

Agenda

Court Visitor Steering Committee

October 25, 2011
12:00 to 2:00 p.m.

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Judicial Council Room, Suite N31

Summary of September 27 meeting	Tab 1	
Evaluation criteria and procedures	Tab 2	Tim Shea
Education goals	Tab 3	Karolina Abuzyarova
Recruitment and screening	Tab 4	Tim Shea
Program timeline and priorities	Tab 5	

Committee Web Page: <http://www.utcourts.gov/committees/visitor/>

Meeting Schedule: 12:00 to 2:00 in the Judicial Council Room, Matheson Courthouse, unless otherwise noted.

November 22, 2011
January 24, 2012
February 28, 2012
March 27, 2012
April 24, 2012
May 22, 2012
June 26, 2012
September 25, 2012
October 23, 2012
November 27, 2012

Tab 1

Court Visitor Program Steering Committee meeting report

September 27, 2011

Court Visitor Steering Committee has identified four volunteer roles:

1. Visitor
2. Auditor
3. Records researcher
4. Trainer

Main role of the **court visitor** is to neutrally observe the circumstances of respondents and protected persons and to report to the Court. Visitor's duties could be distinguished as pre-appointment and post-appointment of the guardianship and/or conservatorship, e.g.: when the alleged incapacitated is not present at a hearing in the pre-appointment situation, when the annual report is not submitted, if there is an objection filed in the case.

The visitor is appointed by the court and will obtain a court order to go and meet with the alleged ward to see his/her functionality rather than actual incapacity, ward's ability to communicate, participate and understand what is happening; living environment, cleanliness, whether the needs of the incapacitated person are met and he/she is well taken care of; if the financial responsibilities are appropriately executed and the alleged incapacitated person is receiving the entitled resources.

The visitor will meet individually with the family members to identify the relations and possible presence of the conflict of interests in the family. Visitor might need to meet with friends and neighbors depending on the situation.

While visitor is not in the position to provide medical assessment of the incapacity or extent of incapacity, he/she will observe the functionality of the ward and report to the court. Volunteer visitor will also check with the physician that provided a letter confirming diminished capacity and need for the guardian, to see if the physician has met and treated the patient, when the last visit took place and for how long the physician has been treating the patient.

It is important that the visitor is a neutral unbiased observer and provides the court with the factual evidence. It is not rare in guardianship cases to have a conflict of interests and it is important for the visitor to stay neutral, observe and report facts to the court.

Volunteers performing the **auditing** role will be responsible for reviewing annual financial accountings from guardians of the property. Auditors will also need to have "investigator" skills to identify possible problems in the financial aspect of the guardianship cases. The accountings are checked for accuracy, proper expenditures and investments, and to see whether the estates were being properly used for the case and benefits of individuals under the court's protection.

Committee brought up a point of financial exploitation in the cases involving social security benefits. Suggestions were made to make contact with Veterans' Administration, Social Security Administration, banking system to work out a process that will help track cases with financial abuse.

Another role for the volunteer auditor is to help guardians and conservators better perform their duties and improve the reporting process.

Primary responsibility of the **records researcher** volunteers will be to help locate the guardian when there is no filed annual report and when a court's notice to submit required information is returned to sender. Sometimes the guardian might avoid contact with the court and it is the job of the volunteer to help the court locate the guardian. In this case "detective" skill will be necessary. Volunteers are granted access to court records that will help them locate the protected person and the guardian.

Volunteer **trainers** will perform training for other volunteers depending on the functions they are performing: visiting, auditing or record researching. Trainers could be recruited from the pool of community partners depending on the area of expertise.

Tab 2

Court Visitor Program evaluation criteria and procedures

Measurement	Method
About the volunteers	
Number of volunteers joining/departing during year: retention rate	Review volunteer database
Satisfaction	Online survey
Performance	"360" review
Time contributed	Online reports: trainer's version; visitor's version; auditor's version
About the (volunteer/guardian/public) training	
Number of courses, teachers and students	Online reports; class registration records
Topics	Online reports
Course quality	Evaluation form
About the program	
Number of visitors appointed	Online reports (separate from case report) or uniform appointment entry in CORIS
Number of case reports filed	Online report
Nature of investigation: interviews, residential visits, annual reports reviewed etc.	Online reports
Number of guardians assisted and nature of assistance	Online reports
Number of service referrals and nature of referral	Online reports
Number and nature of problems identified and nature of corrective action	Online reports
Number of APS referrals and nature of referral	Online reports
Judge/staff/lawyer satisfaction	Online survey
Nature of marketing	Narrative
Calculate money spent on pilot program and money saved	Compare SJI grant and matching funds with estimated value of volunteers' time (from online reports).
About guardianships generally	
Number of new and active cases	CORIS
Number of annual reports timely filed and ultimately filed	CORIS

