

**Judge Wilcox**  
**5th District Adult Drug Court –**  
**St. George**

Court: FIFTH DISTRICT, ST GEORGE

Judge: WILCOX

Date: February 8, 2017

## Utah Adult Drug Court Certification Checklist

September, 2016

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.<br>P BPS I A  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS\* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P** BPS III A
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P** BPS III B
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R** BPS III C
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R** BPS III D
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R** BPS III E
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R** BPS\* III E
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R** BPS\* III F
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R** BPS III G
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R** BPS IV B
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A\***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. P BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. R BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D\*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E\*, F\*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G\*
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. R
- ☒ ☐ 48. The minimum length of the program is twelve months. R
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J

YES NO

☒ ☐

52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. R BPS IV K

☒ ☐

53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. R BPS IV K

☒ ☐

54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A

☒ ☐

55. Standardized patient placement criteria govern the level of care that is provided. P BPS V A

☒ ☐

56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A

☒ ☐

57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B

☒ ☐

58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D

☒ ☐

59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E

☒ ☐

60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E

☐ ☒

61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E

☒ ☐

62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. P BPS V F, BPS VI G

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.  
P BPS V F
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment.  
R BPS V H
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. B BPS V H
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. P BPS V H
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. R BPS V I
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. R BPS V I
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. R
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.  
P BPS V I
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. R BPS V J
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. P BPS V J
- ☒ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. B BPS V J
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. P BPS VI D
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. R BPS VI D



YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I\*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A\***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☐ ☒ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B\*
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P** BPS X C
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

**Judge Leavitt**  
**5th District Dependency Drug**  
**Court – St. George**

Court: FIFTH DISTRICT, ST GEORGE

Judge: LEAVITT

Date: February 1, 2017

## Utah Dependency Drug Court Certification Checklist

October, 2016

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

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YES NO

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. | Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A |

YES NO

- ☒ ☐ 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**
- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS\* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 9. Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 10. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 11. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**

YES NO

- ☒ ☐ 14. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 15. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
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- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
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- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS\* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

YES NO

- ☒ ☐ 24. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☒ ☐ 25. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
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YES NO

- |                                     |                          |     |   |
|-------------------------------------|--------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 32. | The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. <b>P BPS IV F</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 33. | Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. <b>P BPS IV I</b>   |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 41. | Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. <b>R BPS VII E*, F*</b>  |
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- ☒ ☐ 46. The program requires at least 90 days clean to graduate. **B**
- ☒ ☐ 47. The minimum length of the program is twelve months. **B**
- ☒ ☐ 48. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 49. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 51. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. **P BPS IV K\***

- | YES                                 | NO                                  |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.<br><b>B BPS V A</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 54. Standardized patient placement criteria govern the level of care that is provided. <b>P BPS V A</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 55. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. <b>P BPS V A</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 56. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. <b>R BPS V B</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. <b>P BPS V D</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 58. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. <b>P BPS V E</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 59. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. <b>P BPS V E</b> |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. <b>B BPS V E</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 61. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. <b>B BPS V F, BPS VI G</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. <b>P BPS V F</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 63. Treatment providers are licensed or certified to deliver substance abuse treatment. <b>R BPS V H</b>  |

YES NO

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 69. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 72. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

- | YES                                 | NO                       |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. <b>P BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. <b>R BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. <b>B BPS VI E</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. <b>R BPS VI E</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). <b>P BPS VI F</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 79. Female participants receive trauma-related services in gender-specific groups. <b>B BPS VI F</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 80. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. <b>P BPS VI F</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 81. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. <b>R BPS VI I*</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 82. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. <b>P BPS VI I</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 83. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. <b>B BPS VI I</b>   |

YES NO

- ☒ ☐ 84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 85. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P BPS VI**
- ☒ ☐ 86. Clients are placed in the program within 50 days of shelter hearing. **R**
- ☒ ☐ 87. At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 88. At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. **R BPS VIII A\***
- ☒ ☐ 89. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 90. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 91. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 92. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 93. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**

YES NO

☐

94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P** BPS VIII F

☐

95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P** BPS VIII F

☐

96. Court fees are reasonable and based on each participant's ability to pay. **R**

☐

97. Treatment fees are based on a sliding fee schedule. **R**

☐

98. The Drug Court has more than 15 but less than 125 active participants. **P** BPS IX A\*

☐

99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A

☐

100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B\*

☐

101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A

☐

102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D

☐

103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D

YES NO

☐

104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**

☐

105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**

☐

106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**

☐

107. The program conducts an exit interview for self improvement.  
**P**



**Judge Walton**  
**5th District Adult Mental**  
**Health Court – St. George**

Court: FIFTH DISTRICT, ST GEORGE

Judge: WALTON

Date: February 21, 2017

## Utah Mental Health Court Certification Checklist

October, 2016

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

☐

1. Eligibility and exclusion criteria are defined objectively. R BPS I A

☐

2. Eligibility and exclusion criteria are specified in writing. R BPS I A

☐

3. Eligibility and exclusion criteria are communicated to potential referral sources.  
P BPS I A

☐

4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A

YES NO

- ☒ ☐ 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. **R BPS\* I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. **R BPS I D**
- ☐ ☒ 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 13. The judge presides over the Mental Health Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. **R BPS III C**

YES NO

- ☒ ☐ 15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. R BPS III D
- ☒ ☐ 16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. R BPS III E
- ☒ ☐ 17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. R BPS\* III E
- ☐ ☒ 18. The Judge spends an average of at least three minutes with each participant. R BPS\* III F
- ☒ ☐ 19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. R BPS III G
- ☒ ☐ 20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B
- ☒ ☐ 21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H, BPS VIII D
- ☒ ☐ 22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H, BPS VIII D
- ☒ ☐ 23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H
- ☒ ☐ 24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. R BPS IV A
- ☒ ☐ 25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A

YES NO

- ☒ ☐ 26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**
- ☒ ☐ 29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 30. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**
- ☒ ☐ 32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D\***
- ☒ ☐ 33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E\*, F\***
- ☒ ☐ 34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**
- ☒ ☐ 35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G\***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☐ ☒ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B\***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E\***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☒ ☐ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☐ ☒ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A\***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

☒ ☐

61. Team members are assigned to Mental Health Court for no less than two years.

**P**

☒ ☐

62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues.

**P**

☒ ☐

63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.

**R BPS VIII C**

☒ ☐

64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.

**B BPS VIII F**

☒ ☐

65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts.

**P BPS VIII F**

☒ ☐

66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.

**P BPS VIII F**

☒ ☐

67. Court fees are reasonable and based on each participant's ability to pay.

**R**

☒ ☐

68. Treatment fees are based on a sliding fee schedule.

**R**

☒ ☐

69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.

**P BPS X A**

☒ ☐

70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.

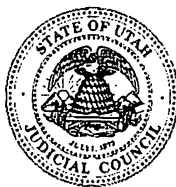
**B BPS X B\***



YES NO

- ☐ ☒ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**  
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 77. The program conducts an exit interview for self improvement. **P**

**TAB 6**



## Administrative Office of the Courts

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

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Nancy Sylvester  
**Date:** April 11, 2017  
**Re:** Reappointments to the Committee on Resources for Self-represented Parties

---

**Sue Crismon's** and **Professor Carl Hernandez's** first terms on the Committee on Resources for Self-represented Parties expire this month. They have both requested to stay on the committee for another term and the committee recommends that they be reappointed.

Ms. Crismon occupies one of two positions from legal service organizations that serve low-income clients. She is an attorney with Salt Lake Legal Defenders and previously worked at Utah Legal Services. Professor Hernandez occupies one of two law school representative positions on the committee. He teaches at BYU's J. Reuben Clark Law School where he is involved extensively with topics that directly touch the committee's work.

Both Professor Hernandez and Ms. Crismon contribute in important and significant ways to the committee's work and the committee is very interested in having them stay on for another term.

**Judge Doug Thomas** occupies the position of district judge on the committee and he is completing his second term. In Judge Thomas's case, the committee requests an exception to the general rule that a committee member serve only two terms. Judge Thomas serves an important role in representing both a rural judge's perspective and acting as a liaison from the Committee on Children and Family Law. Because that committee is currently studying domestic case process improvements through one of its subcommittees, and its work includes examining the role of self-represented parties and the resources available to them, both committees benefit from a common member. The committee requests that the Judicial Council consider this an "exceptional circumstance[...which justifies] service of more than two consecutive terms" under Utah Code of Judicial Administration Rule 1-205(3)(B).

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efficient, and independent system for the advancement of justice under the law.

Committee on Resources for Self-represented Parties

April 11, 2017

Page 2

The Management Committee recommends that all three be reappointed to the Committee on Resources for Self-Represented Parties.



Chambers of  
Justice John A. Pearce

**Supreme Court**  
of the  
**State of Utah**

450 South State Street, S520  
PO Box 140210  
Salt Lake City, Utah 84114-0210  
Telephone: (801) 238-7935  
Fax: (801) 238-7980  
Email: [supremecourt@utcourts.gov](mailto:supremecourt@utcourts.gov)

April 17, 2017

Chief Justice Matthew B. Durrant  
Utah State Courts  
450 South State Street  
Salt Lake City, UT 84114

Re: Standing Committee on Technology Recommendations

Chief Justice Durrant:

The Technology Committee develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern technology as applied to Utah's courts and management structure.

The Management Committee has approved the appointment of Larry Webster to fill the vacancy on the Committee for a Trial Court Executive.

I would ask that you act favorably on the nomination of Larry Webster to the Technology Committee.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Pearce".

John A. Pearce  
Chair, Standing Committee on Technology

cc: Ron Bowmaster



## Administrative Office of the Courts

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

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

To: Management Committee  
From: Keisa L. Williams  
Date: April 11, 2017  
Re: Language Access Committee Appointments

Currently, there are three (3) vacancies on the Language Access Committee: (1) justice court judge, (1) clerk of court and (1) defense attorney Pursuant to CJA Rule 1-205(1)(B)(ix):

The Language Access Committee shall consist of one district court judge, one juvenile court judge, **one justice court judge**, one trial court executive, **one court clerk**, one interpreter coordinator, one probation officer, one prosecuting attorney, **one defense attorney**, two certified interpreters, one approved interpreter, one expert in the field of linguistics, and one American Sign Language representative.

#### Defense Attorney

The defense attorney vacancy was approved by this Committee and filled last November by Bebe Vanek, with the Utah Juvenile Defender Attorneys, LLC (UJDA). Unfortunately, Ms. Vanek recently accepted a new position outside of defense work and resigned her membership. Because the defense attorney vacancy remained unfilled for so long and required two separate publication periods with only one application received, the Language Access Committee voted to accept a nomination (replacement) from the UJDA. The applicant, Monica Diaz Green, comes highly recommended by Pamela Vickrey, the Executive Director of UJDA. Ms. Greene's resume is enclosed for your consideration.

On March 17, 2017, the Language Access Committee voted unanimously to recommend that Monica Diaz Greene be appointed to fill the defense attorney vacancy.

#### Justice Court Judge

Judge Romney's maximum six (6) year term on the committee ended February 2, 2017. The Board of Justice Court Judges will be nominating a replacement justice court judge on April 10, 2017. On March 17, 2017, the Language Access Committee voted unanimously to

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efficient, and independent system for the advancement of justice under the law.

recommend whichever judge was nominated by the Board. I will provide this Committee with the recommendation at the meeting on April 11, 2017.

**Clerk of Court**

Maureen Magagna's maximum six (6) year term on the committee ended February 2, 2017. The clerks of court have nominated Lynn Wiseman, clerk of court of the 2<sup>nd</sup> District Juvenile Court, as her replacement. On March 17, 2017, the Language Access Committee voted unanimously to recommend that Lynn Wiseman be appointed to fill the clerk of court vacancy.

**Committee Chair**

Judge Romney was the acting committee chair. On March 17, 2017, the Language Access Committee voted unanimously to select Michelle Draper as the new chair. Ms. Draper is a certified American Sign Language interpreter and has been a member of the committee since April 28, 2014.

