

Working Interdisciplinary Network of Guardianship Stakeholders

December 20, 2018 Summary Minutes

Attendees: James Toledo, Nels Holmgren, Wendy Fayles, Joanne Bueno Sayre, Robert Denton, Kent Alderman, Kaye Lynn Wotton, Xia Erickson, Nan Mendenhall, TantaLisa Clayton, Cora Gant, Dustin Hammers, Michelle Wilkes, Andrew Riggle, Judge David Connors, Judge Keith Kelly, Karolina Abuzyarova, Nicholas Stiles, Todd Weiler, Shane Bahr, Michael Drechsel

Excused: Judge James Brady

No show: Daniel Musto

Uniform Guardianship Act update:

Andrew Riggle informed the committee that the legislature is moving forward with SB53 (Senator Hillyard). When Senator Weiler joined the meeting he added that this year legislature saw a lot of new members at both the Senate and the House, as well as new leadership. There were extra funds available, however half has already been spent on prisons. Appropriations Committee met and recommendations on funding were submitted in December.

Collaboration with Native American Tribes:

James Toledo reported to the committee on the Sub-Committee meeting on December 12, 2019 and identified membership. Invitations were also sent to Urban Indian Center of Salt Lake and Utah Legal Services:

- Utah Division of Indian Affairs - James Toledo
- Division of Aging & Adult Services (DAAS) - Nan Mendenhall
- Division of Services for People with Disabilities (DSPD) - Angella Pinna
- Office of Public Guardian(OPG) - Xia Erickson
- Guardianship Reporting and Monitoring Program, Utah State Courts – K. Abuzyarova
- Red Circle Lodge (residential youth treatment program open to all adolescents who wish to heal through therapeutic practices and Native American philosophies) - Damon Polk.

Sub-Committee Goals:

- Improve understanding of state & tribal systems to resolve issues
- Establish tribal contacts and learn more about tribal needs
- Establish referral procedure
- Improve education about state resources and services available to assist tribes in protecting vulnerable adults in tribal communities.

Develop materials:

1. Tribal contacts and communication flow chart for state agencies
2. Resource table for tribes
3. Develop map with the areas covered by tribal laws and what tribe.

WINGS Annual Assessment planning: Several venues were suggested including Department of Human Services, non-profit venue Jane's House on South Temple, and Utah State Capitol. Senator Weiler said that meeting at the Capitol is a possibility and Karolina can follow up to arrange.

WINGS Summary Meeting Minutes
December 20, 2018

Focus of the meeting is going to be WINGS sustainability. Members of the Committee were asked to think about projects that advance guardianship reform important to their organizations and served population, and what they would like to take on individually.

Other business: Nicholas Stiles of the Utah State Bar and Karolina Abuzyarova reported on the difficulty of placing cases with the Signature Program and frustration among clerks that program is not really working. Committee suggested contacting Senior Lawyers Section and retired judges, as well as publishing article in the Bar Journal with focus on recruitment and the new CLE date.

Andrew Riggle of the Disability Law Center informed the committee that the ACLU law suite against the State of Utah has now been settled. A lot of it has to do with the fact that the recommendations on due process, representation, limited guardianship and alternatives were incorporated into the edited bench book, bench card and checklist for judges on guardianship process. Materials were written and updated by WINGS experts with support from the Elder Justice Innovation grant of the Administration on Community Living administered by the American Bar Association Commission on Law and Aging.

Wendy Fayles of National Alliance on Mental Illness brought up a complex case of abuse and exploitation she witnessed as member of the community. Wendy said that law enforcement was involved and that it was difficult to get Adult Protective Services to respond. Nan Mendenhall asked to follow up and provided her contact information to Wendy.

