

Working Interdisciplinary Network of Guardianship Stakeholders

February 22, 2017 summary minutes

Attendees: Judge David Connors, Kent Alderman, Nancy Sylvester, Nan Mendenhall, Andrew Riggle, Karolina Abuzyarova, Nels Holmgren, Daniel Musto, Wendy Fayles, Shannon Alvey, Dustin Hammers, Joanne Bueno Sayre, Rhett Dutson

Excused: Kaye Lynn Wootton, Judge James Brady

No show: Joseph Taylor, James Toledo

Introduction: Committee Chair, Judge Connors asked new WINGS member and a guest to introduce themselves. New member was Dustin Hammers, neuropsychologist with the University of Utah Center for Alzheimer's Care, Imaging and Research. Guest was probate case manager from the Third District, Rhett Dutson, who is also a chair of the Coris rewrite work group focused on civil matters. After introductions, minutes were approved.

Judicial Response Subcommittee: Committee chair, Judge Connors, deferred to staff, Karolina Abuzyarova, to discuss the subject. Karolina stated that at the previous WINGS meeting it was resolved to form a subcommittee on judicial response protocol. Karolina stated that two separate subcommittees might need to be formed: a Judicial Response Protocol in cases of possible abuse, neglect and exploitation and a committee on Judicial Protocol in appointments of limited guardianship.

Andrew Riggle said that statute neither provides guidance in appointment of limited guardianship, nor is flagging and following up on abuse matters, thus developing protocol will definitely be helpful. In the past, according to Andrew, district court judges sought guidance on intricacies of guardianship from the Disability Law Center staff that participated in guardianship proceedings. Joanne Bueno Sayre, a probate case manager, noted that parents of adult children seeking guardianship usually expect full guardianship appointment.

Nancy Sylvester, Associate General Counsel, referred to a recent conversation with a Third District Court Judge Kouris, on the need to modify the guardianship petition that will put the burden of proof on the proposed guardian or his/her attorney to show that nothing less than the full guardianship is appropriate. Currently, at least in the third district, judiciary relies on attorneys to bring it to the attention of the court that limited guardianship is needed.

According to the discussion, below is a preliminary list of subcommittees' members. Karolina will follow up with scheduling meetings or communicate via email on issues needed to be addressed.

Judicial Response Protocol Subcommittee on Abuse, Neglect and Exploitation:

1. Shannon Alvey, Office of Public Guardian
2. Nan Mendenhall, Adult Protective Services
3. Andrew Riggle, Disability Law Center
4. Judge David Connors, Second District Court

Judicial Protocol Subcommittee on Limited Guardianship:

1. Nancy Sylvester, AOC
2. Kent Alderman, Elder Law Attorney
3. Andrew Riggle, Disability Law Center
4. Shannon Alvey, Office of Public Guardian
5. Judge James Brady, Fourth District Court

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Limited guardianship appointments: Rhett Dutson, probate case manager and Chair of the Coris rewrite group on civil matters, provided an update on the work of the group:

- Coris will send automatic notifications to the clerks when there is an inactivity in a case;
- New e-filing system for public called “My Case” will have a portal for guardians and will send out reminders on filing inventory, submitting annual reports, etc;
- New portal will have space for uploading training videos;
- And will send notifications to outside agencies, e.g. Department of Health.

WINGS Committee suggested the following additions to guardianship filing in Coris:

- Track limited guardianship appointments;
- Mark reason for termination of guardianship, e.g. restoration of capacity, death;
- Include a language about the right to object and to terminate the guardianship and restore rights in all communication from the Court to the protected person and others;
- Identify “school guardianships” when guardianship is sought with the purpose of minors attending school and parents live in a different state;
- Send notices of cases where abuse or exploitation was identified to Social Security Administration or Veterans Administration.

Kent Alderman suggested having petitioners and then guardians to submit annual care plans to the court. Judge Connors noted that direction with limited appointments would be helpful, as the only straightforward limited guardianship is the one limited to financial decision-making. Kent Alderman raised another question on whether limitations should be indicated in the order or letters of guardianship. Nancy Sylvester said that Minnesota has a program where guardians are required to enter inventory and annual accounting electronically and notices about the right to terminate guardianship are included in all court communication.

Kent Alderman was concerned with serving notices on too many agencies. Karolina brought up regular national quarterly conference calls with WINGS member states and Social Security Administration liaisons. Sharing information is encouraged and is one of the goals of the calls. Karolina will follow up with the SSA and WINGS to get the feedback regarding notices.

Standards of Practice for Guardians: Agenda items included criminal background checks for proposed guardians as a way to set standards of practice and screen out perpetrators. Nan Mendenhall stated that it is definitely better to work on the preventive side and get the background checks done before the appointment of a guardianship. Karolina said that online training program (OTP) on guardianship standards is in the works and will be published in spring-summer 2017. Joanne Bueno Sayre suggested issuing a certificate of completion of the OTP and asking to present to the court with the petition. Andrew Riggle suggested having guardians pass the OTP annually together with submission of annual reports.

Nancy Sylvester stated that court cannot take sides on policy issues. Kent Alderman requested a comparison chart with other states, and it was in the materials. Kent will pass it on to the legislative committee of the Elder Law Section of the Bar. Nan Mendenhall will check with the division of licensing. Shannon Alvey mentioned that outreach to parent groups will be important.

Elder Justice Innovation Grant: Karolina notified the committee about request for proposals from the American Bar Association and National Center for State Courts. Karolina will submit the application before the deadline of February 28th and will request letters of support from the stakeholders. In addition, approval will need to be sought from the Board of District Court Judges and Judicial Council.

Meetings in 2017: April 26, June 28, Aug. 23, Oct. 25, Dec.27.