Encl. M. Diaz Greene Resume

## MONICA DIAZ GREENE

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8 East Broadway Suite 500 Salt Lake City, UT 84111 801-521-5225 mdgreene@ujda.org

### BAR ADMISSION

Utah State bar  
Federal District Court, District of Utah

October 2008  
October 2008

### EXPERIENCE

#### UTAH JUVENILE DEFENDER ATTORNEYS, LLC

*Attorney*

August 2012 – Present

*Salt Lake City, Utah*

- Defend minors in transfer cases to district court involving serious offenses including aggravated murder
- Defend minors in juvenile delinquency hearings including juvenile sex offenses
- Represent minors in juveniles detention hearings
- Represent minors in alternative court proceedings i.e. drug court, mental health court
- Draft succinct legal briefs including motions and supporting memoranda

#### SALT LAKE COUNTY DISTRICT ATTORNEY'S OFFICE

*Deputy District Attorney*

April 2009 – July 2012

*Salt Lake City, Utah*

- Litigate juvenile delinquency hearings including juvenile sex offenses
- Prosecute criminals in adult misdemeanor proceedings
- Draft succinct legal briefs including motions and supporting memoranda, responses to motions and supporting memorandums, motions for discovery, jury instructions, and notice of intended witnesses

#### THIRD DISTRICT COURT

*Law Clerk/Attorney Law Clerk*

July 2008 – April 2009

*Salt Lake City, Utah*

- Research and analyze complicated legal issues as projects on cases for various judges
- Draft bench memorandum for various motions and other legal matters submitted to the court

#### KENNECOTT UTAH COPPER CORPORATION

*Law Clerk*

May 2007 - July 2008

*Magna, Utah*

- Research, analyze, and draft memorandum, briefs, and motions regarding employment law and contract issues

### EDUCATION

#### JURIS DOCTOR

*S.J. Quinney College of Law, University of Utah*

May 2008

*Salt Lake City, Utah*

- Editor-in-Chief, Journal of Law and Family Studies
- Samuel and Bertha Bernstein Scholarship
- TA for First Year Writing Program 2007-2008, Academic Support TA for Property

#### BACHELOR OF SCIENCE

*Westminster College*

June 2002

*Salt Lake City, Utah*

- Certificate in Elementary and Secondary Education
- L.D.S. Foundation Endowed Scholarship
- Ross Beason Memorial Scholarship

### MEMBERSHIPS

- National Juvenile Defender Center
- Southwest Juvenile Defender Center
  - Including juvenile defenders from Arizona, Colorado, New Mexico, Oklahoma, Texas and Utah
- Utah Juvenile Law Section
  - Vice Chair 2016-2017



- CLE Coordinator 2015-2016
- Utah Association of Criminal Defense Lawyers
- Women Lawyers of Utah
- Utah Minority Bar Association

## PUBLICATION

"Birthright Citizenship: Should the Right Continue?" – 9 J. L. & Fam. Stud. 159, Journal of Law and Family Studies

## SPECIALTIES

### MENTAL HEALTH COURT

April 2014 - December 2016

- Defense Counsel in 3rd District Juvenile Mental Health Court

### JUVENILE DRUG COURT

August 2011-April 2014

- August 2011 - July 2012; Prosecutor for 3rd District Juvenile Drug Court
- August 2012-April 2014; Defense Counsel for 3rd District Juvenile Drug Court

## PRESENTATIONS

### PRESENTATION FOR THE UTAH STATE BAR JUVENILE LAW SECTION

July 2016

- Juvenile Competency: How to Address Challenged Clients in Delinquency and Child Welfare Cases

### PRESENTATION TO THE UTAH ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

May 2015

*Juvenile Law Seminar*

- School Search and Seizure Law

### PRESENTATION TO THE WINTER SCHOOL

May 2015

- Drug and Alcohol Offenses and Consequences

### PRESENTATION AT THE UTAH PROBLEM SOLVING COURT CONFERENCE

October 2013

- The role of a defense attorney in juvenile drug court

## PROFESSIONAL AWARDS

2016 – UJDA ATTORNEY OF THE YEAR AWARD OF EXCELLENCE IN JUVENILE REPRESENTATION

## OTHER EXPERIENCE

### SALT LAKE CITY SCHOOL DISTRICT

August 2002 - August 2005

*Teacher, Sixth Grade*

*Salt Lake City, Utah*

*Teacher, Eighth Grade*

- Taught sixth grade state core materials and courses in eighth grade history
- Held student-parent-teacher conferences
- Conducted after school reading program for struggling readers
- Served on the elementary and middle school disciplinary committees
- Co-organized the middle school social science community project

## TRAINING

### JUVENILE DEFENDER LEADERSHIP SUMMIT

2012, 2013, 2014, 2015, 2016

- A national conference which is solely focused on juvenile delinquency defense through cutting-edge workshops conducted by national experts to help develop strategies for better representation of the legal interests of children.

### NATIONAL MENTAL HEALTH COURT SUMMIT

July 2016

- National conference addressing research, data, and mental health courts throughout the country

**UTAH STATE DRUG COURT CONFERENCE**

2011, 2013, 2015

- Research based training regarding juvenile delinquency drug

**NOJOS CONFERENCE – FACING CHALLENGES AND CREATING CONNECTIONS**

February 2015

- Multi-agency training regarding juvenile sex offenses and treatment in Utah

**JUVENILE SEX OFFENDER REGISTRATION ISSUES**

November 2014

**35TH ANNUAL TROUBLED YOUTH CONFERENCE**

May 2014

- multi-agency collaboration conference regarding youth in the delinquency and child welfare system

**JUVENILE COMPETENCY TRAINING**

October 2013

**PROSECUTOR SPRING CONFERENCE**

2011-2012

- State wide training and idea sharing conference for prosecutors

**CROSS EXAMINATION TRAINING**

September 2011

**FALL PROSECUTOR TRAINING CONFERENCE**

2009-2011

- State wide training and idea sharing conference for prosecutors

**SECURITIES FRAUD PROSECUTION**

May 2011

**FOURTH AMENDMENT: SEARCH AND SEIZURE**

March 2011

**PERSUASION IN THE COURTROOM: TRIAL ADVOCACY**

July 2010

**CHILDREN'S JUSTICE SYMPOSIUM/DOMESTIC VIOLENCE CONFERENCE**

May 2010

- Training regarding sex offenses and domestic violence

**DUAL ADJUDICATION SUMMIT**

September 2009

- Training regarding issues specific to juveniles who have been dually adjudicated

**NATION DISTRICT ATTORNEY ASSOCIATION: PROSECUTOR BOOT CAMP**

August 2009

- National training for prosecutors

**CHILD FORENSIC INTERVIEW TRAINING**

July 2009

## JUSTICE COURT JUDGE NOMINEE

**Kelly Nicole Schaeffer-Bullock** - Highland/Alpine City Justice Court.

Schaeffer-Bullock graduated from Brigham Young University-Hawaii Campus in 2001 with a B.A., and later earned her J.D. from the J. Reuben Clark Law School at Brigham Young University in 2008. She has spent the majority of her legal career as a municipal prosecutor, though she gained civil experience when working for the law firm of Bugden & Isaacson, LLC. She also continues to serve as a lecturer and researcher at BYU's law school. Schaeffer-Bullock is a member of the Daughters of the American Revolution, and devoted to the mission of that organization.



**TAB 7**

**Grant 1:**

**Justice for Families**

**Judicial Council Grant Application Proposal  
Code of Judicial Administration 3-411**

**FEDERAL GRANTS**

Contact Person/Phone: Nicholas Stiles 801-578-3809 Date: 04/04/17

Judicial District or Location: AOC - Domestic Violence Program

Grant Title: Justice For Families Grantor: Office on Violence Against Women

Grant type (check one); ☒ New ☐ Renewal ☐ Revision

Grant Level (check one); ☒ Low ☐ Med. ☐ High.  
Under \$1,000,000 \$1,000,000 to \$10,000,000 Over \$10,000,000

Issues to be addressed by the Project: Crimes of domestic violence are inherently complex. The crimes often include a pattern of controlling, oppressive, and abusive behavior. Currently, the Domestic Violence Program at the court is staffed by one part-time employee.

Explanation of how the grant funds will contribute toward resolving the issues identified: The OVW Grant if awarded will be used in collaboration with the existing VAWA funding to convert the part-time program coordinator position to a full time position, effectively doubling the reach of the domestic violence program throughout the state.

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years:

**Total Funding Sources**

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)					
			MATCHING STATE DOLLARS					
Other Matching Funds from Non-State Entities			General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	
CASH MATCH	State Fiscal Year	Grant Amount						Total Funds
	FY \$0							\$0
	FY \$0							\$0
	FY \$0							\$0

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)						
			MATCHING STATE DOLLARS						
IN-KIND MATCH			Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	
State Fiscal Year	Grant Amount								Total Funds
FY \$0									\$0
FY \$0									\$0
FY \$0									\$0

Comments: This grant requires no cash, or in-kind match from the AOC/Judiciary. The grant amount is \$137,074.

Will additional state funding be required to maintain or continue this program or its infrastructure

when this grant expires or is reduced? Yes ☒ No ☐ If yes, explain: The premise of getting this grant is to better the judiciary's response to crimes of domestic violence. At the culmination of this grant term, (October 2020), the domestic violence program will return to being part-time, unless the program attains more funding

Will the funds to continue this program come from within your exiting budget: Yes ☐ No ☒ N/A ☐

How many additional permanent FTEs are required for the grant? 0 Temp FTEs? .5

This proposal has been reviewed and approved by the following:

The court executives and judges in the affected district(s).  
The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts.  
The affected Board(s) of Judges.

Approved by the Judicial Council \_\_\_\_\_ by \_\_\_\_\_  
Date Court Administrator

Copy forwarded to Legislative Fiscal Analyst \_\_\_\_\_  
date

**Justice for Families Program Grant Application**  
**OVW Fiscal Year 2017**

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**Point of Contact:**

**Nicholas G. Stiles, Esq.**  
**Domestic Violence Program**  
**Administrative Office of the Courts**  
**Utah State Courts**  
**450 State St.**  
**Salt Lake City, UT 84111**  
**801-578-3809**  
**nicholass@utcourts.gov**

### Proposal Abstract

The Domestic Violence Program is the point of contact for the Utah Judiciary in all matters involving domestic violence. In 2016, there were 14,355 domestic violence related cases in Utah. This figure includes both ex-parte and permanent protection orders. In Utah domestic violence related cases are filed in Juvenile, Justice, and District courts across the state.<sup>1</sup>

Due to a high number of retirements, approximately 50% of the judges currently on the bench have been serving for five years or less. The turnover rate for court staff is also very high. As such there is a growing and continued need for judicial training for judges and court staff.

The Domestic Violence Program is requesting funding to expand the Domestic Violence Program to include one full-time employee. Currently, the Domestic Violence Program is funded under the VAWA Stop Violence Against Women Formula Grant for one employee to work 20 hours per week. With the increased funding the program plans to implement further training for judges and judicial staff on the complexities of domestic violence cases. Recently, many law enforcement agencies across Utah have implemented the Lethality Assessment Program as a way of combating the above average domestic violence related homicide rate in Utah. The Coordinator has already begun administering training to judges on the program and with increased funding could further the reach of such trainings. Additionally, the Program Coordinator plans to establish a working group to explore the best practices of courtroom administration when hearing domestic violence related cases. The need for increased sensitivity when dealing with domestic violence cases is evident. Through the funds available under the

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<sup>1</sup> Kim Allard, 2016 Domestic Violence Cases Records (2017).



Justice For Families Program, the Domestic Violence Program of the Administrative Office of the Courts hopes to further assist those impacted by domestic violence across the state of Utah.

## Grant Narrative

### **Purpose of Application**

- 1. Describe the community to be served including the geographic location and the populations in the service area, including individuals with disabilities, individuals who are deaf or hard of hearing, and persons with limited English Proficiency.**

The Domestic Violence Program serves the state of Utah and its 8 judicial districts. Utah covers 84,999 square miles divided into 29 counties. The 2016 population was 3,051,217. The population is 49.7% female, 50.3% male, 91.2% White, 1.3% African American, 1.5% American Indian or Alaskan Native, 2.5% Asian, 1.0% Pacific Islander, and 13.7% Hispanic or Latino.<sup>2</sup> 11.3% of Utah residents live below the poverty line. On average, there are 3.14 persons per household, with 8.4% of the population under the age of 5, 30.5% under the age of 18, and 10.3% over the age of 65.<sup>3</sup> There are 135,945 persons living in Utah with limited English proficiency. The highest populations of LEP individuals are in Salt Lake County, where the Domestic Violence Program is based. 73% of these individuals identify as Spanish speakers.<sup>4</sup>

Utah's industries include tourism, agriculture, mining, biomedical and information technology. There are several large universities in the state including: Utah Valley University,

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<sup>2</sup> The United States Census Bureau indicates that "Hispanics may be of any race, so also are included in applicable race categories." This explains the population percentage breakdown being over 100%

<sup>3</sup> Population estimates, July 1, 2015, (V2015)

<https://www.census.gov/quickfacts/table/PST045215/49>

<sup>4</sup> State of Utah, Total Persons of 5 Years Old Who Speak a Language Other Than English, American Census 2008-2012 - American Community Service Data.

[https://www.lep.gov/maps/2012/county/UT\\_cnty\\_LEP.ACS\\_5yr.2012.pdf](https://www.lep.gov/maps/2012/county/UT_cnty_LEP.ACS_5yr.2012.pdf)

the University of Utah, Utah State University, Brigham Young University, and Weber State University.<sup>5</sup>

**2. Identify the purpose area the applicant is proposing to address.**

**Purpose Area 5 – Court and Court-based Programs and Services**

The Domestic Violence Program takes a court-based approach to developing and improving the courts' response to domestic violence throughout the state. There are roughly 220 judges with accompanying judicial staff in the Utah Judiciary. Currently, the VAWA Grant funded Domestic Violence Program Coordinator (Coordinator) conducts domestic violence trainings. Admittedly, there is a large discrepancy between the number of judges and judicial staff that would benefit from continued domestic violence training and the available resources of the part-time Coordinator. The Justice for Families Grant would permit an increase in work hours to 40 hours per week, in theory doubling the educational impacts on members of the judiciary and likewise, the community.

In 2005 The Utah Commission on Women and Families commissioned Dan Jones & Associates to conduct a survey on the prevalence of domestic violence and the effectiveness of the Utah Judiciary in handling domestic violence cases.<sup>6</sup> While the study was conducted before the conception of the Domestic Violence Program, the results demonstrate a clear and continued need for increased funding and efforts. Victims were asked to rate the effectiveness of various

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<sup>5</sup> Governor's Office of Management & Budget.

<http://gomb.utah.gov/budget-policy/demographic-economic-analysis>

<sup>6</sup> DAN JONES, Domestic Violence Incidence and Prevalence Study (2005).

[http://udvc.org/media/PDF/resources/resources\\_2005DanJonesExecutiveSummary.pdf](http://udvc.org/media/PDF/resources/resources_2005DanJonesExecutiveSummary.pdf)

resources from 1-7, 1 being least effective, and 7 being most effective. Domestic Violence Shelters received the highest score of 5.57, while the Utah Courts received the lowest at 3.54.<sup>7</sup> Since then, through funds made available through the VAWA STOP Violence Against Women grant, the Administrative Office of the Courts created the Domestic Violence Program to help combat these disturbing statistics.