Tab 3

Court Visitor Volunteer Program

Training Goals

General goals for the training:

- Introduce volunteers to the field of guardianship and guardianship monitoring
- Impart knowledge that will empower volunteers to do the job
- Define and clarify their role
- Give an opportunity for them to get to know each other
- Provide an opportunity to ask questions and to learn where to get information in the future

Training for visitors is a two full days training. Auditors and records researchers will benefit from attending this training. Auditors will have an additional day of Auditor training. Records researchers will also have a separate follow up session on locating guardians that do not have current contact information and updating court records. Educators are community partners that are expected to have knowledge of guardianship process or are experienced court visitors, auditors or investigators.

1. Visitor

- Guardianship law and process
- Typical physical and mental conditions affecting individuals under guardianship
- Court case files – how to find them, how to read them, what information to get from them
- The visit – how to get started, how to fill out the reporting form, how to listen and problem solve, how to best communicate with the guardian and the incapacitated person
- How to make recommendations to the court
- Ethics and confidentiality – the volunteer role and its limits

2. Auditor

- Basics of auditing policy, court practices
- Roles and duties of conservator
- How to read the accounting and conservatorship file
- What to look for: common problems in conservator accounting
- Steps in the review
- What happens to the review
- On the job training and supervision

3. Records researcher

- Locating the guardian if the contact information is missing or incorrect
- Updating court records if the need is identified

4. Educator

- Prepare volunteers to perform the role of the visitor, auditor or records researcher
- Train guardians before and after appointment on guardianship procedures, authority of the guardian, and reporting

Tab 4

COURT VISITOR VOLUNTEER PROGRAM

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

Guardianship is a legal proceeding in which a court determines that a person has severe disabilities which impair the person's ability to make or communicate decisions, that the person needs protection, and that there is no less restrictive alternative than appointing a guardian. The guardian acts for the protected person, making decisions about the person's care and, if there is no conservator, their property.

The **Court Visitor Program** is a district court volunteer program with the goal of improving the lives of incapacitated adults, assisting guardians and improving judges' decisions. A **Court Visitor** investigates, observes and reports to the court, ensuring that the protected person's needs are met, that their property is protected and being used for their benefit, and that the court's orders are being followed. More information about guardianship can be found at <http://www.utcourts.gov/howto/seniors/#Guardianship>.

The judge may appoint a Court Visitor to gather evidence to help the judge:

- decide whether the protected person may be absent from court hearings;
- decide the nature and extent of the protected person's incapacity;
- decide the nature and extent of the guardian's authority; and
- ensure that the court's orders are being followed.

According to the **Utah Uniform Probate Code, 75-5-308**, "*a visitor is, with respect to guardianship proceedings, a person who is trained in law, nursing, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings*".

WHAT: Volunteers are appointed by the court to perform assigned duties. Volunteers contribute 8-10 hours per month and have flexible schedules. Volunteers will be provided with training in any of the roles that they choose:

The Court Visitor monitors the care of individuals with court-appointed guardians and fills out a report indicating the status and recommendations for action. Visitor has a strong desire to help people with significant physical and mental limitations and varying socio-economic backgrounds, and remains objective and non-judgmental in making reports to the court. Provides own transportation for visits.

The Court Auditor monitors the financial reports submitted to the court by the guardian of the property to oversee how funds of the protected person are spent on his or her behalf. Volunteer Auditor comes to the court on a scheduled basis to review the financial reports. Volunteer notes any problems on standard form and passes on to the Court for possible action. Court auditors have experience in accounting, taxes, business, estates or law.

The Records Researcher reviews guardianship records, as assigned by court staff and checks to find out whether the information is correct. The purpose is to update court records for use by the court staff and the Court Visitors. If updated contact information of the guardian is unknown, researcher is tasked to investigate his or her current location. Verifying records involves telephoning and letter-writing or emailing, and requires perseverance, good investigative skills, patience and tenacity.

