

**Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)**

Thursday, October 19, 2023 - 12:00 to 2:00 p.m.

Attended			Not Present	
Judge Keith Kelly	Leslie Francis	Shonna Thomas	Judge James Brady	Wendy Fayles
Judge Coral Sanchez	Stacy Haacke	Katie Thomson	Judge Brian Cannell	Nan Mendenhall
Deborah Brown	Nels Holmgren	Holly Thorson	Shane Bahr	Alan Ormsby
Sarah Box	Rachelle Johnson	Todd Weiler	Brant Christiansen	Keri Sargent
Tantalisa Clayton	Eve Larsen	Michelle Wilkes	Rob Denton	Alianne Sipes
Katie Cox	Wendy Naylor	Kaye Lynn Wootton	Lindsay Embree	James Toledo
Rob Ence	Andrew Riggle			
		<b>Guests:</b>		
		Nate Crippes		
		Anneli Smith		
		Lisa Thornton		

**Agenda**

	Topic	Presenter	Materials
12:00	<b>Meeting begins</b>		
	<ul style="list-style-type: none"> <li>Housekeeping, welcome guests, minutes</li> </ul>	Judge Kelly	– <i>WINGS Minutes (August 2023 – draft)</i>
12:10	<b>New Business</b>		
	<ul style="list-style-type: none"> <li>Guardianship Bill of Rights (Utah Code 75-5-301.5)</li> </ul>	Lisa Thornton Anneli Smith	– <i>Guardianship Bill of Rights – Handout</i>
	<ul style="list-style-type: none"> <li>Supported Decision-Making legislation</li> </ul>	Andrew Riggle	– <i>Revised HB 510</i>
	<ul style="list-style-type: none"> <li>Attorney requirement for minors turning 18</li> </ul>	Group Discussion	– <i>Minors Turning 18 – Statute Clarification</i> – <i>Guardianship of a Minor Webpage</i>
1:30	<b>Project Updates</b>		
	<ul style="list-style-type: none"> <li>CJA Rule 6-501</li> <li>Attorney Gap workgroup</li> </ul>	Shonna Thomas	
1:45	<b>Other Business</b>		
	<ul style="list-style-type: none"> <li></li> </ul>		
2:00	<b>Meeting adjourned</b>		

## Housekeeping

- Meeting began at 12:00pm.
- Housekeeping / Minutes – Rob Ence motion to approve; TantaLisa seconded. Minutes approved.
- Judge Coral Sanchez was welcomed to the committee. Stakeholders introduced themselves.
- Meeting adjourned at 1:59pm.

## New Business

### Guardianship Bill of Rights (Utah Code 75-5-301.5)

Guests Lisa Thornton and Anneli Smith presented on behalf of a coalition they are forming to recommend changes to legislators on the Guardianship Bill of Rights. They have also spoken with members of the legislative coalition, Guardianship Associates, Autism Council of Utah, attorneys with the Elder Law Section, and others, about this statute

The coalition's main concerns relate to appointments of a parent guardian over an adult child, specifically situations in which the protected person has had significant incapacity since birth, has never had capacity, and is not expected to obtain capacity.

The presenters discussed the specific areas of the statute that they believe are inconsistent or contradictory with other parts of the Utah Code and need additional clarifying language, and the coalition's plans to address these issues with the Utah Legislature. WINGS stakeholders offered feedback, counterpoints, and asked follow-up questions.

Senator Weiler offered to speak with the coalition about recommended language changes in the statute. WINGS stakeholders who are interested in providing additional input on this topic can reach out to Lisa and Anneli for more information.

### Supported Decision-Making Legislation

Andrew Riggle and guest Nate Crippes presented to the committee regarding an upcoming piece of legislation, HB510, which Representative Jenkins has agreed to sponsor. The intent of this legislation is to codify supported decision-making, a project that was started last year, with the goal to make it easier for professionals (e.g., doctors, bankers, teachers, attorneys), to include other supports in conversations related to decision-making, with the backing of the Utah legal system. They continue to seek feedback and recommendations on ways to improve the proposed legislation.

Andrew and Nate discussed specific pieces of the legislation, the thought process and intent of these areas, and any concerns that had been previously mentioned and addressed.

### Attorney Requirements for Minors Turning 18

Shonna Thomas discussed a concern from a district court judge regarding the statutory requirement for an attorney for individuals reaching the age of majority and a lack of consistency in interpreting the statute across the districts. The statute requires an attorney for adults (75-5-303) and allows judges to require an attorney for a minor at their discretion (75-5-207) but does not specify the attorney requirement for situations where a minor is turning 18. The court's website is lacking in clarity on this topic as well, with the section of minors turning 18 included on the Minor Guardianship webpage.

The group discussed ways in which the statute or education for judges could be used to help clarify the intent, including updating the language on the website, creating section just for this subset of cases, with a link to the adult guardianship section, and adding language to WINGS’ recommendations for 75-5-303, if time permits.

**Project Updates**

**CJA Rule 6-501**

The last revisions to this rule were approved by the Policy Planning and Technology committee on October 6, 2023. The final step is full approval by the Judicial Council. It is expected to be approved without any additional changes needed and will likely go into effect on November 1, 2023. Shonna will update the group when the final approval is given.

**Attorney Gap Workgroup**

The workgroup has met multiple times and has been looking at various ways to address the problem. Attorneys have identified two main reasons they hesitate to volunteer for guardianship cases: (1) they do not feel they have had sufficient training in guardianship law, and (2) they do not know enough about individual cases to properly gauge whether it is something they can take on.

In response to this feedback, Shonna has started adding more details to the attorney listings to help attorneys make more informed decisions. The group is also looking at ways to increase resources, training opportunities, and access to mentors for attorneys, to help support them on these cases.

The workgroup is meeting at the end of October to continue the discussion.

**Other Business**

- The Committee voted to move the December meeting to the 7th, to account for the holidays.

**Action Items**

<b>CJA Rule 6-501</b>	
– Update the group when the final approval for the rule is given.	Shonna Thomas

**Deferred / Continuing Items**

- Guardianship Bill of Rights
- Supported Decision-Making legislation
- Attorney Gaps workgroup
- Utah Code 75-5-303

<b>Next Meeting(s):</b>	December 7, 2023 February 15, 2024 April 18, 2024 June 20, 2024 August 15, 2024 October 17, 2024
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