In 2016 as one of the steps to enhance services for victims of domestic violence the Coordinator trained Judges from the Utah Supreme Court, Appellate Court, District Courts, Justice Courts, and Juvenile courts on the recently implemented Lethality Assessment Program (LAP). The Lethality Assessment Program is a mechanism utilized by police officers and emergency responders to identify high-risk victims of domestic violence. The program mandates if an emergency responder identifies a victim as high risk, to put the victim in immediate contact with their associated domestic violence victim service provider. The victim service provider uses LAP guidelines to encourage victims to access services like crisis counseling, legal assistance, shelters, and various other support mechanisms.<sup>8</sup> The National Domestic Violence Hotline advises that it takes the average victim seven attempts to leave an abusive relationship.<sup>9</sup> Understandably, programs like the LAP that empower a victim through immediate education of available resources are invaluable.

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<sup>7</sup> *Id.*

<sup>8</sup> Lethality Assessment Program (LAP) - UDVC  
<http://udvc.org/lethality-assessment-program>

<sup>9</sup> Kathryn Robinson

Mark -HotlineAdmin\_KK -Tracy -HotlineAdmin\_MK -Jj -HotlineAdmin\_MCo -Stephanie -  
Lucy -Debbie -Kathy -Melinda Taylor-Diane -Brandi -Angela -Molly Horan -  
<http://www.thehotline.org/2013/06/50-obstacles-to-leaving-1-10/>

Additionally, the Coordinator intends to create a domestic violence working group to address the best practices of courtroom administration. The principal goal of the working group is to create judicial training on the best practices courts across the state can implement to provide increased security and comfort for victims of domestic violence. There are numerous minor efforts that can be made by courts that have significant impacts on victims. One example is structuring court dockets to hear domestic violence cases on the same day. This simple strategy provides judges and judicial staff with notice that on days where domestic violence cases are being heard heightened safety and sensitivity protocols should be followed in accordance with what the working group determines to be the best practices.<sup>10</sup>

Lastly, the Coordinator is working in a collaborative effort with the Utah Office for Victims of Crime with the Domestic Violence Offender Management Group (DVOMG). The DVOMG is a working group that is currently addressing appropriate courses of action for offender management. The DVOMG is a multifaceted approach utilizing input from various executive, judicial, and victim service entities to combat the need for a better offender management tool.

### **3. State the problems the project will address**

The justice system is very confusing to most people, especially those in a crisis situation. This unfortunate fact is compounded with victims of domestic violence as they often fear facing their offender and possibly perpetuating the power struggle. The judicial process can often be

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<sup>10</sup> NC AOC, North Carolina Judicial Domestic Violence Best Practices Guide for District Court Judges (2012), Domestic violence spending by state <https://www.domesticshelters.org/domestic-violence-reports-and-rankings/domestic-violence-spending-per-capita-by-state#.WHK0nWQrISs> (last visited Jan 5, 2017).

intimidating, leading to a decreased desire or capacity to access the protections it provides. The Coordinator is currently, and will continue with Justice for Families grant funds to work with victim service providers to improve the transparency and accessibility of the court system for victims of domestic violence.

Furthermore, due to geographic distribution and employee turnover, it is often difficult to ensure that best practices and training are consistent throughout the state and that all judicial staff have the same level of comfort with domestic violence cases. The Coordinator is working diligently to correct these training inconsistencies. Through funds made available by the Justice for Families grant the Coordinator will address regular and universal training for judicial staff in compliance with the well established best practices of courtroom administration.

#### **4. Identify the population to be served including any marginalized or underserved populations.**

Domestic violence presents a unique challenge for court systems. The nature of domestic violence is that it often occurs in the privacy of one's own home, absent any support systems or witnesses. This challenge indicates that often because of their isolated situations, victims of domestic violence largely struggle with attaining justice. Additionally, the unique circumstances of domestic violence make it very difficult for a victim to escape, and to receive assistance through the courts and victim service organizations. Understandably, it is evident how victims often become marginalized. The Domestic Violence Programs works meticulously to assure that all victims of domestic related violence, from cohabitant intimate partner violence, to stalking and dating violence, find justice. Statistics indicate that Utah is above average in the occurrences

of cohabitant abuse and dating violence.<sup>11</sup> Combining this with the fact that Utah ranks #41st for spending on domestic violence services per capita, it is certainly evident that there is a need for the justice system, including in Utah, to make substantial improvements to adequately protect victims of domestic violence.<sup>12</sup>

##### **5. Describe the need for the project in the community**

Domestic violence is a serious problem in the state of Utah. In Utah over a ten-year trend nearly 43% of all homicides were results of domestic violence.<sup>13</sup> In 2015 the percentage of homicides resulting from domestic violence increased to 47%. Nationally the percentage of homicides related to domestic violence is much lower, at 30%.<sup>14</sup> There is approximately one intimate partner-related homicide every month in Utah. Additionally, there are approximately three domestic violence related suicides each month in Utah.<sup>15</sup> Every year approximately 80 Utah children witness the murder or attempted murder of a parent by another parent.<sup>16</sup> The courts handle a significant number of domestic violence cases every year. In the first half of the 2016

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<sup>11</sup> Utah above national average for domestic violence homicides: victim advocates seek more resources

<http://fox13now.com/facebook/> - <http://fox13now.com/2015/03/04/utah-above-national-average-for-domestic-violence-homicides-victim-advocates-seek-more-resources/>

<sup>12</sup> Domestic violence spending by state

<https://www.domesticshelters.org/domestic-violence-reports-and-rankings/domestic-violence-spending-per-capita-by-state#.WHK0nWQrISs>

<sup>13</sup> No More Secrets Report. . <https://justice.utah.gov/Violence/> (last visited Jan 5, 2017).

<sup>14</sup> News Room UDVC

<http://udvc.org/udvc/news-room>

<sup>15</sup> Welcome to IBIS-PH; Utah's Public Health Data Resource  
Department Health - <https://ibis.health.utah.gov/>.

<sup>16</sup> News Room UDVC

<http://udvc.org/udvc/news-room>

calendar year alone, District Courts handled 1,534 domestic violence filings, and Justice Courts handled 4,753 domestic violence filings. There have been 303 criminal stalking filings and 806 sexual assault filings.<sup>17</sup> In addition to orders that were issued, it is likely that hundreds, if not thousands of parties impacted by domestic violence interacted with the police, courts, and victim services without filing protection orders.

**6. Identify gaps in services and explain how the proposed project will complement and not duplicate existing services, including services provided through the state's STOP Violence Against Women Formula Grant Program**

In the 2016 calendar year there were 14,355 domestic violence related cases filed in Utah. The Utah judiciary is made up of Justice Courts, District Courts, Juvenile Courts, a Court of Appeals, and a Supreme Court. There are one hundred eight Justice Court judges serving in 134 county and municipal courts. There are 72 full-time District Court judges serving in the state's eight judicial districts. There are 31 judges serving in the Juvenile Courts, 7 Judges in the Court of Appeals, and 5 sitting on the Supreme Court.<sup>18</sup> In addition to the 220 judges presiding over domestic violence related cases in Utah, there are numbers of court clerks and support staff from bailiffs to legal secretaries who deal directly with victims of domestic violence. Currently through VAWA funding there is one, part-time Domestic Violence Program Coordinator. The program coordinator is responsible for a wide variety of tasks, one of the most important being the continued education of judges and court employees on the fragility and uniqueness of domestic violence cases. The Coordinator has had success in trainings previously but is restricted

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<sup>17</sup> Kim Allard, 2016 Domestic Violence Cases In Utah (2017).

<sup>18</sup> Utah Courts - Court Organization, Judges, Court Governance  
<https://www.utcourts.gov/knownets/#organization>



by current funding for the program. Accordingly, if the Domestic Violence Program is awarded the additional Justice for Families funding and the coordinator becomes a full time position, the program efficacy would seemingly double. The Coordinator could reach more judges and court staff in an educational setting as well as further other program goals.

**7. Describe any previous or current efforts to address the problems the proposed project targets, and the effectiveness of those efforts.**

Utah's use of the Lethality Assessment Program is already having an impact on how domestic violence is being handled by the state's first responders. One of the goals of the LAP is to reduce Utah's drastically high domestic violence homicide rate. Moreover, because the LAP is often administered by police officers, it accompanies their probable cause affidavit and is making its way into the courtrooms of Utah's judges. As a result, the Coordinator developed and delivered the first ever LAP training for Utah judges. The Coordinator intends to continue to deliver LAP trainings in greater frequency for judges across the state. Additionally, the Coordinator with the assistance of the Domestic Violence Offender Management Group and the Utah Domestic Violence Coalition are tracking the progress of the LAP's success.

The Domestic Violence Offender Management Group (DVOMG) is comprised of members of the Utah Commission on Criminal and Juvenile Justice (CCJJ), local attorneys, police officers, representatives from Adult Probation and Parole, victim service providers, victims advocates, district court judges, justice court judges, and through the Domestic Violence Program, the Administrative Office of the Courts. In an effort to better understand best practices of offender management, the DVOMG sent members of the group to Colorado to witness their

innovated court-mandated treatment programs for domestic violence offenders. The group is working diligently to implement new tools to aid in managing offenders.

Additionally, the Domestic Violence Program in conjunction with Utah State Courts General Counsel's Office is working to amend the current Protection Order forms. The amendments will be made in an attempt to make the forms friendlier for pro-se litigants as well as more appropriate regarding the governing state statutes and federal laws for domestic violence offenses.

### What Will Be Done

#### **1. Describe the safety needs of victims of sexual assault, domestic violence, dating violence, and stalking, and the applicant's commitment to addressing those needs through the proposed project.**

Crimes of domestic violence present a unique challenge for court systems. Unlike other crimes, domestic violence, dating violence, and stalking frequently have an element of control and intimidation. Furthermore, when domestic violence cases make it into the courtroom it is likely not the first time the abuse has taken place, but an unfortunate culmination of a pattern of coercive and abusive behavior. It is imperative for courts to treat these crimes with a heightened sense of understanding. The Utah Court system through the Administrative Office of the Courts and the Domestic Violence Program is working diligently to better the protection for victims of domestic violence while in courthouses across the state. The Domestic Violence Program recognizes that heightened security not only provides for safety but also makes the courts more accessible for victims who understandably are often very fearful of the process.

As mentioned above, if the Domestic Violence Program is awarded additional funding it will work to implement required training for Judges, bailiffs, and front-line judicial staff to better serve and protect victims of domestic violence. The Coordinator intends to create a working group to explore the feasibility of instituting a consolidated docket effort across the state. A consolidated docket will put judges and judicial staff on notice that as a domestic violence docket day, the court should hold higher standards regarding victim safety and wellbeing.

Additionally, the proposed project will enhance the safety of domestic violence victims by the continued integration of the LAP program in jurisdictions across Utah. The LAP program began in Maryland and has spread across the country since its inception. Statistics indicate that 44% of those who committed a domestic violence related homicide were arrested within the prior year and almost 1/3 of homicide victims contacted the police prior.<sup>19</sup> This indicates that domestic violence related homicides are in large part, preventable. The Domestic Violence Program has already conducted judicial training on the LAP program and is currently working to organize more judicial trainings as well as encouraging additional law enforcement agencies to become members of the program. Currently, thirteen law enforcement agencies across Utah are members.<sup>20</sup>

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<sup>19</sup> Lethality Assessment Program

By - <https://lethalityassessmentprogram.org/>

<sup>20</sup> Lethality Assessment Program Maryland Model For First ...  
mnadv.org mnadvWeb/wp-content/uploads/2011/10/LAP\_Info\_Packet--as...

**2. Identify barriers to accessing the project services, and the applicant's plan to ensure that individuals who are eligible to be served by the project – particularly those from underserved and marginalized populations, including, but not limited to individuals with disabilities, deaf individuals, and persons with limited English proficiency – will have access to OVW- funded services**

A common barrier to victim safety and security in the courts is a lack of understanding of what services are available and what protections the courts can provide. Often victims avoid the justice system because they fear facing their offender, because they fear being penalized somehow by the courts, and because they sometimes believe it is pointless. Many victims unfortunately feel that the courts do not do enough in protecting them and as a result, do not want to risk pursuing a domestic violence protective order or participate in a possible domestic violence criminal case. The Domestic Violence Program, through its initiatives with LAP and sensitivity trainings for Judges, judicial staff, and bailiffs is working to correct that common misconception. Unfortunately, mistrust of law enforcement and the judiciary leads to decreased access to justice and to victims not receiving the protection they are entitled.

Victims often do not know where to look or who to turn to when it comes to accessing the criminal justice system. Courts do not generally advertise their services and must rely on other agencies and individuals to encourage parties to access the system. As such, the vitality of maintaining and improving relationships with domestic violence service providers is paramount. Victim service providers disseminate crucial information about how the court can help, the importance of which cannot be overstated.

Other barriers to victim safety and security include a lack of resources in some parts of the state. Some courts, especially those in rural areas, have limited access to supportive agencies

(probation, victim advocates, etc), which puts victims at greater risk. Those courts need alternative resources to resolve cases and refer victims adequately. Finally, underrepresented populations (minorities, speakers of other languages, LGBT community) may feel uneasy or have additional barriers when accessing the courts. Courts must increase cultural competency and should explore variations to procedures in order to be able to meet the needs of these populations. One example of a simple effort the Domestic Violence Program intends to implement is advertising the availability of free Spanish speaking interpreters. Protection from domestic violence should not depend on what language you speak.