The Educator has experience or has been trained as a court visitor, court auditor or records researcher. Educator is familiar with guardianship process and conducts trainings for the groups of volunteers that choose to perform roles of visitor, auditor or records researcher within the Court Visitor Program.

WHERE: The program will start in the Third District including Salt Lake, Summit and Tooele Counties, and Seventh District including Carbon, Emery, Grand and San Juan Counties. The program will expand to the rest of the state and will include guardianships of minors as resources become available.

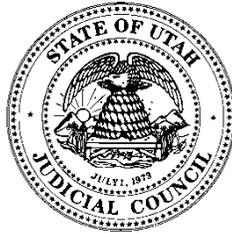
HOW TO QUALIFY: Complete an application form, background check, interview and training.

BENEFITS:

- *Improve* the lives of vulnerable adults in your community.

- *Serve* as a court representative in guardianship matters.
- *Perform* public service for a recognized institution.
- *Advance* career options and obtain meaningful experiences.
- *Learn* more about guardianship matters.
- *Help* families become better guardians.
- *Learn* how the court system works.
- *Connect* to the community.

For more information about the Court Visitor Volunteer Program contact Karolina Abuzyarova, Court Visitor Program Coordinator at 801-578-3925 or karolinaa@email.utcourts.gov.



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Court Visitor Volunteer Program

Recruitment Checklist

1. Application form
2. Background check
 - Background check information (BCI) release form
 - Informed Consent and release of liability
 - Background checklist to follow (see example of CASA on page 2)
3. Selection interview
4. Volunteer Contract
5. Confidentiality agreement
6. Reference letter and reference form for volunteer
7. Assignment preference sheet
8. Exactly what volunteers do
9. FAQ

Background Check Process for CASA Coordinators

Background checks must be completed prior to swearing-in of CASA volunteer.

- ▶ Obtain completed release form from perspective volunteer
- ▶ Send completed release form to Diann Sessions for processing
- ▶ Once Diann receives the release form, she will process the request as instructed
 - If the volunteer has no arrest records Diann will mail back to you immediately.
 - If the volunteer HAS a criminal history, the results will be given to Olivia Phelps for authorization. If this happens, it will take a few more days to get back to you. Olivia may approve or deny individuals ability to become a CASA volunteer.
- ▶ Obtain completed Informed Consent and Release of Liability form (DCFS background check) from volunteer and send the following for processing:
 - Utah Division of Child and Family Services
 - Attn: Child Abuse Background Review Coordinator
 - 120 North 200 West, Suite #225
 - Salt Lake City, Utah 84103-1500
 - Remember to always attached a photocopy of volunteers drivers license.
 - You will receive notice from DCFS once check is completed.
 - You will not typically have your filled out form returned to you so make a copy before you mail out.
- ▶ Obtain completed Fingerprint card from volunteer.
 - Ensure fingerprint card is complete and prints are dark and clear and attached a copy of the completed BCI release form.
 - It is important to remember to complete a quick check internally PRIOR to mailing in the fingerprint cards. This way we will not need to pay to have BCI run prints on an individual not qualified to be a volunteer.
 - Mail fingerprint cards with completed BCI release form to:
 - BCI
 - Attn: AFIS
 - 3888 West 5400 South
 - P.O. Box 148280
 - Salt Lake City UT 84118-8280
 - Once fingerprints are processed ALL cards will be mailed to the Director's office. We will then mail them to the appropriate coordinator.

Tab 5

Court Visitor Program

The Mission of the Court Visitor is to observe the circumstances of respondents and protected persons and to report to the Court

Time frame	Task	Status
May-Aug 2011	Define coordinators' duties	Done. Modify w/ experience.
	Define volunteers' duties	Done. Modify w/ experience.
	Hire coordinator	September 6, 2011
	Select district(s) for operations	Third & Seventh Cases selected randomly. Judge can assign in any case. Lawyers and clerks can recommend in any case.
	Provide work space, equipment and supplies For coordinators For volunteers	Not much needed for the volunteers
	Identify current (active) cases Cases w/o report would be a red flag	Status of court records has been updated three years ago, they are in OK condition. Revision might be necessary as the project moves forward.
	Develop operating procedures Need for volunteer Selecting a volunteer Investigation by volunteer Accessing court records Scheduling interviews Report by volunteer	Drafted. Get Committee's feedback on 9.27.2011 and modify.

