

Working Interdisciplinary Network of Guardianship Stakeholders

October 11, 2018 Summary Minutes

Attendees: Andrew Riggle, Judge David Connors, Judge Keith Kelly, Judge James Brady Karolina Abuzyarova, Robert Denton, Dustin Hammers, Joanne Bueno Sayre, Cora Gant, Nels Holmgren, Kaye Lynn Wotton, Shane Bahr, James Toledo, Kent Alderman, Nan Mendenhall, Daniel Musto

Excused: Wendy Fayles, Shannon Alvey, Nicholas Stiles, TantaLisa Clayton, Nancy Sylvester

No show: Senator Todd Weiler, Michelle Wilkes

New Chair announcement: Judge Connors nominated Judge Brady as the new Chair of WINGS. Judge Kelly seconded the nomination. According to the Committee bylaws the Chairman term is 3 years. Past Chairs included Tim Shea (2013-2014), Kate Toomey (2014-2015), Judge Connors (2015-2018).

Committee then approved the minutes.

Uniform Guardianship Act: Nancy Sylvester was not able to attend. Judge David Connors informed the committee that he has access to the latest protected draft as of October 1, 2018. Previous draft was dated July 19, 2018. Judge Connors will send it to Karolina to circulate among committee members, not to be shared with outside parties.

Andrew Riggle of the Disability Law Center had a discussion with Representative Snow regarding the DLC's feedback on the bill. DLC supports the bill. Kent Alderman said that the Legislative Committee of the Utah State Bar consisting of the Elder Law and Estate Planning Sections discussed the bill with Senator Hilliard. The Bar is concerned about potentially large fiscal note attached to the bill that relates to increase of the Court visitor assignments on every case where the respondent is not represented. Bar Sections support the bill but understand the burden of the attached fiscal note.

Rob Denton expressed a concern that additional complication associated with approval process of the Uniform law by the American Bar Association may lose some states in the process. Judge Connors said that New Mexico adopted the Uniform Law and left out some portions that might include fiscal note. Judge Kelly agreed with the mission of the uniform law and said that so many other states adopted it already.

Judge Connors responded that position of Representative Hilliard is that he will not move forward with the bill, if there is an opposition. However, Judge Connors assumed that the fact that the new protected draft was circulated on October 1 meant that they are moving forward. Kent Alderman stated that there is no real opposition except for a few individuals. Andrew Riggle agreed that some parents of children/young adults with disabilities might be opposed.

Collaboration with Native American Tribes: Committee discussed history of the Courts' collaboration with the tribes that was primarily through the Child Welfare Act and the Juvenile Courts. Department of Human Services Tribal Committee is addressing this collaboration and meets quarterly. In addition, Utah Legal Services has Tribal and Indian Issues group. James Toledo initiated the discussion on addressing elder abuse by tribes at the WINGS February meeting this year. Since then he presented to the Committee a chart of various points

of contact within the tribes that address matters of protection of vulnerable adults. Karolina Abuzyarova met with James Toledo at the Office of Indian Affairs to discuss the possibility of forming a subcommittee. An idea was to have about 5-6 members that would include: Office of Indian Affairs, APS, OPG, Division on Aging, Utah State Courts. Karolina presented idea to the Executive Committee and the it moved forward for consideration of the whole WINGS group.

Judge Keith Kelly made a motion to establish the Subcommittee on Collaboration with Native American Tribes to address protection of vulnerable adults on tribal land. Judge David Connors seconded the motion. WINGS approved the Subcommittee. James Toledo was appointed a lead and Karolina Abuzyarova as a liaison to the WINGS and the Courts. Judge Kelly said that it might be helpful at the first meeting of the subcommittee to articulate initial goals, possibly educational, and establish membership. Judge Keith Kelly provided an example of the training he participated in Idaho on addressing domestic violence; one of the recommendations was to form a domestic violence court, however the Courts decided not to pursue it.

Kaye Lynn Wootton expressed an interest in participating in a Subcommittee later down the road if there is some sort of agreement signed with the Adult Protective Services.

STAGES pilot training: Amy Hernandez from the AOC Domestic Violence Program suggested idea to Karolina Abuzyarova on forming an interdisciplinary team to participate in the Strategies & Training to Advance Greater Elder Safety (STAGES) on January 9-10, 2019 in Charlottesville, Virginia. Karolina presented the idea to Shane Bahr and deferred her participation to M. Wilkes.

Later Executive Committee discussed WINGS participating in the training and suggested the following participants: APS, legal services provider, prosecutor's office, a judge, court clerk, visitor volunteer coordinator. Karolina reached out to the prospective participants and the following group applied for the training pending funding approval of the Department of Justice: Judge Howell and Cora Gant (a probate judge and clerk in the Fourth Judicial District), Nan Mendenhall with APS, Robert Steed with the AG's Medicaid Fraud Control Unit, Kent Alderman – private attorney, and Michelle Wilkes, Court volunteer coordinator.

As of 11.27.2018 the group was accepted to the training, but funding was still pending.

Next year's schedule: Judge Brady said that next year's schedule will be set at the WINGS Executive Committee meeting.

Next meetings: Dec. 20, 2018.