**3. Identify Project Goals, objectives, activities, and products and provide a corresponding 36-month timeline.**

**A.) Increase judicial trainings on the Lethality Assessment Program (LAP).**

On October 7th, 2016 the Domestic Violence Program Coordinator conducted training on the recently implemented LAP for judges from Juvenile Courts, Justice Courts, District Courts, the Appellate Court, and the Supreme Court. While the LAP is a tool used by law enforcement agencies it is finding its way into the courtroom through police officer's probable cause affidavits. There are currently 220 judges presiding over cases in Utah. Understandably, the need for increased funding to allow for more training sessions on the LAP is evident.

**B.) Increase law enforcement agencies utilizing LAP.**

Law enforcement officers work in a high stress, high consequence environment. For law enforcement agencies the LAP provides a clear, evidence-based assessment tool. The "lethality screen" assists officers in identifying those victims of crime that are at "high risk" for domestic violence related homicides. The LAP gives officers another tool in combating domestic violence

through a systematic approach. Additionally, with the implementation of the LAP officers are now able to arrest the offender, and get the victim in immediate contact with victim services. The LAP program was recently evaluated in a retroactive study in Oklahoma. The study confirmed that through the LAP, 92% of victims who experienced fatal, or near-fatal acts of domestic violence would have been identified as “high-risk” if the LAP program was administered at the time of the studied offenses.<sup>21</sup> Accordingly, the need for increased implementation of the LAP in Utah is evident. Through efforts made in collaboration with the Utah Domestic Violence Coalition, the Domestic Violence Program is working diligently to further the reach of the LAP program in Utah.

**C.) Court specific safety and sensitivity training for judicial employees.**

One of the overarching goals for the grant-term is to create a statewide safety protocol for courts hearing domestic violence cases. There are a number of minor, easily implemented rules that can greatly ease a domestic violence victim’s time in the courthouse. Through the grant funds, the Coordinator will work collaboratively with bailiffs and court staff to implement the following changes (list not exclusive).

- a. Seating Arrangements:** Appropriate seating reduces opportunities for courtroom intimidation.
- b. Staggering Departures:** Reduces the likelihood of victim-offender interaction when leaving the courthouse.
- c. Separate Waiting Areas:** Reduces the likelihood of victim-offender interaction within the courthouse.
- d. Courts Officer (bailiffs):** Maintains a secure presence in the courtroom and courthouse so there are no opportunities for victim intimidation.

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<sup>21</sup> Messing, J. T., Campbell, J. C., Willson, J. S., Patchell, B., & Shall, C. (2014) Police Departments’ use of the Lethality Assessment Program: A quasi-experimental evaluation. U.S. Department of Justice, Award No. 2008-WG-BX-0002.

**D.) Form a committee to evaluate the possibility of a consolidated domestic violence docket in all courts where practical.**

It is the intention of the Domestic Violence Program to establish a committee to explore the feasibility of a domestic violence specific docket in all practical courthouses across the state. The premise behind a consolidated domestic violence docket is that the members of the judiciary assigned to the docket will be given enhanced training on dealing with domestic violence related cases. As discussed previously, some victims of domestic violence are afraid to come forward because the court system is intimidating. The intention of the Domestic Violence Program is to explore the idea of testing the viability of one specialized docket with a designated judge, court staff, and bailiffs. Evidence clearly indicates that jurisdictions with specialized domestic violence courts are statistically more victim-friendly because of their enhanced knowledge base on issues surrounding domestic violence. The consolidated docket proposal is a big step in determining if the Utah judiciary can be more victim-friendly regarding domestic violence cases. Of note, some of the District Courts currently have specific days on which domestic violence cases are heard.

**E.) Continue the efforts in support of the Domestic Violence Offender Management Group and collaboration with victim service organizations in Utah.**

The Domestic Violence Program aims to increase collaboration between the courts and all direct service agencies and providers. In order to do this, the Coordinator must obtain and maintain up-to-date knowledge on laws, research and policies related to domestic violence. The Coordinator will attend local coalition meetings and other meetings that relate to domestic violence and provide the court's perspective on domestic violence issues. The coordinator will

also provide technical assistance related to information within the court system and provide information on protective orders, stalking injunctions and criminal domestic violence cases without giving specific advice for particular cases. Additionally, if awarded the funding Coordinator would be available full-time for calls and emails from victim advocates and service providers throughout the state.

#### **F.) 36 Month Timeline**

<p><b>0 mo. – 6 mo.</b></p>	<p>During the initial phase of the grant term the Coordinator will look to initiate the implementation of the goals described above. During the initial phase the Coordinator will successfully form a working group to determine the best practices regarding domestic violence within court administration. The working group members will be varied, representing all types of judicial employees.</p> <p>Additionally during this phase, the Coordinator will schedule and enhance the judicial training on the Lethality Assessment Program. The Coordinator will also work with collaborating partners to increase the number of law enforcement agencies utilizing the LAP, and continue to maintain a positive and constructive relationship with victim service organizations.</p>
<p><b>7 mo. – 12 mo.</b></p>	<p>Within the first year of the grant being administered the Coordinator will have held nearly ten meetings of the working group to determine best practices of court administration regarding domestic violence. The working group will at the end of 12 months, draft a set of guidelines to be implement at a select number of courts across the state.</p> <p>Also within a year, the Coordinator will have held 2 additional stand-alone trainings for judges on the LAP.</p> <p>The Coordinator will also continue to work in a collaborative effort with DVOMG regarding determining best practices for the management of offenders as well as continuing to maintain a positive relationship with victim service providers across the state.</p>



<p><b>13 mo. – 18 mo.</b></p>	<p>During this timeframe, the best practices working group will determine which courthouse will be most receptive to the newly drafted guidelines. The working group will begin the process of implementing the guidelines at the selected locations.</p> <p>The Coordinator will continue to educate judges on the LAP, and judicial staff on the complexities of issues concerning domestic violence.</p>
<p><b>19 mo. – 24 mo.</b></p>	<p>Within two years of the program's induction, a set number of courts will be operating as test courts under the new best practices guidelines.</p> <p>The Coordinator will continue judicial education efforts that at the end of two years should be approximately, 5 stand-alone judge trainings on the LAP, and no less than 10 trainings for judicial staff on the safety and sensitivity of domestic violence cases.</p>
<p><b>25 mo.- 30 mo.</b></p>	<p>During this phase the best practices working group will evaluate the successes of the implemented guidelines and begin to draft permanent guidelines for court administration when hearing domestic violence cases.</p> <p>The Coordinator will continue education efforts as follows, 2 additional stand-alone judge trainings on the LAP, 5 additional sensitivity trainings for judicial staff.</p> <p>The Coordinator will also continue to assist victim service organizations with encouraging the implementation of LAP in more jurisdictions across the state, as well as maintaining a working relationship with DVOMG.</p>
<p><b>31 mo. – 36 mo.</b></p>	<p>At the culmination of the grant, the best practices working group will have a confirmed and tested set of permanent guidelines for the court administration of domestic violence cases to be implemented where possible, across the state.</p> <p>The Coordinator intends to have approximately 90 of Utah's judges trained on the LAP. This number accounts for roughly half of judges presiding over cases in Utah.</p> <p>The Coordinator intends to have held at least 15 judicial trainings to incoming and current employees on understanding the complexities of domestic violence cases.</p>

**4. Describe why the applicant anticipates that the project will be successful, including whether it involves an evidence-informed approach or a promising practice, and describe how the applicant will determine if it accomplished its goals for the project.**

The Domestic Violence Program has been operating in Utah for approximately 5 years. During that time, the program has helped improve services to countless numbers of victims of domestic violence attain justice. The approach and methodology of the Domestic Violence Program has been proven over the course of the programs existence to work. The program uses an evidence-based informed approach to amending domestic violence policies in the courts. The Program looks to other successful jurisdictions for promising strategies to incorporate into Utah state policies. Principally, the primary deficiency the program struggles with is funding. If awarded the Justice for Families grant the program would double its size, nearly impacting twice as many individuals struggling with domestic violence.

**Who Will Implement the Program?**

**1. Describe the applicant's expertise in the areas of sexual assault, domestic violence, dating violence, and stalking.**

The District Court Administrator, Debra Moore, will manage and implement the program. She has considerable experience in administering previous VAWA grant programs. She has been employed in her position for nine years and worked closely with AOC management staff and other judicial personnel, as well as external stakeholders. She is experienced in managing budgets, including grant funds, supervising personnel and reviewing employee performance. Nicholas Stiles is the Domestic Violence Program Coordinator. He has worked for

a number of domestic violence organizations and is very well versed in the complexities of domestic violence. He has been employed as the program coordinator for one month and is currently waiving his license to practice law into Utah.

**2. Describe project partners expertise in the areas of domestic violence, dating violence, sexual assault, and stalking.**

The project partners are, Legal Aid Society of Salt Lake City, Utah Legal Services, and the Utah Domestic Violence Coalition. Legal Aid Society of Salt Lake has been working in multiple locations to assist victims of domestic violence throughout the state since 1922. Their skill and knowledge of the complexities of domestic violence is paramount.

Utah Legal Services also has been working in the state for a number of years. Utah Legal Services seeks to protect the rights of the disadvantaged and persons of limited means by legal representation, advocacy, and education throughout Utah.

The Utah Domestic Violence Coalition is a private non-profit organization recognized nationally for providing expertise concerning issues of domestic and sexual violence to member programs, community partners and others in Utah. UDVC also works toward the development of policies and practices that enhance victim safety and empowerment while raising awareness of the need for prevention and intervention.

**3. Demonstrate that the applicant and/or project partners include a domestic violence service provider**

Legal Services of Salt Lake City and Utah Legal Services are domestic violence service providers.

#### **4. Describe the history of the collaborative partnership**

The Domestic Violence Program, through the Administrative Office of the Courts has a long-standing partnership with the previously mentioned programs. Before the establishment of the Domestic Violence Program in 2012, the General Counsel of the Administrative Office of the Courts oversaw matters relating to domestic violence, including, being a point of contact to the victim service organizations mentioned above.

#### **5. Identify key personnel responsible for implementing the project, including position, descriptions, roles and responsibilities.**

In addition to the Debra Moore, the District Court Administrator, and Nicholas Stiles, the Domestic Violence Program Coordinator, Jim Peters and Kim Allard will also assist with the implementation of the program. Jim Peters is the Justice Court Administrator. He served for a number of years as a Trial Court Executive in a Utah District Juvenile Court after a successful legal career in private practice. Kim Allard is the Director of Court Services. Mrs. Allard with the assistance of members of her staff, will gather relevant data and statistics related to cases involving domestic violence. The Court Services Department is experienced in data collection and analysis and will apply their considerable expertise to providing statistics for this grant. The domestic violence program coordinator will provide statistics related to training and other qualitative measures required by the grant.

- END OF NARRATIVE -

## Summary Data Sheet

### **1. Person with authority to accept grants on behalf of agency.**

Daniel Becker, Esq.  
State Court Administrator  
Administrative Office of the Courts, Utah State Courts  
450 State St, Salt Lake City, UT 84111  
danb@utcourts.gov  
801-578-3806

### **2. Grant Point-of-contact.**

Nicholas Stiles, Esq.  
Domestic Violence Program Coordinator  
Administrative Office of the Courts, Utah State Courts  
450 State St, Salt Lake City, UT 84111  
nicholass@utcourts.gov  
801-578-9809

3. The Domestic Violence Program at the Administrative Office of the Courts will implement the program and be responsible for all statutory, fiscal, and programmatic requirements including those of 2 CFR Part 200, as well as all project deliverables.

4. The Domestic Violence Program has not expended over \$750,000 in federal funds in the organization's past fiscal year.

5. The Domestic Violence Program currently operates under the VAWA STOP Violence Against Women grant funding. (Table #1 on Pg. 2.)

TABLE #1

Applicant Name: Domestic Violence Program Utah State Courts							
Current Funding: VAWA STOP Violence Against Women							
Service Area: Utah State							
Federal Awarding Agency	Award #	Program	Award End Date	Award Amount	Amount Remaining	Grant- Individual Job Titles And Percentages	How this project differs from the OVW grant.
Department of Justice	16 VAW A - 01	Office of Violence Against Women	12/31/17	\$66,472	Personnel - \$29,203.20 Benefits - \$27,743.04 Contract Fees - \$1,500.00 Equipment - \$579.48 Travel/Training \$6792.00 Supplies & Other \$455.00	Domestic Violence Program Coordinator - 100% funding.	The purpose of the OVW grant is enhance the efforts of the VAWA Grant. If awarded the grant it will create a full time Domestic Violence Coordinator Position, funded 50% through VAWA and 50% through OVW.

6. The applicant is not a non-profit organization. The applicant is a state court system.

7. The Domestic Violence Program currently receives grant funding through the STOP Violence Against Women Formula Grant. (See Table#2 on Pg. 25)

**Table #2**  
**Summary of Current and Recent OVW Projects**

<b>Applicant Name:</b> Domestic Violence Program, Administrative Office of the Courts <b>Service Area:</b> Utah <b>Size of Service Area:</b> 84,999 Sq. Miles <b>Size of Target Population:</b> 3,051,217							
Award #	Award End Date	Program	Award Amount	Amount Remaining	Extension Needed	Grant Individual	Justification for remaining funds
16 VAW A - 01	12/31/17	Office of Violence Against Women	\$66,472	Personnel - \$29,203.20 Benefits - \$27,743.04 Contract Fees - \$1,500.00 Equipment - \$579.48 Travel/Training \$6792.00 Supplies & Other \$455.00	No.	Domestic Violence Program Coordinator- 100% of funds.	*The Grant term has just started on 1.1.17
			Total	Total			
			\$66,472	\$66,472			

8. The applicant is not a non-profit organization holding money in offshore accounts.

9. The applicant is not a non-profit organization that uses the Internal Revenue Service's three-step safe-harbor procedure to establish a rebuttable presumption that its executives' compensation is reasonable.

