

Frequently Asked Questions - GRAMP

GRAMP

1. What is GRAMP?

Guardianship Signature Program

2. What is the Guardianship Signature Program?
3. Can anyone request an attorney?
4. How is an attorney requested?
5. What happens after the request is made?
6. What will an attorney from the Guardianship Signature Program do?
7. Is an attorney always required?

Court Visitor Program

8. What is the Court Visitor Program?
9. What is the Court Visitor role?
10. What does a Court Visitor do?
11. Who Can Request a Court Visitor?
12. How is a Court Visitor requested?

WINGS

13. What is WINGS?
14. What does WINGS do?
15. How is WINGS organized?
16. How does someone get involved in WINGS?

1. What is GRAMP?

The Guardianship Reporting and Monitoring Program (GRAMP) oversees guardianship/conservatorship matters, under the Administrative Office of the Courts. GRAMP is focused on helping the courts manage risks, prevent abuse, and increase public confidence in the guardianship process. GRAMP became operational in 2018, is staffed by two full-time employees and assisted by program volunteers.

GRAMP oversees three distinct, but connected programs related to guardianship. GRAMP is responsible for the following:

- Coordinating the **Guardianship Signature Program**, which connects volunteer attorneys with opportunities to represent respondents in guardianship proceedings, when the respondents do not have counsel of their own choice.
- Managing the **Court Visitor Program**, which utilizes the services of volunteers to investigate, observe, and report on behalf of the court in guardianship- and conservatorship-related matters.
- Facilitating the **WINGS** committee, a group of stakeholders from various disciplines, focused on improving that state's guardianship and conservatorship services and processes.

2. What is the Guardianship Signature Program?

The Guardianship Signature Program is a partnership between the Utah State Bar and the Administrative Office of the Courts.

Utah law requires that the respondent be represented by a lawyer. If the respondent has not chosen a lawyer, the court must appoint one, and may need to continue the hearing until the respondent has a lawyer.

The Guardianship Signature Program connects volunteer attorneys with respondents in guardianship proceedings who need an attorney but do not have one of their own choosing.

The Guardianship Signature Program is a simple concept – qualified attorneys agree to receive email requests for representation in districts of their choosing. When email requests are sent, attorneys interested in accepting an appointment respond to the request and get assigned to the case.

The Guardianship Signature Program services all 8 districts in the state of Utah.

3. Can anyone request an attorney?

In the petition or in a separate form, anyone can request that the judge appoint an attorney to represent the respondent.

Petitioners, their counsel, and court clerks should make every attempt to identify the need for appointed counsel as soon as possible. A timely request gives the appointed attorney time to talk with the client and investigate the case, making the initial hearing as productive as possible.

If necessary, the judge may appoint an emergency guardian or a temporary guardian if certain conditions are met.

4. How is an attorney requested?

A request is made by the petitioner, the petitioner's attorney, or other interested person by completing the form: ***Request to Appoint an Attorney to Represent the Respondent.***

5. What happens after the request is made?

If the judge refers a respondent to the Guardianship Signature Program, clerical staff will notify the attorneys who have volunteered for that district of the need to place the client. The client will be placed with the first attorney to respond to the request. If the clerk is not successful in placing the client, the GRAMP Program Coordinator assists in finding representation for the client.

6. What will an attorney from the Guardianship Signature Program do?

Each case may be different, but attorneys for the Guardianship Signature Program can expect to:

- File for the judge's signature on an order appointing the attorney
- Communicate with the client
- Investigate the nature and extent of the client's claimed incapacity and estate
- Investigate alternatives to guardianship and the proper limited authority of a guardian
- Investigate the priority of the proposed guardian
- Assist the client in nominating a guardian or conservator
- Ensure that the client is present at the hearing unless excused
- Present the client's proposals and contest proposals, as appropriate
- Participate in mediation with or on behalf of the client

7. Is an attorney always required?

The court may waive the requirement of a lawyer for the respondent if **all** the following criteria are met:

- a. The respondent is the biological or adopted child of the petitioner.
- b. The value of the respondent's entire estate does not exceed \$20,000 as established by the petitioner's affidavit.
- c. The respondent appears in court with the petitioner.
- d. The respondent is given the opportunity to communicate, to the extent possible, his or her acceptance of the appointment of petitioner.
- e. The court has tried to appoint an attorney for 60 days, but no attorney from the court's list of attorneys who have volunteered to represent respondents (GSP) is able to provide counsel.
- f. The court is satisfied that counsel is not necessary to protect the respondent's interests.
- g. The court appoints a Court Visitor.

8. What is the Court Visitor Program?

The Court Visitor Program provides an important service in assisting the courts' ability to make informed decisions about guardianship and conservatorship cases. The program assigns volunteers, called "Court Visitors," to investigate guardianship and conservatorship cases, under the direction of the judge.