Utah WINGS Update

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), <http://www.utcourts.gov/utc/wings>, is a multi-disciplinary problem solving body that relies on court-community partnerships to:

- Oversee guardianship practice;
- Address key policy issues;
- Improve the current system of guardianship and less restrictive alternatives;
- Engage in outreach, education;
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS Executive Committee:

1. Andrew Riggle, Policy Analyst, Disability Law Center
2. James Brady, Presiding Judge, Fourth District Court, WINGS Chair
3. Karolina Abuzyarova, WINGS and Court Visitor Program Coordinator
4. Kent Alderman, Elder law attorney, Elder Law Section of the Utah State Bar
5. Michael Drechsel, Associate General Counsel, Administrative Office of the Courts
6. Nan Mendenhall, Director, Adult Protective Services
7. Nels Holmgren, Director, Division of Adult and Aging Services

Steering Committee:

1. Cora Gant, Probate Clerk, Second District Court
2. Daniel Musto, Director, Long-term Care Ombudsman
3. David Connors, Presiding Judge, Second District Court
4. Dustin Hammers, Assistant Professor of Neurology, Neuropsychologist, Center for Alzheimer's Care, Imaging and Research, University of Utah Health Care
5. James Toledo, Program Manager, Utah Division of Indian Affairs
6. Joanne Bueno Sayre, Probate Clerk, Third District Court
7. Kaye Lynn Wootton, Deputy Director, Medicaid Fraud Control Unit, Attorney General
8. Michelle Wilkes, Court Visitor Volunteer Coordinator
9. Robert Denton, Private Elder Law Attorney
10. TantaLisa Clayton, Attorney, Utah Legal Services
11. Wendy Fayles, Criminal Justice Mentor, National Alliance on Mental Illness
12. Xia Erickson, Director, Office of Public Guardian

Utah WINGS activities and accomplishments are:

1. With financial support of the Elder Justice Innovation grant "WINGS Focus on Court Oversight" (\$30,000) from the Commission on Law and Aging of the American Bar Association and National Center for State Courts (funds from the Administration on Community Living) conducted the following:

- a. Developed materials for judges on adult guardianship (bench card, bench book, flowchart on referral of cases to other agencies and checklist on guardianship process) that are now posted on Intranet under the resources for District Court Judges: <https://www.utcourts.gov/intranet/dist/distjudge.htm>.
 - b. Presented on alternatives to guardianship and guardianship procedures on:
 - February 14, 2018, Third District Court, Salt Lake City
 - April 4, 2018, Second District Court, Farmington
 - April 11, 2018, Seventh District Court, Price
 - April 12, 2018, Fourth District Court, Provo
 - May 10, 2018, Fifth District Court, St. George
 - June 15, 2018, Second District Court, Ogden
 - June 29, 2018, Eighth District Court, Vernal
 - c. Produced report to the ABA Commission on Law and Aging that reviews guardianship procedures in Utah and challenges to be addressed:
http://www.utcourts.gov/utc/wings/wp-content/uploads/sites/33/2018/10/2018-09-Program-Report_Utah-WINGS-Phase-II.pdf
2. Provided life planning and guardianship advice to families with children with disabilities on SSI with support from the ASPIRE grant (\$40,000). ASPIRE stands for Achieving Success by Promoting Readiness for Education and Employment and is operating within the Utah State Office of Rehabilitation of the Department of Workforce Services.
 3. Translated into Spanish the third segment of the online training program “Serving as a Guardian and Conservator” at <https://www.utcourts.gov/howto/family/gc/training.html>.
 4. Continued providing support to the Guardianship Signature Program that helps provide representation to indigent respondents in guardianship proceedings. Conducted free CLE for attorneys on guardianship in St. George in June 2018.
 5. In October 2018 WINGS formed Subcommittee on Collaboration with Native American Tribes to address abuse and neglect of vulnerable adults on tribal land.
 6. Court Visitor Program or GRAMP (Guardianship Reporting and Monitoring Program) received legislative funding and from a pilot program since 2011 became a state funded program starting July 1, 2018. Volunteer case management is directed as a priority. Tasks including WINGS policy work, addressing system gaps and fundraising are not identified as priorities. Planned WINGS activities were directed not to be pursued:
 - Follow up on the action steps of the roundtable “Crossroads of Guardianship, Involuntary Commitment and Essential Treatment”.
 - Provide training to the court clerks working on probate matters with the most updated information on Court guardianship resources available to the public.