10. The percentage of grant funding will be attributed as follows.

11. The project address Purpose Area # 5 Court and Court-based Programs and Services.

Domestic Violence	60%
Dating Violence	20%
Sexual Assault	10%
Stalking	10%

12. Name(s) of the non-profit domestic violence or sexual assault victim service programs partnering on the project.

- a. Utah Domestic Violence Coalition
- b. Utah Legal Services
- c. Legal Aid Society of Salt Lake City

13. The applicant is the Utah Court System.

**- End Of Summary Data Sheet -**



### Budget Detail Worksheet

#### A. Personnel –

Name/Position	Computation	Cost
Nicholas Stiles Domestic Violence Program Coordinator.	Year 1 Salary \$29,120	\$29,120
	Year 2 Salary \$30,680	\$30,680
	Year 3 Salary \$32,240	\$32,240

The Program Coordinator will work within the project guidelines to enhance access to justice for those impacted by domestic violence. The OVW funding will serve as a supplement to the existing grant funding to the Domestic Violence Program through the VAWA STOP Formula grant. Combined, the funds will support the needs of a full-time point of contact person for the Utah Judiciary. The funding rate is determined based on 50% of competitive salaries for licensed attorneys in the state.

**Total Personnel: \$92,040**

#### B. Fringe Benefits –

Name/Position	Computation	Cost
Nicholas Stiles Domestic Violence Program Coordinator	\$0	\$0

The Domestic Violence Program Coordinator is funded for fringe benefits through the VAWA STOP Violence Against Women Formula Grant and as such is not requesting funding for fringe benefits.

**Total Fringe Benefits: \$0**

**C. Travel –**

Purpose of Travel	Location	Item	Computation	Cost
OVW mandated Training and Technical Assistance	TBD	Airfare	\$500 x 1 x 4 trips	\$2000
		Lodging	\$150 x 1 x 3 nights x 4 trips	\$1800
		Per Diem	\$50 x 1 x 4 days x 4 trips	\$800
In state travel for Judicial Trainings & presentations	Varied, TBD.	Misc. Travel	\$6792.00 per year x 3 years*	\$20,376

\* Information taken from the current VAWA Grant funded needs. The program has been operating for 5 years and has determined this amount to be the appropriate yearly expense for travel.

In order to meet the grant mandated minimum of available funds for OVW Training and Technical assistance a sum of \$15,400 will be added to the funds allocated for travel. The grant application is for funding for one person, and as such will be significantly less than projects funded for multiple people.

**Total Travel: \$40,376**

**D. Equipment –**

Item	Computation	Cost
Microsoft Surface Tablet	1 x \$769	\$769

Having a Microsoft tablet will allow the Domestic Violence Program Coordinator to travel to meetings and trainings without the inconvenience of carrying a laptop. The grant application is not requesting funding for other equipment because of existing funding for equipment through the VAWA grant and the Administrative Office of the Courts respectively.

**Total Equipment: \$769**

#### E. Supplies

Supply Items	Computation	Cost
Office Supplies	\$40 month x 36 months	\$1440
Training Booklets for Judicial Staff	\$500 year x 3 years	\$1500
Court Specific Domestic Violence Pamphlets	\$150 year x 3 years	\$450

The grant application is centered on furthering the reach of judicial training administered by the Domestic Violence Program Coordinator. As such, it is necessary to budget funds for the creation of literature to support increased and innovative judicial training regarding domestic violence.

**Total Supplies: \$3390**

#### F. Construction –

Purpose	Description of Work	Cost
N/A	N/A	\$0

No funds are budgeted for construction.

**Total Construction: \$0**

#### G. Consultants –

Name of Consultant	Service Provider	Computation	Cost
N/A	N/A	N/A	\$0

The grant application is not requesting any funding for consultants.

**Total Consultants: \$0**

#### H. Other Costs –

Item	Computation	Cost
Court Specific Domestic Violence Pamphlet	\$ .25 x 2000	\$500

In an effort to increase access and transparency of the judiciary to the public the Domestic Violence Coordinator intends to create a court specific pamphlet designed to explain the process of domestic violence cases in the courts. The grant application is not requesting funding for rent, utilities, etc., as an office space is provided to the position through the Administrative Office of the Courts.

**Total Other Costs: \$500**

#### I. Indirect Costs –

Description	Computation	Cost
N/A	N/A	\$0

No indirect costs are being requested.

**Total Indirect Costs: \$0**

**Budget Summary** – The total requested funding is below. The grant application is purposed in collaboration with the already partially funded Domestic Violence Program. The funding would help convert the part-time Domestic Violence Program Coordinator Position with the Administrative Office of the Courts into a full-time position. This conversion would allow for nearly twice as much judicial training, program support, and progress in assisting those impacted by domestic violence across the state of Utah.

Budget Category	Amount
A. Personnel	\$92,040
B. Fringe Benefits	\$0
C. Travel	\$40,376
D. Equipment	\$768
E. Supplies	\$3390
F. Construction	\$0
G. Consultants and Contracts	\$0
H. Other Costs	\$500
<b>Total Direct</b>	<b>\$137,074</b>
<b>Costs</b>	
I. Indirect Costs	\$0

**Total Project Costs: \$137,074**

**Federal Share Requested: \$137,074**

**Non-federal (Match) Amount: \$ 0**

**- END OF BUDGET -**

### **Financial Accounting Practices**

1. Yes. The Utah State Courts maintain all grant funding separately. The Administrative Office of the Courts (AOC) maintains guidelines and policies regarding the prohibition on the comingling of funds.
2. Yes. The policies are reviewed on a quarterly bases at the AOC's Quarterly Accounting Manual Committee.
3. Yes. The AOC's policies are as such that grants funds are only transferred to cover expenditures after the cost have been incurred and documented sufficiently.
4. Yes. After receipt of federal approval for funds the financial team at the AOC receives a wire transfer within 24 hours and disperses the funds into the appropriate accounts. The policies can be found in the AOC's accounting manual at Section 11-07 01 .
5. Yes. Through the practices explained in #3 the AOC is able to closely monitor expenditures of grant funds.
6. Yes. Grant related documents are kept for the current year, as well as the three years prior
7. No.
8. Yes. Debra Moore is the District Court Administrator and has considerable experience in administering previous VAWA grant programs. She is experienced in managing program budgets, including grant funds.

**Grant 2:**

**WINGS Focus on Court  
Oversight, Elder Justice  
Innovation Grant**

# Judicial Council Grant Application Proposal Code of Judicial Administration 3-411

## FEDERAL GRANTS

Contact Person/Phone: Karolina Abuzyarova Date: 3/3/2017

Judicial District or Location: Administrative Office of the Courts, Utah State Courts

Grant Title: WINGS Focus on Court Oversight, Elder Justice Innovation Grant Grantor: U.S. Administration on Community Living, administered by American Bar Association and National Center for State Courts

Grant type (check one) ☒ New ☐ Renewal ☐ Revision

Grant Level (check one) ☒ Low ☐ Med ☐ High  
Under \$1,000,000 \$1,000,000 to \$10,000,000 Over \$10,000,000

Issues to be addressed by the Project: Implementation of goals set by Ad Hoc Committee on Probate Law and Procedures:

1) a deliberate inquiry into the limitations and needs of the respondent;

2) a measured intervention based on those limitations and needs; and

3) oversight to protect the quality of life of a respected individual

Explanation of how the grant funds will contribute toward resolving the issues identified:

To implement in Court operations judicial protocols on establishing limited guardianship and on providing oversight for court appointed guardianships to prevent and stop abuse and exploitation of vulnerable adults

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years

### Total Funding Sources

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)				
			MATCHING STATE DOLLARS				
CASH MATCH		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort
State Fiscal Year	Grant Amount						Total Funds
FY							\$0
FY							\$0
FY							\$0

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)				
			MATCHING STATE DOLLARS				
IN-KIND MATCH		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort
State Fiscal Year	Grant Amount						Total Funds
FY	\$30,000		\$10,000				\$40,000
FY							\$0
FY							\$0

Comments: Match is required. The court must agree to track the time of participating stakeholders and other contributed in kind or cash resources. For every three (3) dollars received in Federal funding, the applicant must contribute at least one (1) dollar in non-Federal resources toward the project's total cost. The non-Federal resources that can be used as match include, for example, time of participating stakeholders or contributions of cash or services. Match could be part of Program Coordinator's salary.

Will additional state funding be required to maintain or continue this program or its infrastructure:  
when this grant Judicial Council Grant Application Yes ☐ No ☒ If yes, explain \_\_\_\_\_

Will the funds to continue this program come from within your existing budget? Yes ☐ No ☒ N/A ☐

How many additional permanent FTEs are required for the grant? \_\_\_\_\_ Temp FTEs? \_\_\_\_\_

This proposal has been reviewed and approved by the following:

The court executives and judges in the affected district(s)

The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts

The affected Board(s) of Judges

Approved by the Judicial Council: \_\_\_\_\_ by \_\_\_\_\_  
Date: \_\_\_\_\_ Court Administrator: \_\_\_\_\_

Copy forwarded to Legislative Fiscal Analyst \_\_\_\_\_  
date \_\_\_\_\_



## Utah Focus WINGS on Court Oversight

### 1. Applicant Information: State: Utah

**Court Official Submitting Application** (Name, title, address, phone, email):

Karolina Abuzyarova, WINGS and Court Visitor Program Coordinator

Administrative Office of the Courts, 450 South State Street, Salt Lake City, Utah 84114

Phone: 801-578-3925, Email: [karolinaa@utcourts.gov](mailto:karolinaa@utcourts.gov)

**Indicate Whether Letters of Commitment from Mandated Stakeholders are Attached:**

1. State unit on aging: X; 2. State protection & advocacy agency: X; 3. State adult protective services: X.

### 2. Statement of Need Questions for Focus WINGS on Court Oversight

1. Describe the origin and composition of your state WINGS group, and the frequency with which it has met.

Utah Working Interdisciplinary Network of Guardianship Stakeholders was established in April 2013 with grant support of the National Guardianship Network. Grant funding was utilized to hold a statewide summit in November 2013 with stakeholders from disability and aging networks. Results of the discussions of the three working groups were published in the Utah Bar Journal 27, # 3, May/June 2014. Current members of WINGS include: Disability Law Center, Long-Term Care Ombudsman, District Court Judges, Center for Alzheimer's Care, Imaging and Research, Office of Indian Affairs, Probate Clerk, Utah Attorney General's Medicaid Fraud Control Unit, Elder Law Attorney, Social Security Administration, Adult Protective Services, Utah Courts Associate General Counsel, Division of Aging and Adult Services, Office of Public Guardian, National Alliance on Mental Illness. Committee meets bimonthly. Meeting schedule and agendas are published on the Utah State Courts blog: <http://www.utcourts.gov/utc/wings>.

2. What key guardianship problems has WINGS addressed and what have been the accomplishments?

Utah WINGS addressed the issue of communication between agencies that address same population, but did not share information with each other in the past. WINGS summit participants clearly identified the need for a dialogue and face to face learning opportunities. WINGS formed Education Subcommittee that wrote curriculum on advance life planning and guardianship process. WINGS held three public classes at the senior centers in Salt Lake County in fall 2015. In spring 2016 classes were presented in Spanish to the Spanish speaking groups at the Consulate of Mexico in Salt Lake City.

In June 2016 WINGS secured \$30,000 grant for the fiscal year 2017 from the Utah State University to hold same classes statewide. From September to December 2016, over 100 professionals received training from the Utah WINGS on advance life planning and guardianship process. In spring 2017 more

classes are planned throughout Utah. Online training program based on the developed curriculum was published on the Utah State Courts website: <https://www.utcourts.gov/howto/family/gc/training.html>.

Court Visitor Volunteer Program is an inter-related initiative and provides an essential service of monitoring Court-appointed guardianship cases. WINGS stakeholders and Court Visitor Volunteer Program communicate regularly and provide referral services.

WINGS conducts public outreach and education: statewide screenings and panel discussions of documentaries “Last Will and Embezzlement”, “Caring for Mom and Dad”, presentations to attorneys, social workers, healthcare professionals; conference presentations. Capacity building of the judges involved with WINGS has been a great side effect and possibly an accomplishment of the WINGS.

3. Give a brief overview of existing court procedures for oversight of guardians.

Court Visitor Volunteer Program, [www.utcourts.gov/visitor](http://www.utcourts.gov/visitor), provides the Court with volunteer service of monitoring the guardianship cases. Volunteer Court Visitors “observe and report” by gathering information through visits and interviews, by reviewing guardians’ annual reports, locating and educating guardians with whom the Court lost contact. Court Visitor Volunteer Program is staffed by Program Coordinator and Volunteer Coordinator and currently has over 60 volunteers statewide. Judges and clerks learned to rely on volunteer court visitors and appreciate the service.

4. Explain the gaps in oversight and the reasons for the gaps.

There is an unaddressed need in judicial education and leadership in the area of guardianship in Utah that results in poor oversight. Majority of the judges don’t review annual guardians’ reports, except for the WINGS leadership. There is a lack of understanding of the limited guardianship appointment process and less restrictive alternatives. There is also lack of understanding of the concept of abuse, neglect and exploitation, what the red flags are and what the Courts’ role in the process is.

