, Program Coordinator will schedule presentations at the monthly statewide bench meetings from January until May 2018. Program Coordinator will seek assistance of the Utah State Courts District Court Administrator, Trial Court Executives and Clerks of Court in each district.

In addition, online training program on advance life planning was published on the Utah State Courts website in Spanish <https://www.utcourts.gov/howto/family/gc/training.html>. WINGS finalized the script on serving as a court-appointed guardian that incorporates the guardianship standards of practice issued by the National Guardianship Association. It will be published on the Courts website by the end of 2017.

Outside of the Elder Justice innovation grant, WINGS is providing training on advance life planning and guardianship to families with children with disabilities on SSI within the ASPIRE project. With support of the Interagency Outreach Training Initiative of the Utah State University, WINGS is organizing a roundtable on “Crossroads on Guardianship, Involuntary Commitment and Essential Treatment” with over 40 participants on November 2, 2017.

In what specific areas will your WINGS need technical assistance in Phase II of the Project?

Utah WINGS needs assistance with developing indicators and gathering data in evaluation of judicial education to be performed in January-May 2018.