

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

WebEx information:

Thursday, Jun 18, 2020, 12:00 pm | 2 hours |

Meeting number: 146 819 7685; Password: 2Qt53DDmPM* (27853336 from phones and video systems)

<https://utcourts.webex.com/utcourts/j.php?MTID=ma2e9a489a003014bc56c7897c529ae0f>

Join by phone - +1-408-418-9388; Access code: 146 819 7685

AGENDA

	Topic	Presenter	Materials
12:00	Meeting begins		
	Welcome, Minutes, Housekeeping	Judge Kelly	<i>February 2020 meeting minutes</i>
12:10	Updates:		
	<ul style="list-style-type: none"> COVID-19 & your program/organization 	Attendees	
	<ul style="list-style-type: none"> COVID-19, guardianship, & tribal communities 	James Toledo	
	<ul style="list-style-type: none"> COVID-19 & GRAMP GRAMP – <ul style="list-style-type: none"> New Judge Orientation Budget cuts Court Visitor Program – <ul style="list-style-type: none"> In-person interviews Case increase vs CV shortages Workarounds (gap project) 	Shonna Thomas Michelle Wilkes	<i>CVP – Protocol for COVID-19</i>
1:00	CJA Rule 6-507 (Court Visitors & Reports)	Nancy Sylvester	<i>Memo – Rules for Public Comment</i>
1:10	Power of Attorney / Health Care Directive Clinic	Kate Nance Jean Boyack	
1:35	WINGS Projects Updates: <ul style="list-style-type: none"> Clerical Manual Guardianship test Annual report reminder email 	Judge Kelly Kent Alderman Shonna Thomas	
1:50	Reappointment for 2nd terms: <ul style="list-style-type: none"> Todd Weiler Rob Denton Michelle Wilkes 	Judge Kelly	
2:00	Meeting adjourned		

Next meeting: August 20, 2020 (via WebEx)



Court Visitor Program - Protocol for COVID-19

The Administrative Office of the Courts wants to ensure that steps are taken to help protect the welfare of the Court Visitor volunteers and the community by limiting exposure to and spread of COVID-19 (Coronavirus).

Although each person's likelihood of contracting COVID-19 is unknown and dependent on several factors, certain populations are at higher risk. According to the Center for Disease Control (CDC), these include older adults and people who have serious chronic medical conditions (e.g., heart disease, diabetes, lung disease).

As Court Visitor volunteers have the potential of interacting with individuals from high risk populations (and may be high-risk themselves), the following prevention strategies should be used:

- 1. Work on all case assignments electronically or over the phone.**
- 2. If you need to complete an interview as part of the assignment:**
 - Determine if a phone interview is possible.
 - If a phone interview is NOT possible, let the Program Coordinator know.
- 3. When completing your report, identify:**
 - a) any interview done over the phone;
 - b) any (expected) interview that did not take place; and
 - c) the reason an in-person interview was not conducted (i.e., in accordance with the Court Visitor Program's COVID-19 protocols)
- 4. If you are asked to attend a court hearing, arrange with the Program Coordinator to attend by telephone.**
- 5. Continue to protect yourself and others by:**
 - Avoiding close contact with people who are sick.
 - Avoiding touching your eyes, nose, and mouth with unwashed hands.
 - Washing your hands often with soap and water, for at least 20 seconds.
 - Using an alcohol-based hand sanitizer that contains at least 60% alcohol.

The status and information available on COVID-19 is changing daily. We will keep you posted of any changes regarding policy or procedure. In the meantime, if you have additional questions or concerns, please reach out at any time:

GRAMP Program Coordinator

Shonna Thomas
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Court Visitor Program Coordinator

Michelle Wilkes
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Common Questions

QUESTION -

What should I do if I am assigned cases, but I am experiencing symptoms?

ANSWER –

Contact the Program Coordinator. The Program Coordinator will be able to assess the specific factors of the case and determine an appropriate course of action (e.g., transfer, extension).

QUESTION –

Where can I find more information?