Utah State Courts Ad Hoc Committee on Probate Law and Procedures was established in 2007 and published its report in 2009 that still stands true, [www.utcourts.gov/utc/adhocprobate](http://www.utcourts.gov/utc/adhocprobate). According the Committee’s report, “most petitions are filed in good faith to appoint a person of goodwill who will serve in the best interests of the protected person, but we rely primarily on good faith and goodwill to achieve that result. Good intentions and lack of oversight have, over time, led to summary proceedings that presume to protect the respondent from others and from self, but that offer little real protection from the process itself or from those we put in charge of the respondent’s life”.

Goals established by the Committee remain to be the gaps of the current system: 1) a deliberate inquiry into the limitations and needs of the respondent; 2) a measured intervention based on those limitations and needs; and 3) oversight to protect the quality of life of a respected individual.

Utah Probate Code provides reasonable due process, however, “what seems to be lacking is the sense that this matters”. The biggest gap still remains getting the judges to understand the importance of the rights of the persons with diminished capacity.

5. What have been the primary challenges for WINGS and lessons learned?

Leadership turnover has been a problem for our group. Current Chair, Judge David Connors, is the third chair and is 1.5 years into a 3-year appointment, and provides consistent support of WINGS efforts. The procedure is for the current chair and Program Coordinator to look for a successor once the end of the term is approaching. However, the first Chair left and did not provide assistance with a successor.

Program Coordinator with support of a WINGS Executive Committee member approached several judges, and one of the judges agreed to step in. Addressing succession in advance is the key, as well as having several judges as members of WINGS to build capacity of the judiciary.

Funding continues to be an issue for the Utah WINGS. We are hoping that current funding request from the Utah State Legislature will establish the programs permanently. Utah Judicial Council might continue one time funding for the WINGS and Court Visitor Program, if legislature doesn’t approve the request. Additional grant funding will certainly help to move this “ship” forward.

Navigating the uncertainty, securing support of the Court leadership and stakeholders, anticipating the next steps, and moving forward in financially unstable circumstances have been some of our challenges.

6. What objectives is WINGS currently targeting?

WINGS objectives are to develop judicial protocols in establishing limited guardianship and providing oversight for court appointed guardianships to prevent and stop abuse and exploitation. These protocols will provide the Courts with specific tools that go beyond general stakeholder interests.

At the WINGS meeting in February 2017 two Subcommittees were formed: Judicial Response Protocol Subcommittee on Abuse and Exploitation and Judicial Protocol Subcommittee on Limited Guardianship. The first Subcommittee on Judicial Response Protocol on Abuse and Exploitation will put together a list of red flags of possible abuse, neglect and exploitation and the corresponding statutory response by the judges. It would describe step by step instructions on how the probate judge could respond to cases of abuse in guardianship, what referral agencies are and what the court’s authority is in these matters.

WINGS wants to create an oversight mechanism to protect the quality of life of a respected individual. The second Subcommittee on Judicial Protocol on Limited Guardianships will develop a procedure that will guide the probate judge to make a deliberate inquiry into the limitations and needs of the respondent and to craft a measured intervention based on those limitations and needs.

7. What financial and staffing resources have helped to sustain WINGS?

WINGS was established with the grant from the National Guardianship Network in 2013. Utah Judicial Council supports bimonthly WINGS meetings by providing space and paying for the Committee's lunch, and meeting expenses for the Executive Committee. Additional funding was secured from the Utah State University to support statewide public classes on advance life planning and guardianship.

WINGS and Court Visitor Program Coordinator identified, applied and administered both grants.

Program Coordinator facilitates discussions, writes minutes, suggests draft agenda, follows up on tasks. Associate General Counsel provides legal support to the group, created WINGS bylaws, and coordinates a much needed Guardianship Signature Program that provides legal representation to vulnerable adults. WINGS had three Committee Chairs since its inception in 2013. Current Committee Chair became an advocate for guardianship issues. WINGS Chair made reports to the Utah Judicial Council on WINGS progress and accomplishments and most recently presented to the Utah State Legislature on the impact of the Court Visitor Volunteer Program and requested permanent funding for the program. The Chair regularly utilizes volunteer visitors, reads annual reports submitted by guardians and calls for the hearing when problems in guardianship cases are identified. In all aspects, Judge Connors' probate court is an exemplary court by Utah standards.

8. How has WINGS sought to garner political/governmental leadership support and buy-in?

WINGS garners support by making regular presentations to the Utah Judicial Council. Garnering stakeholders' support for collective action has been the key in all WINGS accomplishments. During the budget request to the Utah State Legislature, WINGS Chair was accompanied by key stakeholders: Office of Public Guardian, Adult Protective Services, Attorney General's representative, Courts Associate General Counsel and volunteer court visitors. Success stories of the volunteer court visitor program, public education efforts, and investigations of cases of abuse in guardianships that resulted in criminal charges served as examples of the need in state funds to support the Court-lead guardianship reform. Judicial Council has been supportive of the Utah WINGS all the way. Every grant application by WINGS had to be signed off by the Judicial Council and Chief Justice. Every request has been approved. Application for Focus WINGS Court Oversight passed similar approval process and is therefore supported by the state's highest court and the Chief Justice and puts the Courts in the primary role and responsibility for administration of the project.

**3. Project Approach Questions for Focus WINGS on Court Oversight**

1. Describe the support, role, and responsibilities of the court in administering the project and implementing the grant conditions set out above.

Program Coordinator will be the main point of contact for the grant and designated project director. Coordinator will serve as a liaison with WINGS. The Chair will serve as liaison with Court management.

2. Describe the ongoing planning process for WINGS. What are the roles and responsibilities of the coordinator and the steering committee? Which members comprise the steering committee and how will it function in the proposed project?

See point 2.7 on the roles and responsibilities, and point 2.1 on steering committee members. Members of the steering committee volunteered to be part of the Judicial Response Subcommittees that will be charged with developing protocols. Members of the Judicial Response Protocol Subcommittee on Abuse and Exploitation: Elder Law attorney, Disability Law Center, Probate Clerk, District Court Judge, Office of Public Guardian. Members of the Judicial Protocol Subcommittee on Limited Guardianship: Office of Public Guardian, Disability Law Center, Adult Protective Services, WINGS Chair/District Court Judge, Associate General Counsel. Program Coordinator will staff the Subcommittees and follow up on assignments. Once protocols are developed, WINGS Chair and Program Coordinator will work with Judicial Institute to make it part of the judicial education. Classes will be delivered by WINGS experts.

3. How frequently has WINGS met, and what is the plan for future meetings?

WINGS meets bimonthly and plans to continue doing so. Executive Committee meets several weeks before the general WINGS meeting to plan the agenda. Subcommittees meet every month or bimonthly depending on the tasks at hand. With the new grant monthly meetings will be scheduled.

4. What stakeholders regularly have participated in WINGS, and what, if any, additional stakeholders will be sought?

See point 2.1 on the participating stakeholders. Stakeholders that have been participating regularly are: Adult Protective Services, Office of Public Guardian, Disability Law Center, Division on Aging and Adult Services, Long-Term Care Ombudsman, National Alliance on Mental Illness, private Elder Law attorney from the Utah State Bar, Director of the Utah State Courts Self-Help Center. We need to re-engage SSA and VA, as despite the designated participants, they are not active participants of WINGS.

5. What workgroups has WINGS created; how often have they met, and plan to meet?

Curriculum Development Subcommittee and Education Subcommittee met every month or every other month depending on the need when developing the training program. Judicial Response Protocol Subcommittees were formed at the February 2017 WINGS meeting and will communicate and meet before the next general WINGS meeting in April to decide on the course of action.

6. What have been the key accomplishments of WINGS? See point 2.2

7. What have been the key obstacles and lessons learned? See point 2.5.

8. What are the anticipated key objectives for the proposed project and how will they be met?

How does WINGS plan to make measurable progress beyond its current status and reinforce its efforts to date?

Utah WINGS would like to implement the goals and recommendations set forth by the Utah Ad Hoc Committee on Probate Law and Procedures that go hand in hand with WINGS discussions and stakeholders' feedback on the need of judicial education on limited guardianship and court oversight. By forming Judicial Protocol Subcommittee on Limited guardianship, we will establish a process that: 1) will make a deliberate inquiry into the limitations and needs of the respondent; and 2) come up with a measured intervention based on those limitations and needs. By forming Judicial Response Protocol Subcommittee on Abuse and Exploitation WINGS 3) will ensure the oversight to protect the quality of life of a respected individual. Progress will be measured by the evaluation and monitoring of the implementation of the established protocols in guardianship procedures and oversight by the Courts.

9. Describe how WINGS will take the inclusive approach and target disadvantaged populations as required in the grant conditions.

WINGS invited public and caregivers as part of the planning team and participants of the WINGS Summit in November 2013. Webpages are now being translated into Spanish, public classes on advance life planning and guardianship were presented in English and Spanish to members of the public.

Current goal is to put specific tools in the hand of the judges and clerks that will follow the current law, presume limited guardianship, provide an obligatory oversight of guardianships by watching for red flags of abuse and exploitation in annual reports and petitions, and by following an established judicial response protocol. Established process will benefit everyone served by the Courts.

10. What are the primary activities you envision will drive your WINGS in the focus on court oversight?

WINGS Subcommittees on Limited Guardianship will develop step by step instructions on establishing limited guardianship. Subcommittee on Abuse and Exploitation will come up with protocols of judicial action in providing oversight of established guardianships. Oversight could be strengthened by reviewing annual reports, looking for possible red flags and taking appropriate judicial action or making referrals to the agencies that can address the problem.

- a. How will these activities be accomplished?

Judicial response protocols will be incorporated into the training provided to judges and clerks by Judicial Institute that is the Education Department of the Utah State Courts. Monitoring and evaluating implementation of the protocols will be the key in making sure policies are being followed.

- b. How do these activities go above and beyond the envisioned accomplishments for existing WINGS, such that they justify the need for the extra funds?

Judicial response protocols in establishing limited guardianship and providing court oversight to prevent abuse and exploitation will hand Utah Judiciary specific tools that go above and beyond general stakeholder interests and will help provide the people an open, fair, efficient, and independent system for the advancement of justice under the law. Funding is essential in engaging technical expertise to develop protocols, building-in evaluation mechanism to gather data from the beginning, and taking the training on the road to all judicial districts to make sure the process is uniform statewide.

11. How has WINGS engaged the public and how will it do so in the proposed project?

We engaged the public through public education classes on advance life planning and guardianship. WINGS conducted outreach events and public presentations. We engaged public in planning process. The purpose of the proposed project is provide judiciary with the specific tools to implement recommendations developed by the Ad Hoc Committee on Probate Law and Procedures, see point 2.4 on gaps. WINGS group agrees that judicial education remains a missing piece in this puzzle. Utah WINGS did an excellent job reaching out to stakeholders, identifying public needs, however, the Courts are not prepared and do not have the knowledge and the mechanism to implement its own recommendations.

12. How have you addressed or will you address turnover in WINGS leadership? See point 2.5

13. How will WINGS continue to garner political/governmental leadership support and buy-in?

By continuing to inform Judicial Council on WINGS progress and success, by continuing working with stakeholders, having stakeholders work on advocacy issues that the Courts cannot address due to its neutrality.

14. How will WINGS use the funding under this project to ensure or support its sustainability once the funding ends?

We are planning to develop judicial response protocols in establishing limited guardianship and to prevent, identify and stop abuse and neglect with the help of technical assistance from outside experts/moderators. Once protocols are developed we would like to implement the policy statewide through classes in different districts and by incorporating the protocols as part of the Judicial Institutes' Conference for the new District Court Judges and Annual Judicial Conference. In addition, the probate clerks and case managers will need to be part of the process and undergo same training. Once protocols are part of the annual conferences and trainings, it will become an in-built system that will need to be evaluated and monitored. Evaluation and monitoring of the implemented protocols will be an ongoing Courts' responsibility that will sustain the project.

A Work Plan must be submitted using the Work Plan Form provided below. It should reflect and be consistent with the Approach, and should cover both phases in the twelve-month project period. It should list the major tasks/action steps, identify the timeframe for each by month, and who will take the lead. (The Work Plan is excluded from the 7-page limit.)

**Objectives:** To implement in Court operations judicial protocols on establishing limited guardianship and on providing oversight for court appointed guardianships to prevent and stop abuse and exploitation of vulnerable adults.

[illegible]



## Budget Information and Form

CATEGORY	FEDERAL GRANT PROJECT FUNDS REQUESTED	JUSTIFICATION (SHOW CALCULATIONS)
PERSONNEL	\$10,000	Part of the Coordinator's salary
FRINGE BENEFITS		
TRAVEL	\$10,000	Presenters' travel to judicial districts statewide: Coordinator's travel for program monitoring and evaluation.
EQUIPMENT	0	
SUPPLIES	\$2,000	Printed materials
CONTRACTUAL	\$8,000	Presenters' honorarium
OTHER		
INDIRECT CHARGES		
<b>TOTAL</b>	<b>\$30,000</b>	

**Required Match Information.** Match is required by ACL, the court must agree to track the time of participating stakeholders and other contributed in-kind or cash resources. For every three (3) dollars received in Federal funding, the applicant must contribute at least one (1) dollar in non-Federal resources toward the project's total cost. The non-Federal resources that can be used as match include, for example, time of participating stakeholders or contributions of cash or services. The ABA Commission will provide technical assistance about and a reporting form for the match requirement.

