

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Thursday, December 7, 2023 - 12:00 to 2:00 p.m.

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

Agenda			
	Topic	Presenter	Materials
12:00	Meeting begins		
	<ul style="list-style-type: none"> Housekeeping, minutes 	Judge Kelly	- WINGS Minutes (October 2023 – draft)
12:10	Project Updates		
	<ul style="list-style-type: none"> Utah Code 75-5-303 	Shonna Thomas	
12:15	New Topics		
	<ul style="list-style-type: none"> Letters of Guardianship Concerns 	Judge Kelly	
	<ul style="list-style-type: none"> Orders on Motions 	Shonna Thomas Forms Workgroup	Minors: <ul style="list-style-type: none"> Motion to Review or Change – Minor Order to Review or Change – Minor Motion to Terminate – Minor Order to Terminate – Minor Adults: <ul style="list-style-type: none"> Motion to Review or Change – Adult Order to Review or Change – Adult Motion to Terminate – Adult Order to Terminate – Adult Both: <ul style="list-style-type: none"> (Proposed) Order on Review of Motion to Review, Change, or Terminate
1:30	Other Business		
	<ul style="list-style-type: none"> Legislation Updates 	Stakeholders	
	<ul style="list-style-type: none"> 		
2:00	Meeting adjourned		

Housekeeping
<ul style="list-style-type: none"> – Meeting began at 12:05pm. – Housekeeping, minutes – One correction recommended on a name spelling. Shonna will make the correction. Katie Cox motioned to approve; Tantalisa seconded. Minutes approved. – Meeting adjourned at 2:00pm.

Project Updated
<p>Utah Code 75-5-303</p> <p>The Liaison Committee approved the court seeking legislation for the proposed changes to the code, except for the provisions differentiating between in-person and virtual presence at a hearing. Michael Dreschel (Assistant State Court Administrator and Legislative Liaison) is working on finding a sponsor.</p> <p>At Judge Kelly’s request, Shonna will put together a list of WINGS stakeholders whose organizations are in support of this legislation and the legislative liaison or contact person that Michael can reach out to if needed. Stakeholders will receive an email from Shonna on this by the end of the week. Shonna will continue to follow up with Michael on the progress, and if there is anything WINGS, judges, or court staff can do to assist or support it throughout the process.</p>

New Topics
<p>Letters of Guardianship Concerns</p> <p>The group discussed a new issue that arose during a recent probate subcommittee meeting. Guardians and Conservators use the court-issued Letters of Guardianship to provide proof of their authority to access information and make specific decisions on behalf of the protected person. Concern was raised that the Letters of Guardianship may not always include the details, such as authority restrictions and limitations, that are outlined in the Order of Guardianship, thereby opening the appointment to the potential for fraud or abuse.</p> <p><u>Group Discussion</u></p> <ul style="list-style-type: none"> • In many cases, the Letters identify the person serving as guardian or conservator and point to the Order for the details of the appointment, rather than listing the details in the Letter. However, Letters of Guardianship are intended to serve as evidence of the guardian or conservator’s authority without having to provide the full Order, which often contains private information, such as medical conditions. • This may be more common with Letters submitted by attorneys. The language in the Letters completed by pro se petitioners tends to mirror the language in the Order, with the details of the appointment included. • Per statute (Utah Code 75-5-304(2)(b) and 75-5-426), the Letter needs to make clear when a guardianship or conservatorship is limited, what those limits are, and what authority the guardian or conservator does have. • In general, judges sign the Orders; clerks sign the Letters. This may be a training issue for court staff to ensure that the Letters accurately reflect what the judge’s Order says. Is there a mechanism that can be put in place for Clerks or judicial support staff to compare Letters and Orders and flag Letters that do not include restrictions listed in the Order?

- Training documents for Clerks are in the process of being revised and approved. An addition can be made to the document to instruct the Clerks to check the Letters and if there are any discrepancies, to refer it back to the judge. However, this will initially result in a lot of unsigned letters.
- This is an issue/concern that is important to address with the Clerks of Court to get their feedback and insight. Keri Sargent will address this with the Clerks and report back to the group.
- The Forms Workgroup can also address this issue when the group starts work on revising the Letters document.

Orders on Motions

The Forms Committee has asked WINGS to review Orders related to previously approved motions (i.e., Motion to Review or Change a Guardianship or Conservatorship of an Adult/Minor, Motion to Terminate a Guardianship or Conservatorship of an Adult/Minor).

A typical process for a motion would include filing a Request to Submit alongside a motion to get the matter to the judge. However, these four motions have several possible options for the filer to check, including actions or decisions that might take place before a hearing is held or a judge makes a finding. As such, the forms workgroup suggests an interim order, mimicked after the Order on Review of Guardianship Reports document, which would be filed as a proposed order for the judge to indicate interim actions/orders prior to a final ruling on the motion.

The WINGS group discussion included problem-solving strategies to address possible shortcomings or confusion in the process. The group determined that adding language to the motions for adults as a request for an interim order and labeling the proposed order as an “Interim Order,” would help address the concerns raised during the discussion. Additionally, the group agreed that separating the motions related to minors is appropriate, as the same rules and requirements do not apply in those cases.

Shonna will make the changes as suggested by the group and share the new drafts with WINGS stakeholders. Stakeholders should email Shonna any additional suggestions or redline changes to the proposed final orders.

Other Business

Legislation Updates –

- **Supported Decision-Making** – A protected draft of the bill, which includes the previous feedback received, is currently being circulated. Once it is in an unprotected status, Andrew Riggle will share it with WINGS stakeholders.
- **Recodification of the Probate Code** – Brant Christiansen reports that a bill may be in the works for the recodification of the probate code, but its status at this time is unclear.
- **Guardianship Bill of Rights** – Andrew reports that there may be upcoming legislation related to this statute as well.

Action Items

Utah Code 75-5-303

- Email WINGS and put together a list of WINGS stakeholders whose organizations are in support of this legislation and the legislative liaison or contact person.

Shonna Thomas

<p>Letters of Guardianship</p> <ul style="list-style-type: none"> – Update the training documents for Clerks to include instructions to compare Letters to Orders and refer discrepancies back to the judge. – Address this with the Clerks and report back to the group. 	<p>Keri Sargent</p>
<p>Orders on Motions</p> <ul style="list-style-type: none"> – Make updates to the Interim Order and share with WINGS stakeholders – Send to Shonna any suggestions or redline changes to the proposed final orders. 	<p>Shonna Thomas</p> <p>WINGS Stakeholders</p>

<p>Deferred / Continuing Items</p>
<ul style="list-style-type: none"> – Utah Code 75-5-303 – Letters of Guardianship – Orders on Motions – Other Legislative Updates

<p>Next Meeting(s):</p>	<p>February 15, 2024 April 18, 2024 June 20, 2024 August 15, 2024 October 17, 2024 December 5, 2024*</p>
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