ANSWER –

If you want to learn more about the virus, your risks, prevention strategies, and other tips, the following are helpful resources to get you started:

Center for Disease Control (CDC)

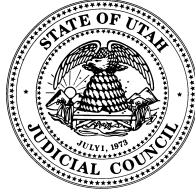
- **Up-to-Date Information.**
www.cdc.gov/covid19.
- **What you need to know about coronavirus disease 2019 (COVID-19).**
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>
- **Share Facts About COVID-19.**
<https://www.cdc.gov/coronavirus/2019-ncov/about/share-facts-h.pdf>
- **Strategies to Prevent the Spread of COVID-19 in Long-Term Care Facilities (LTCF).**
<https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/prevent-spread-in-long-term-care-facilities.html>
- **People at Risk for Serious Illness from COVID-19**
<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>

Utah Department of Health

- **Main site for COVID-19.**
<https://coronavirus.utah.gov/>
- **Coronavirus – Frequently Asked Questions.**
<https://coronavirus.utah.gov/faq/>
- **Protect Yourself.**
<https://coronavirus.utah.gov/protect-yourself/>

The mission of the Utah State Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.





Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

June 11, 2020

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee / Judicial Council

FROM: Keisa Williams

RE: Rules for Public Comment

The Policy and Planning Committee recommends the following rules to the Judicial Council for public comment.

CJA 4-202.02. Records Classification (AMEND)

The Self-Help Center is recommending that CJA 4-202.02 (4)(O) be amended to include stalking injunctions amongst the proceedings in which the name of a minor is public (line 168). This would bring the rule in line with existing court practice because minors' names are almost always listed on civil stalking injunction requests and orders, which are public documents.

The Self-Help Center will update the courts' self-help webpage on non-public information. While this implicates forms, it does not require any change to court forms.

CJA 6-507. Court Visitor (NEW)

This is a new rule outlining the appointment and role of court visitors and establishing a process for review of court visitor reports. The court visitor program has not been codified yet and the program doesn't have a mechanism for ensuring that judges see the visitors' reports and act on them when appropriate. This rule seeks to resolve those issues and provide specific guidance to court visitors and the program.

CJA 3-407. Accounting (AMEND)

CJA 4-609. Procedure for obtaining fingerprints and Offense Tracking Numbers on defendants who have not been booked in jail (AMEND)

CJA 10-1-404. Attendance and assistance of prosecutors in criminal proceedings (AMEND)

The proposed amendments to all three rules are related to HB206 and the new definition of bail. Some additional minor amendments, unrelated to HB206, were made to 3-407 at the request of the Finance Department.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

CJA 4-401.01. Electronic media coverage of court proceedings (AMEND)

CJA 4-401.02. Possession and use of portable electronic devices (AMEND)

Proposed amendments to Rule 4-401.01 are intended to make it clear that the rule applies to viewing proceedings by remote transmission. In other words, the media still needs permission if they want to record or take photos of the proceedings they are viewing. And the proposal would eliminate the requirement of pool coverage when there are multiple media requests. Any media who register could attend.

Proposed amendments to Rule 4-401.02 would prohibit individuals from recording or photographing remote proceedings, just as they are prohibited from doing so in a courtroom. When a person is granted access to a proceeding they would be required to comply with the rule and administrative and standing orders, including acknowledging they could be held in contempt for violations.

**The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.**

1 **Rule 6-507. Court visitors.**

2
3 **Intent:**

4 To set forth the appointment and role of court visitors. To establish a process for the review
5 of court visitor reports.

6
7 **Applicability:**

8 This rule applies to court visitor reports in guardianship and conservatorship cases.

9
10 **Statement of the Rule:**

11 (1) **Definition.** A visitor is, with respect to guardianship and conservatorship proceedings, a
12 person who is trained in law, nursing, or social work and is an officer, employee, or special
13 appointee of the court with no personal interest in the proceedings.