By submitting this proposal, the applicant acknowledges that federal in-kind or cash match is required and agrees to provide match of at least: \$ 10,000 (part of coordinator's salary, Stakeholder's time, WINGS Chair's time, Associate General Counsel's time)

If your match exceeds the minimum requirement, please briefly explain the sources: N/A.

## Organizational Information Form

To ensure that the American Bar Association (ABA) complies with federal law and regulations governing this grant project, we must obtain your answers to the following questions. Successful applicants may need to provide additional information.

### 1. Proposal Information

Proposed Project Amount: \$30,000

Proposed Project Start Date: 6/01/2017

Proposed Project End Date: 06/30/2018

### 2. Organizational Information

Official Operating Name, DBA: Utah State Courts

Address: 450 South State Street,

P.O.Box 140241

City, State, & Zip:

Salt Lake City

UT 84114-0241

Phone:

801-578-3925

Fax: 801-578-3843

E-mail: karolinaa@utcourts.gov

### 3. Funding Information

*Select one (1) of the following:*

☒ We do not receive or anticipate receiving \$25M in US federal funding.

☐ We receive \$25M or more in US federal funding but the federal funding is less than 80% of our gross revenue.

☐ We receive or anticipate receiving more than \$25M in US federal funds and the federal funding is 80% or more of our gross revenue.

### 4. DUNS number: 096311365

All Organizations seeking subaward funding from the ABA, under a US Government prime award, are required to provide a Data Universal Numbering System (DUNS) number in the Subaward Application. If your organization does not already have a DUNS number, you must obtain one from Dun & Bradstreet by telephone (866-705-5711) or the . The process shouldn't take more than 20 minutes. The number could be issued immediately or within 1 to 3 business days.

5. Current ABA Funding

Is your organization currently receiving funding from the ABA, either by subaward or any other method of funding?

☒ No, our organization is not currently receiving funding from the ABA.

☐ Yes, our organization is currently receiving funding from the ABA. Provide information about the current funding below.

ABA entity providing this funding:

Current Project Title:

☐ Subaward      ☐ Contract      ☐ Other Funding Method Current

Project Amount: \$

Project Timeframe:

6. Past ABA Funding

Has your organization received funding from the ABA in the past?

☐ No, our organization has never received funding from the ABA.

☒ Yes, our organization has received funding from the ABA in the past. Provide information about the last three (3) most recently funded ABA projects below.

a. Project Title: WINGS start up grant from National Guardianship Network that ABA is part of

☒ Subaward (grant)      ☐ Contract      ☐ Other Funding

Method ABA entity from which funding was received:

Commission on Law and Aging

Project Amount: \$ 7,000

Project Timeframe: April 2013-April 2014

b. Project Title:

☐ Subaward      ☐ Contract      ☐ Other Funding Method

ABA entity from which funding was received: \_\_\_\_\_ Project

Amount: \$

Project Timeframe:

c. Project Title:

☐ Subaward      Contract      Other Funding Method

ABA entity from which funding was received: ☐ Project

Amount: \$

Project Timeframe:

## 7. Other Funding

Is your organization currently receiving funding from sources other than state government or the ABA, either by subaward or any other method of funding?

☐ No, our organization is not receiving outside funding.

☒ Yes, our organization is receiving outside funding from sources other than state government or the ABA. Provide information about the three (3) sources for which you receive the most funding (if applicable). *The ABA retains the right to contact the other funding sources listed below.*

a. Organization/Company Name, Address, Telephone, E-mail:

Interagency Outreach Training Initiative

Sue Olsen, Director, Division of Exemplary Services

Center for Persons with Disabilities

Utah State University

6810 Old Main Hill, Logan, UT 84322,

Tel: 435-797-7461, E-mail: Sue.olsen@usu.edu

☒ Subaward (grant)      Contract      Other Funding Method

b. Organization/Company Name, Address, Telephone, E-mail:

☐ Subaward      Contract      Other Funding Method

c. Organization/Company Name, Address, Telephone, E-mail:

☐ Subaward      Contract      Other Funding Method

## 8. Direct Federal Funding

a. Does your organization receive funds directly from the US government or any of its agencies?

☐ Yes, our organization receives funds directly from the US government.

If you answered yes, please provide a copy of your negotiated indirect cost rate agreement (NICRA), as an Attachment.

☒ No, our organization does not receive funds directly from the US government.

If you answered no, will you be electing to use your organization's established indirect cost rate?      Yes      No

You can apply this rate only if a copy of the document establishing that cost rate is attached, as an Attachment.

- b. If you answered yes to question a. above, does your organization expend \$750,000 or more during your fiscal year in US government federal funding?

☐ No, our organization does not expend \$750,000 or more in US government funding per fiscal year.

☐ Yes, our organization expends \$750,000 or more in US government federal funding per fiscal year.

**9. Federal Exclusion**

Has your organization ever been debarred, suspended or otherwise excluded from participation in US government federal programs or activities?

☒ No, our organization has never been debarred, suspended or excluded.

☐ Yes, please provide details:

**10. Financial Policies**

Does your organization have written financial policies (financial policy manuals, accounting policies, grant administration policies and procedures, and/or other written policies governing the handling of organizational funds)?

☐ No, our organization does not have such policies in writing.

☒ Yes, a copy of those policies are provided as an Attachment.

## Grants (Federal and Non-Federal)

### Resources:

- Section 11-07.01 Forms and Instructions or Section 16 Forms, 16-09 Other PDF listings
- Grant management is governed by UCJA Rule 3-411 and UCA 63J-5-204  
UCA 63J-5-203

### Federal Grants

### Procedures:

1. Complete one of the following Grant Applications. These applications contain all of the information required by Rule and Statute in UCJA Rule 3-411 (1)(A) and (1)(B) and Legislative Change (1)(a) and (1)(b).
  - a. Federal Funds (pdf) (Excel form)
  - b. Non-Federal Grants (pdf) (Excel form)
2. The proposal shall be reviewed by the court executives or their designees and the judges in the districts which will be affected by the project.
3. If the court executives or their designees and the presiding judges in the districts which will be affected by the project approve the proposal, the proposal shall be forwarded to the grant coordinator at the administrative office.
4. If the court executives or their designees and the presiding judges in the districts that the project will affect approve the proposal, but sufficient time to comply with Procedure 5 prior to submission of the proposal to the funding source is not available, the proposal may be submitted simultaneously to the funding source and the grant coordinator at the administrative office.
5. Review of the proposal. The grant coordinator shall review the proposal with the Budget Manager and the court level administrator. This review must be complete prior to submission to the Board(s) of Judges under Procedure 6.
6. Recommendation by the Board of Judges. The Board of Judges for affected courts must recommend to the Council that the grant proposal be pursued.
7. Approval by the Council. Any proposal to apply for grant funds must be approved by the Council.
8. Additional approvals may be required based upon the level of the grant request. (63J-5).
  - a. LOW: (UCA 63J-5-204) Approval at Judicial Council level only

- i. \$1 million per year or less in federal funds;
  - ii. No new permanent full-time or part-time employees; and
  - iii. No new state monies required for match.
- b. MEDIUM: (UCA 63J-5-204 1(b)) Approval by Judicial Council, followed by review and recommendation by Legislative Executive Appropriations Committee prior to submission to the Grantor, if possible.
  - i. More than \$1 million but less than \$10 million per year in federal funds;
  - ii. Require the state to add more than -0- but less than 11 permanent full or part-time employees; or
  - iii. Require the state to expend up to \$1 million of new state monies in a fiscal year
- c. HIGH (UCA 63J-5-204 1(a)) Approval by Judicial Council, followed by review and recommendation by the entire legislature.
  - i. \$10 million or more per year in federal funds,
  - ii. Require the state to add 11 or more permanent full or part-time employees; or
  - iii. Require the state to expend more than \$1 million per year in new state monies as match.

## **NON-FEDERAL GRANTS**

- a. LOW: (UCA 63J-5-203) Approval by Judicial Council, followed by a report to the Legislature's Executive Appropriations Committee, and the Office of the Legislature's Executive Appropriations Committee, and the Office of the Legislature Fiscal Analyst.
  - i. At least \$10,000 but not more than \$50,000 in non-federal funds;
  - ii. No new permanent full-time or part-time employees, and
  - iii. No new state monies required for match.
- b. MEDIUM: (UCA 63J-5-203) Approval by Judicial Council, followed by review and recommendation by Legislative Executive appropriations Committee prior to submission to the grantor, if possible.
  - i. More than \$50,000 but less than \$1.0 million per year in non-federal funds;
  - ii. Require the state to add more than -0- but less than 11 permanent full or part-time employees; or
  - iii. Require the state to expend \$1 to \$1.0 million of new state monies in a fiscal year as match.
- c. HIGH: (UCA 63J5-204) Approval by Judicial Council, followed by review and recommendation by the entire legislature.
  - i. \$1 million or more per year in non-federal funds.
  - ii. Require the state to add 11 or more permanent full or part-time employees, or

iii. Require the state to expend more than \$1 million per year in new state monies as match.

9. If the Council approves the proposal, the grant coordinator shall work with the requestor and the affected courts in seeking the grant funds. The administrative office shall constitute the designated agency for approving grant applications if such approval is required by the grant application.
  10. The State Court Administrator must sign all grant forms as the authorizing official for all grants for the Judicial Branch. Federal and non-federal grants shall be submitted to the Legislative Fiscal Analyst, the Legislature's Executive Appropriations Committee, the Office of Legislative Research and General Counsel as required in UCA 63J.
  11. The following information should be written on a grant application requesting either the name of the agency that performs the Single Audit or the name of the audit contact person:  
Utah State Auditor  
Office of the State Auditor  
PO Box 142310  
Salt Lake City, UT 84114-2310  
(801) 538-1025
  12. If the Council or a Board of Judges does not approve the proposal, the proposal shall not be submitted to the funding source or, if already submitted to the funding source, the proposal shall be withdrawn.
- No funds shall be accepted from a funding source until the proposal is approved.





State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

## DEPARTMENT OF HUMAN SERVICES

ANN SILVERBERG WILLIAMSON  
*Executive Director*

### DIVISION OF AGING AND ADULT SERVICES

NELS HOLMGREN  
*Director*

February 27, 2017

Elder Justice Innovation Grant Program administered by  
The American Bar Association Commission on Law and Aging  
The National Center for State Courts  
Erica Wood, Project Director  
[Erica.wood@americanbar.org](mailto:Erica.wood@americanbar.org)  
Brenda Uekert, Principal Court Research Consultant  
[buckert@ncsc.org](mailto:buckert@ncsc.org)

Dear Grant Selection Committee,

The Division of Aging and Adult Services serves as Utah's State Unit on Aging as outlined in Utah statute (62A-3-104). The Division is pleased to support the Utah Judicial Council's application for Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) Focus on Court Oversight project.

Various agencies within the Division and the Utah Department of Human Services, including Adult Protective Services, the Long-term Care Ombudsman program, and the Office of Public Guardian are working with the Administrative Office of the Courts on the Court Visitor Volunteer Program and Court-community partnership WINGS. We would like to build on the existing partnerships and work together to improve court oversight and ensure appropriate responses in cases of abuse of vulnerable adults.

The Office of Public Guardian and Adult Protective Services have agreed to serve on a WINGS subcommittee that will focus on Judicial Response Protocol in situations of abuse, neglect and exploitation. In addition, the Office of Public Guardian will serve on the task force that will develop the Judicial Protocol in appointments of limited guardianship.

The Division's leadership is committed to support the Utah WINGS program on an ongoing basis and supports its application for the Elder Justice Innovation grant focusing on Court Oversight of the adult guardianship practices. Please feel free to contact me with any questions you have regarding this issue.

Respectfully,

Nels Holmgren  
Director, Division of Aging and Adult Services  
801-538-3910, [nholmgren@utah.gov](mailto:nholmgren@utah.gov)

BOARD OF TRUSTEES

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LIBBY

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JACQUELINE

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EXECUTIVE DIRECTOR

DANIELA

LEGAL DIRECTOR

WILLIAM

February 27, 2017

Elder Justice Innovation Grant Program administered by  
The American Bar Association Commission on Law and Aging  
and the National Center for State Courts

Erica Wood, Project Director  
[Erica.Wood@americanbar.org](mailto:Erica.Wood@americanbar.org)

Dear Grant Selection Committee:

I am writing to express the Disability Law Center's (DLC) support for the WINGS Focus on Court Oversight grant proposal to be submitted by the Utah Judicial Council. The DLC is committed to collaborating with the Utah Judicial Council and other community partners that are part of the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

As Utah's federally-designated Protection and Advocacy agency, the DLC is charged with enforcing and strengthening laws that protect the opportunities, choices, and legal rights of Utahns with disabilities. The Protection and Advocacy system was created to prevent abuse and neglect of people with disabilities. Our interest is not only to protect individuals in situations where they may be exploited or have their needs neglected, but also to ensure that their rights are not unduly limited in guardianship.

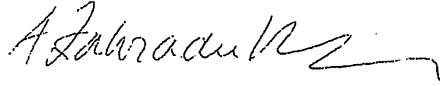
In collaboration with the Utah State Courts, our office trained volunteer court visitors on how to communicate with individuals with cognitive impairments, serious mental illness, acquired brain injuries and dementia/Alzheimer's. We helped train attorneys to represent respondents in adult guardianship cases as part of the Guardianship Signature Program initiated by Utah WINGS.

The DLC is happy to assist the WINGS group by (1) serving on a WINGS Subcommittee that identifies Judicial Response Protocol in cases of abuse, neglect and exploitation; (2) serving on a Judicial Response Protocol Subcommittee which establishes limited guardianship; (3) assisting in training judges and clerks on the process developed by both subcommittees.