Judges frequently need a Court Visitor to conduct interviews and gather information to help them:

- Decide whether the respondent may be excused from court hearings
- Decide the nature and extent of the respondent's incapacity
- Decide the nature and extent of the guardian's authority
- Ensure that the court's orders are being followed

The Court Visitor Program accommodates requests for Court Visitors in all eight court districts

9. What is the Court Visitor role?

Court Visitors are neutral, special appointees of the court who have no personal interest in the proceedings. Court Visitors gather facts and information by interviewing individuals and institutions as ordered by the court. Acting as the "eyes and ears" of the court, Court Visitors investigate, observe, and report essential information to the courts.

10. What does a Court Visitor do?

Court Visitors provide an important and integral service in assisting the courts' ability to make informed decisions about guardianship cases. They work on specific types of cases, including:

Excuse the Respondent – if it is proposed that the respondent does not need to attend the hearing, the Court Visitor may be asked to investigate the respondent's ability to appear.

Circumstances – before guardianship is granted, the Court Visitor may be asked to investigate and report about the respondent's circumstances, conditions, and other matters.

Well-Being – after guardianship is granted, the Court Visitor may be asked to report on the protected person's welfare and conditions, and to determine if the protected person's needs are being met.

Audit – the Court Visitor may be asked to conduct a records audit, to ensure the protected person's finances and estate are being properly managed.

Whereabouts – the Court Visitor may be asked to track down and educate the guardian, if the court has lost contact with them and/or if required reports are late, missing, or incomplete.

11. Who Can Request a Court Visitor?

Any party to a case or concerned citizen may request that a Court Visitor be assigned. The court may also choose to assign a Visitor on its own initiative.

A Court Visitor can be appointed before or after guardianship or conservatorship is established. However, a Court Visitor is not appointed to investigate during mediation between the parties.

12. How is a Court Visitor requested?

The steps for an interested party to request a CV are relatively simple. To begin the process:

- (1) Complete the form: ***Request to Assign a Court Visitor***.
- (2) File the original form and certificate of service with court staff.
- (3) After the Court Visitor Program receives a request through official court channels, the Program Coordinator will review the request information, complete a court order and submit for the judge's signature, and assign a CV to the case.

13. What is WINGS?

WINGS stands for the Working Interdisciplinary Network of Guardianship Stakeholders. There are several WINGS groups throughout the country. WINGS is an ongoing, consensus-driven, problem-solving mechanism. It offers a forum for considering how adult guardianship is working in the state, where the pressure points are, and what solutions might work.

The mission of Utah WINGS is to bring together stakeholders from various disciplines to improve the state's guardianship and conservatorship services and processes.

14. What does WINGS do?

To carry out its mission, Utah WINGS:

- Supports policy initiatives for the enhancement of guardianship and related infrastructure.
- Identifies and develops education and outreach opportunities regarding guardianships, conservatorships, and their alternatives.
- Provides training and support to those engaging the guardianship/conservatorship system.
- Identifies resources that may be available in emergency cases where persons of limited decision-making capacity have no guardian.

15. How is WINGS organized?

Utah WINGS is made up of an Executive Committee and a Steering Committee and is currently chaired by Judge Keith Kelly (3rd District). Full WINGS meetings are attended by stakeholders from a wide variety of agencies, organizations, and related fields.

Utah WINGS holds full group meetings every other month. Minutes are taken at each meeting, archived for future reference, and available to the public. In the intervening months, the Executive Committee meets to discuss areas of concerns, projects that need additional dialogue to move forward, and upcoming items. The Executive Committee also sets the agenda for full meetings.

16. How does someone get involved in WINGS?

Utah WINGS includes members from the courts, aging and disability networks, mental health agencies, advocacy groups, medical professionals, service providers, and legal fields. Diverse representation allows WINGS to better understand and address the guardianship issues that affect our communities, and new members are welcome.

Members are expected to attend meetings and participate in the discussion and problem-solving process. For details on participating with WINGS, contact the GRAMP Program Coordinator.

Resources:

Guardianship Reporting and Monitoring Program

<https://www.utcourts.gov/gramp/>

Guardianship Signature Program

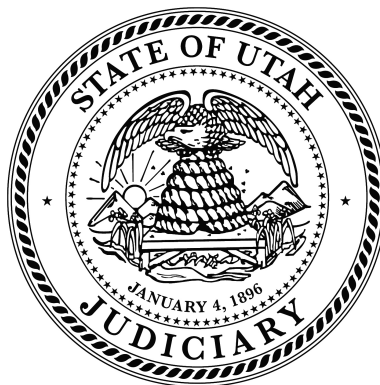
<https://www.utcourts.gov/gramp/gsp/>

Court Visitor Program

<https://www.utcourts.gov/gramp/cvp/>

WINGS

<https://www.utcourts.gov/gramp/wings/>



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