14
15 (2) **Appointment and role of court visitor.** Upon its own initiative or motion of a party or an
16 “interested person,” as that term is defined in Utah Code section 75-1-201, the court may
17 appoint a court visitor in a guardianship or conservatorship proceeding to conduct an inquiry
18 into the following:

19
20 (2)(A) whether to waive the respondent’s presence at the hearing under Section [75-5-](#)
21 [303\(5\)\(a\)](#);

22
23 (2)(B) to confirm a waiver of notice submitted by the respondent in a guardianship or
24 conservatorship proceeding under Sections [75-5-309\(3\)](#) or [75-5-405\(1\)](#);

25
26 (2)(C) to investigate the respondent’s circumstances and well-being, including when an
27 attorney is not appointed under [75-5-303\(d\)](#);

28
29 (2)(D) to review annual reports from the guardian and conservator or gather additional
30 financial information;

31
32 (2)(E) to locate guardians, conservators, and respondents;

33
34 (2)(F) to investigate the proposed guardian’s future plans for the respondent’s residence
35 under Section [75-5-303\(4\)](#); or

36
37 (2)(G) to conduct any other investigation or observation as directed by the court.

38
39 (3) **Motion to excuse respondent or confirm waiver of hearing.** The petitioner, the
40 respondent, or any interested person seeking to excuse the respondent or confirm a waiver
41 of hearing, shall file an ex parte motion at least 21 days prior to the hearing.

42

43 (3)(A) Upon receipt of the motion, the court shall appoint a court visitor to conduct an
44 investigation in accordance with paragraph (2) unless a court visitor is not required
45 under Utah Code section [75-5-303](#).

46
47 (3)(B) Upon appointment to conduct an inquiry into whether to excuse the respondent
48 from the hearing, the court visitor will:

49
50 (3)(B)(i) interview the petitioner, the proposed guardian, and the respondent;

51
52 (3)(B)(ii) visit the respondent's present dwelling or any dwelling in which the
53 respondent will reside if the guardianship or conservatorship appointment is made;

54
55 (3)(B)(iii) interview any physician or other person who is known to have treated,
56 advised, or assessed the respondent's relevant physical or mental condition;

57
58 (3)(B)(iv) confirm a waiver of notice if submitted by the respondent; and

59
60 (3)(B)(iv) conduct any other investigation the court directs.

61
62 (4) **Other inquiries.** If the court appoints a visitor under paragraphs (2)(B) through (2)(G),
63 the court visitor will conduct the inquiry in accordance with the court's order or appointment.

64
65 (5) **Language access.** If the court visitor does not speak or understand the respondent's,
66 proposed guardian's, proposed conservator's, or petitioner's primary language, the court
67 visitor must use an interpretation service approved by the Administrative Office of the Courts
68 to communicate with the respondent, proposed guardian, proposed conservator, or
69 petitioner.

70
71 (6) **Court visitor report.**

72
73 (6)(A) **Service of the court visitor report.** Except for court visitor appointments made
74 under paragraph (2)(E), in accordance with [Rule 5](#) of the Utah Rules of Civil Procedure,
75 the court visitor program must file and serve a court visitor report upon all parties and
76 upon any interested person who has requested the appointment of the court visitor.

77
78 (6)(B) **Request to Submit for Decision.** The court visitor program will file with each
79 court visitor report a request to submit for decision.

80
81 (6)(C) **Report regarding waiver of respondent's presence.** In cases involving a
82 motion to excuse the respondent from the hearing, the court visitor will file with the report
83 a court-approved proposed order. The report, a request to submit for decision, and a
84 proposed order will be filed five days before the hearing.

85

86 (7) Termination of court visitor appointment. The appointment of the court visitor
87 terminates and the court visitor is discharged from the court visitor's duties upon the date
88 identified in the order of appointment. The court may extend the appointment with or without
89 a request from a party.

90

91 (8) Court findings.

92

93 (8)(A) Reports regarding waiver of respondent's presence. When a court visitor has
94 filed a report regarding a request to waive the respondent's presence at the hearing, the
95 court will issue findings and an order as to the waiver at least two days prior to the
96 hearing upon which the request has been made.

97

98 (8)(B) All other reports. When a court visitor has filed a report involving matters other
99 than the waiver of the respondent's presence, the court will issue findings and an order
100 as to those matters in accordance with the timelines of Rule 3-101.

101

102 Effective May/November 1, 20