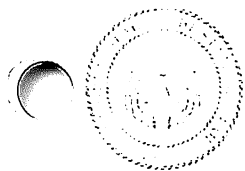
There is a great need for further implementation of Court Oversight and judicial education regarding due process in the appointment of limited guardianships, as well as when abuse and neglect is identified. The DLC

is an active member of the Utah WINGS project and is committed to helping the project advance its core purpose.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Zahradnikova', with a stylized flourish at the end.

Adina Zahradnikova  
Executive Director  
Disability Law Center  
[azahradnikova@disabilitylawcenter.org](mailto:azahradnikova@disabilitylawcenter.org)  
801-363-1347 Ext. 3220



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

## DEPARTMENT OF HUMAN SERVICES

ANN SILVERBERG WILLIAMSON  
*Executive Director*

MARK L. BRASHER  
*Deputy Director*

LANA STOHL  
*Deputy Director*

February 27, 2017

Elder Justice Innovation Grant Program  
Administered by the American Bar Association Commission on Law and Aging  
And the National Center for State Courts  
Erica Wood, Project Director, [Erica.Wood@americanbar.org](mailto:Erica.Wood@americanbar.org)  
Brenda Uekert, Principal Court Research Consultant

Dear Grant Selection Committee:

The Adult Protective Services (APS) agency is a unit of the Division of Aging and Adult Services. Its purpose is to assist vulnerable and elder adults in need of protection to prevent or discontinue abuse, neglect, or exploitation until that condition no longer requires intervention.

Adult Protective Services is a founding member and an active participant of the Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). Utah WINGS has been successful in a number of ways in improving the system and interagency communication. Since its inception in 2013, we communicate regularly and request investigations by volunteer Court Visitors in adult guardianship cases that APS is involved in. Prompt response and quality of service has been essential in providing the judge with accurate information in situations of financial exploitation, abuse or neglect.

In addition, as a group WINGS secured grant funding to support public education on less restrictive alternatives and guardianship. This information helps public plan ahead and guides them through a complicated court process. In our most recent WINGS meeting APS volunteered to be part of the Judicial Response Protocol Subcommittee in matters of abuse, neglect and exploitation. Elder Justice Innovation Grant with emphasis on Court Oversight comes in at a right time. Grant funding and technical expertise will be very helpful in providing additional support in our effort of institutionalizing and making uniform judicial response in cases of abuse and neglect. Judicial education is an important part of this project as well. I am excited to be part of this effort and look forward to working with you.

Sincerely,

Nan Mendenhall

*Nan Mendenhall*

Director, Adult Protective Services  
Adult Protective services  
195 North 1950 West  
Salt Lake City, Utah 84116  
[nmendenh@utah.gov](mailto:nmendenh@utah.gov)  
801-538-4591

## **Grant 3:**

# **Training on Life Planning Options and Guardianship**

# Judicial Council Grant Application Proposal

## Code of Judicial Administration 3-411

### FEDERAL GRANTS

Contact Person: Phone Karolina Abuzyarova, 801-578-3925 Date 4/4/2017

Judicial District or Location Salt Lake valley, Ogden, Utah County, South-western Utah

Grant Title Training on Life Planning Options and Guardianship Grantor: ASPIRE (Achieving Success by Promoting Readiness for Education and Employment) and Utah State Office of Rehabilitation

Grant type (check one): ☒ New ☐ Renewal ☐ Revision Contract through the Department of Workforce Services

Grant Level (check one): ☒ Low ☐ Med ☐ High  
 Under \$1,000,000 \$1,000,000 to \$10,000,000 Over \$10,000,000

Issues to be addressed by the Project: Education for parents with children with disabilities turning 18 on life planning tools and guardianship procedures  
WINGS was approached by ASPIRE Coordinator to conduct classes due to the current statewide guardianship classes coordinated by the Courts

Explanation of how the grant funds will contribute toward resolving the issues identified: Training will be implemented by the WINGS (Working Interdisciplinary Network of Guardianship Stakeholders), a court-community partnership focused on improving the state's guardianship services and processes. WINGS partners and program coordinator will implement trainings on advance life planning and guardianship in Salt Lake valley, Ogden, Utah County and South-western Utah. Classes will be for families with children with disabilities that are participants of the ASPIRE program, <http://aspirewest.org>. See attachment.

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years

#### Total Funding Sources

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)						
			MATCHING STATE DOLLARS						
CASH MATCH			Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	
State Fiscal Year	Grant Amount								Total Funds
FY									\$0
FY									\$0
FY									\$0

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)					
			MATCHING STATE DOLLARS					
IN-KIND MATCH		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	
State Fiscal Year	Grant Amount							Total Funds
FY	\$35,000							\$35,000
FY								\$0
FY								\$0

Comments: Grant will run from April 2017 until September 2018

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes ☐ No ☒ if yes, explain: \_\_\_\_\_

Will the funds to continue this program come from within your existing budget? Yes ☐ No ☒ N/A ☐

How many additional permanent FTEs are required for the grant? \_\_\_\_\_ Temp FTEs? \_\_\_\_\_

This proposal has been reviewed and approved by the following:  
 The court executives and judges in the affected district(s)  
 The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts.  
 The affected Board(s) of Judges

Approved by the Judicial Council: \_\_\_\_\_, by \_\_\_\_\_  
 Date \_\_\_\_\_ Court Administrator \_\_\_\_\_

Copy forwarded to Legislative Fiscal Analyst \_\_\_\_\_  
 date \_\_\_\_\_

Karolina Abuzyarova <karolinaa@utcourts.gov>

## DWS Solicitation for Life Planning & Guardianship

Devin Shipp <dshipp@utah.gov>  
To: karolinaa@utcourts.gov

Mon, Apr 3, 2017 at 11:45 AM

Karolina Abuzyarova,

The Department of Workforce Service's ASPIRE program are seeking services for disabled children reaching the age 18-years old. These services must focus on helping these disabled children transition to a self-determined young adult life. These services will be administered by the interested vendor through monthly hosted ASPIRE events, which also will include individualized assistance. The services must focus on the following options as it specifically applies to Utah residents:

- Power of Attorney
- Financial Co-signature
- Healthcare Directives
- Guardianship Of Incapacity Adults

This contract will begin approximately April 2017 through September 2018. The interested vendor will demonstrate how these services will be delivered by providing curriculum and materials that cover these options. Additionally the interested vendor must demonstrate they meet the following qualifications:

- Knowledge and/or experience power of attorney
- Knowledge and/or experience financial co-signature
- Knowledge and/or experience of healthcare directives
- Knowledge and/or experience guardianship
- Knowledge and/or pro se process
- Experience working directly with families of individuals with disabilities in pursuit of options for life planning for an adult with disabilities
- Experience planning and conducting workshops,
- Experience creating appropriate materials with grade 8 or below reading level
- Experience in Utah and knowledge of the laws and procedures for Utah youth and families.

The interested vendor must agree to have their employees/volunteers completed background check (BCI) prior to beginning work with these youth and their families. The deadline for the qualifications to be received is April 17, 2017 at 5:00 p.m. (MST). Please email information concerning your qualifications to [dshipp@utah.gov](mailto:dshipp@utah.gov).

Thank You,  
Devin

**DEVIN SHIPP | Contract Analyst**

Utah Department of Workforce Services  
100 East 200 South, Suite 200, Provo, UT 84601  
Cell: 801-471-1111 | Email: [dshipp@utah.gov](mailto:dshipp@utah.gov)

# ASPIRE/Utah State Office of Rehabilitation Request for Proposals

## Life Planning Options and Guardianship

### Background

ASPIRE in the Utah State Office of Rehabilitation is seeking bids for services to ASPIRE youth and families. As children with disabilities approach age 18, they and their families must consider what supports, if any, are needed for the young adult to live as self-determined life as possible. Support options are many and can include power of attorney, healthcare directives, financial co-signature, and guardianship. This contract award seeks to provide this information and training to ASPIRE families located across the state of Utah. The term of this contract is April 1, 2017 through September 1, 2018. The total budget is not exceed \$40,000.

### Scope of Work

#### Contractor will provide:

##### Monthly Event - "Orientation to Life Planning/Guardianship"

- USOR/ASPIRE will host 12 monthly events of one hour each to connect with families and offer training in the ASPIRE Scope of Work. These orientations will include available options such as power of attorney, co-signing for financial accounts, healthcare directives, plenary and limited guardianship, supported decision making, etc.
- USOR/ASPIRE will identify a consistent day of the week, time of day and location. (ASPIRE will survey families).
- Four locations will be identified in the ASPIRE service areas around the state. A fifth location will become a "Floating" event with up to 4 additional events, for a total of 16 one hour events in agreed upon locations.
- Topics covered would rotate by month at each location. Topics to be discussed and determined with the Utah Site Coordinator.
- The provider will provide snacks for attendees and all materials.

#### Sample Schedule:

Month	Ogden	Salt Lake Valley	Utah County	SW Utah
April '17	UWIPS	Orientation to life planning and guardianship	Financial	Parent
May '17	Parent	UWIPS	Orientation to life planning and guardianship	Financial
June '17	Financial	Parent	UWIPS	Orientation to life planning and guardianship
July '17	Orientation to life	Financial	Parent	UWIPS





- The contractor and ASPIRE will determine dates and locations around the state which align to ASPIRE youth approaching age 18.
- At two hours per workshop, this is approximately 16 total hours.
- The contractor will provide event flyers to ASPIRE staff.
- The contractor will provide all materials and snacks for attendees.

#### Individual Assistance to ASPIRE Families

- ASPIRE will identify youth and families who may require additional assistance outside of formal workshops. The ASPIRE Site Coordinator will refer these families for individual assistance.
- Up to 100 hours of individual assistance will be available to families for the term of the contract.

### **USOR/ASPIRE will:**

- Conduct outreach and promotion of all events and services to ASPIRE youth and families.
- Discuss with the contractor and determine locations, dates and times for monthly events.
- Provide childcare assistance for minor siblings and family members during the monthly events.

### **Instructions to the bidder**

Please provide a description of the events you will conduct if awarded this contract. Include agendas, lesson plans of workshops and a copy of accompanying materials.

Describe previous experience training people with disabilities in life planning options and guardianship.

List qualifications of anticipated staff that will provide trainings in the areas of life planning options and guardianship.

In September 2013, the U.S. Department of Education awarded the PROMISE Initiative (Promoting Readiness of Minors in Supplemental Security Income) to a six state consortium, ASPIRE (Achieving Success by Promoting Readiness for Education and Employment). The six states of the ASPIRE consortium are Arizona, Colorado, Montana, North Dakota, South Dakota and Utah. The purpose of ASPIRE is to

1. Increase a youth and family's overall household income, and thereby reduce the household's dependence upon public benefits, by increased educational attainment and increased career achievement.
2. Inform federal policymakers in all the four federal agencies through evaluation of interventions and outcomes.

2051 youth and their families enrolled in ASPIRE before the closing date of April 30, 2016. To be eligible, the youth were between the ages of 14 and 16 and receive Supplemental Security Income (SSI). The youth were randomly assigned to one of two groups. Both the ASPIRE and Usual Services groups will receive the services available in their communities. The ASPIRE Services group will receive additional services and supports.

**ASPIRE Interventions.** The same interventions, or services and supports will be delivered to ASPIRE youth in all six states. Delivery of the ASPIRE Services may vary by state depending on each state's infrastructure and framework. Interventions for youth and families assigned to ASPIRE Services include:

- Training and information for parents and families, including advocacy, community resources, educational and employment opportunities, and more.
- A complete individualized explanation of the public benefits the youth and family are receiving and how working and increased earnings will impact those benefits.
- A paid employment opportunity for the youth while he or she is still in high school.
- Self-determination training for the youth and families.
- Financial education and capability training to assist families in understanding their values and available resources to move from poverty to self-sufficiency.
- Case management services provided to the youth and family to assist them in navigating the complicated systems of public benefits and assistance in accessing services, supports and information to support greater self-sufficiency.

**ASPIRE Staff.** ASPIRE Case Managers live and work in the same communities as the ASPIRE youth and families across all six states. Additional staff will provide project wide training and direction, as well as ensure consistent implementation and completion of all project goals. All Staff must receive suitability clearance from the Social Security Administration. They will receive training, including: family-centered assessment and planning, interview and case management strategies, cultural and poverty competency, plain language communication, Social Security other work incentives, customized employment and resource mapping.

**Evaluation.** A national evaluator, MPR (Mathematic Policy Research), will conduct a rigorous evaluation of the PROMISE project to determine effectiveness at improving the educational employment outcomes of participating youth and reducing their dependence on SSI, increased family income and overall household reduction in dependence on public benefits. MPR will be conducting evaluation in all PROMISE Initiatives nationally. They include ASPIRE California, New York, Wisconsin, Maryland and Arkansas. ASPIRE will cooperate with MPR and conduct formative evaluation during the operation of the project. The ASPIRE Formative Evaluation Team is comprised of evaluators from the University of Utah, University of Kansas and University of Montana. A management information system is used to compile and analyze all ASPIRE data.

**ASPIRE – a Unique Consortium.** The PROMISE initiative offers a unique opportunity for the Western states, with diverse demographic and geographic composition, to inform federal policymakers. The ASPIRE consortium is representative of the United States, with a broad cross section of demographics, geography and culture. This type of demonstration across the six states will ensure the unique characteristics and needs of urban, rural, frontier and tribal populations are represented within this national initiative. The \$32.5 million award began October 1, 2013 and continues until September 30, 2018.

**For further information,** contact Carol Ruddell, ASPIRE Project Director at (844) 880-9172 toll free