Time frame	Task	Status
Oct-Nov-Dec 2011	Identify, contact and establish relations with partners in developing the program (sources of volunteers, trainings, community services for the incapacitated)	AAA (Legacy Corp, RSVP, Senior Companion) SE Utah Assn of Local Governments (Maughan Guymon), Active Reentry (Nancy Bentley) Multi-Cultural Center(Moab), Bennion Center UU, Rotary, Chamber of Commerce, American Express (Other Corporations), CPA Assn, Professional Guardians, National Association of Social Workers, UU Gerentolgy, National Alliance on Mental Illness, Catholic Community Services, LDS Social Services, VA Administration
	Develop volunteer recruitment and appointment process Advertize Application form Reference check Background check Interview Conditions Volunteer files and database Name and identifying information Contact information Work email Required training completed Highest and best use Current assignment Previous assignments Evaluations	Fingerprint background check after a local check (Sheriff's Office to do fingerprints) Car insurance; 3 letters of recommendation, complaints against a professional license.

Time frame	Task	Status
<p>Oct-Nov-Dec 2011</p>	<p>Program Evaluation</p> <ul style="list-style-type: none"> Develop measures of program and data collection procedures <ul style="list-style-type: none"> Number of volunteers Number of volunteer hours Number of interviews Number of annual reports reviewed Develop measures of success and data collection procedures <ul style="list-style-type: none"> Change in number of reporting errors Number of guardians trained Number of guardians assisted Number of problems solved Number of service referrals Calculate money spent and money saved Number of estates not dissipated Medical costs from persons not well- cared for Develop volunteer evaluation model 	
<p>Continuous process, Thursday meetings at the Law Library</p>	<p>Develop information and forms</p> <ul style="list-style-type: none"> For public For guardians For courts <ul style="list-style-type: none"> Nature of need from court to coordinator. Recommendation from coordinator to court Assignment order for judge to sign For volunteers <ul style="list-style-type: none"> Conflict of interest checklist 	<p>Pre-appointment report from visitor to court and parties. Post appointment reports to court only. Court initiates a hearing if needed or upon objection; reports to court and parties. Parties would include objecting person. Interview guardian first in normal circumstances. Guardian told initially that some visits announced; some not.</p>

Time frame	Task	Status
<p>January-Feb 2012</p>	<p>Develop volunteer training (initial and continuing)</p> <p>Basic</p> <ul style="list-style-type: none"> Volunteer expectations and procedures Guardianship law and procedures Protected person's rights and responsibilities Guardian's rights and responsibilities Confidentiality/Ethics Limits on volunteer's discretion Role as observer and reporter, not advocate <p>Advanced—auditing financial reports</p> <ul style="list-style-type: none"> Review court records Review guardian's records Common errors Response to serious problem Response to modest problem Outcome reports <p>Advanced—interviewing</p> <ul style="list-style-type: none"> Volunteer's personal safety Review court records Interview sources Interview objectives Interview techniques Safe living standards Community services Response to emergency Response to serious problem Response to modest problem Outcome reports 	<p>Work with partners on developing trainings, putting together resources available for incapacitated</p> <p>Margy and other professional guardians as visitor trainers, Jewish Family Service, OPG</p>
	<p>Develop volunteer supervision model</p>	

Time frame	Task	Status
Feb-Mar 2012	Recruit volunteers	
	Public announcements, public relations campaign	
	Interview and screen volunteers to determine whether there is a good match between volunteers and program	
	Ensure there are enough cases for the volunteers to start working	
	Develop complaint process By volunteers Against volunteers	Coordinator/Me
	Develop training for court clerks and judges	
	Develop class for guardians; for protected person's family	
April-May 2012	Train volunteers	
	Train/inform clerks and judges on the procedures of the program	
	Develop volunteer and partners recognition model	Annual recognition dinner, PJ/judges for districts, swearing in ceremony, certificates/letters, small gifts, conference,
	Make arrangements for volunteers to begin assignments	
	Supervise volunteers	
	Continuously gather evaluation data	
Fall 2012	Analyze first evaluation data, what the program has accomplished, incorporate feedback from volunteers and court staff to improve the program	
	Offer quarterly or monthly meetings for volunteers to discuss their cases and ask questions	
	Report accomplishments to the court staff, community, funders	
	Host recognition event for volunteers and partners	