

Working Interdisciplinary Network of Guardianship Stakeholders

June 7, 2018 Summary Minutes

Attendees: Shannon Alvey, Andrew Riggle, Judge David Connors, Judge Keith Kelly, Judge James Brady, Karolina Abuzyarova, Michelle Wilkes, Nancy Sylvester, Wendy Fayles, Daniel Musto, Robert Denton, Dustin Hammers, Nicholas Stiles, Senator Todd Weiler, Weiler's intern, Joanne Bueno Sayre, TantaLisa Clayton, Nels Holmgren, Kaye Lynn Wotton, Mary Jane Ciccarello, Erica Wood, Dari Pogach, Shane Bahr, Jacey Skinner

Excused: James Toledo, Kent Alderman, Nan Mendenhall

Introduction: WINGS Chair greeted the group and asked everyone to introduce themselves, so that guests from ABA know what agencies are in the room. Minutes were approved.

Uniform Guardianship, Conservatorship and other Protective Arrangements Act:

Committee then went on to discuss the Uniform Act. Court Legislative Liaison, Jacey Skinner, was present, as Shane Bahr invited her suggesting that it might be helpful in light of her work. Senator Weiler and his intern were present as well. Kent Alderman was not present at the meeting that day, but takes part in the Elder Law Section and Estate Planning Section workgroup on review of the Uniform Act.

Andrew Riggle took the lead in the discussion saying that a group was formed to see what changes have to be made to Utah Probate Code based on the Uniform Act and he made himself part of the group. Senator Weiler noted that Lyle Hilliard and Lowry Snow are both working on the issue. He also noted that usually legislators are skeptical about voting on uniform law, as Commission is usually not flexible to the suggested changes. However, the legislators are likely to pass the bill.

Overview of WINGS Groups Nationwide: Erica Wood and Dari Pogach of the American Bar Association Commission on Law and Aging were on a site visit to Utah WINGS as part of the Elder Justice Innovation Grant "WINGS Focus on Court Oversight".

Erica and Dari made presentation on national WINGS network. The idea of WINGS has been around for about 35 years. As of March 2018 26 states have WINGS or WINGS-like entities. Utah was one of the first states to establish WINGS in 2013 when we received grant from National Guardianship Network together with Texas, New York and Oregon.

The goal of WINGS is to sustain a lasting guardianship reform through court-community partnerships, evaluation of "on the ground" practices and ongoing forum. Some of the challenges to a sustainable guardianship reform that Erica mentioned in her presentation were: increasing need, diverse practices, complexity of cases, staffing/turnover, stakeholder silos.

Some of the WINGS challenges identified by coordinators were: sustainability, court buy-in, funding, stakeholder engagement, collective impact, measuring success. Erica and Dari spoke about milestones in WINGS movement nationally and in Washington, including the Government Accountability Office reports on lack of guardianship oversight by the Courts, Elder Protection Act signed by the President, 49 pieces of legislation in 25 states, various magazine publications exposing guardianship-related issues around the country (New Yorker article), media attention (HBO program by John Oliver on guardianship).

GRAMP Transition: District Court Administrator, Shane Bahr, provided an update on transition of the Court Visitor Program and the staffing needs. The program being state funded starting July 1, 2018, and taking into account increasing needs of the program particularly influx of different types of cases and a backlog of cases, the caseload has to be split equally between two coordinators.

That also meant that grants needed to be wrapped up, e.g.: Elder Justice Innovation grant that focused on judicial education, and no new grant application would be pursued to e.g. implement recommendations of the Court-sponsored roundtable held in November 2017 on intersection of guardianship, essential treatment and involuntary commitment.

ASPIRE grant that connects WINGS experts with families with children with disabilities will continue until February 2019, as it is less labor intensive and coordination is only required to set up the classes and provide reimbursement to experts, as well as quarterly financial reports to the ASPIRE agency. District Court Administrative Assistant will be able to help Program Coordinator with ordering meals for ASPIRE class participants.

Shane discussed that the program started revision of policies and procedures in late spring 2018, as some of the documents are outdated. Since the inception program had about 1300 cases, currently there are a little over 50 volunteers, 22 active interview cases, 45 pending whereabouts cases that need to be assigned. Cases are becoming more complex. In addition to case management, volunteer recruitment and training need to be addressed.

GRAMP/Court Visitor Program legal update:

Nancy Sylvester provided update on collaboration and development of an MOU between the Court Visitor Program of the Administrative Office of the Courts and Adult Protective Services regarding the use of APS reports in Court Visitor reports.

Nancy also spoke about a meeting with the Juvenile Court Administrators to coordinate cases that involve minors under custody. Nancy proposed rule amendment to the Committee on the Rules of Civil Procedure in response to meeting with Juvenile Court.

Nancy noted that parties have not been advising the juvenile court that there is a minor guardianship in place when the juvenile court is entering custody orders. This creates a lot of work down the road for the district court when it loses contact with the guardian and the minor. Request to change is underlined below:

Rule 100. Coordination of cases pending in district court and juvenile court.

(a) Notice to the court. In a case in which child custody, child support or parent time is an issue, all parties have a continuing duty to notify the court:

(a)(1) of a case in which a party or the party's child is a party to or the subject of a petition or order involving child custody, child support or parent time, including minor guardianship in the district court;

Committee on the Rules of Civil Procedure will meet in fall 2018 and that's when the request to change will be discussed.

Next meetings: August 2, October 4, Dec. 6, 2018.