

Agenda

Court Visitor Steering Committee

January 24, 2012
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 November meeting	Tab 1	
Visitor report forms	Tab 2	Mary Jane Ciccarello Tim Shea
Training for visitors	Tab 3	Karolina Abuzyarova Tom Langhorne
Screening based on background checks		Tim Shea
Visitor access to court records		Tim Shea

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.

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

November 22, 2011

Discussion focused on the appropriate relationship between court visitors and the Adult Protective Services, Long-term Care Ombudsman Office, and Salt Lake County Attorney Office. We also discussed topics to be covered at the training of the Judges and clerks at the Districts where the program will start.

Nan Mendenhall, the Executive Director of the **Adult Protective Services**, described functions performed by the agency. APS is a unit of the Division of Aging and Adult Services and is mandated by Utah Law 62A-3-302 and 76-5-111.1. The purpose of the agency 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 (http://www.hsdaas.utah.gov/ap_purpose.htm). Matters of abuse investigated by APS include financial exploitation. Distinction between APS and 911 service is that APS provides follow up on the cases, while 911 only provides emergency response once without following up.

APS conducts trainings to the members of the community upon request on a number of topics that overlap with the Court Visitor Program: how to identify abuse, how to work with incapacitated individuals. APS is open for cooperation with the Courts and will train the staff once the protocol for the Court Visitor Program is in place.

Also present was Daniel Musto, head of the Utah **Long-Term Care Ombudsman** (LTCO) office <http://www.daas.utah.gov/ombudsman/index.html>. As mandated by the Older American's Act, LTCO's mission is to seek resolution of problems and advocate for the rights of residents of long term care facilities with the goal of enhancing the quality of life and care of residents (60 years old and above). The Ombudsman Program specifically assists consumers of long-term care services. The Ombudsman works with the resident to seek resolution of concerns or complaints related to the provision of long-term care services. Long-term care facilities that LTCO works with are assisted living of level I and II, and nursing homes. APS does the intake of cases for the Ombudsman office.

Suggested way of cooperation between LTCO and the Courts is when a complaint is received from a resident that does not necessarily qualify as abuse or neglect (e.g. emotional abuse), in this case a visitor might be appointed. It would be better for the LTCO or APS to contact the general Court number and request would be routed to the appropriate clerk, and then passed on to the judge for action. It was agreed that AOC will provide agencies with access to XChange database to look up the information on the corresponding court where the case belongs to in order to take an action.

Salt Lake County Attorney office was represented by Alicia Cook, Assistant SL County Attorney. Part of the cases prosecuted by the agency involve abuse of the incapacitated individuals. There is a way of cooperation with the Courts by having court visitors serve as witnesses at the trial. A point was made that victim advocates are almost invisible in the court process and court visitors can serve as a resource to help the State of Utah prove the case. It would be important to inform visitors volunteers on possibility serving as a witness and SL County Attorney office can provide training in that regard.

One of the tools to prevent or stop abuse would be looking at the police reports. In this case visitor needs to get Court order to receive access to these records. Random assignments to visit protected person might be another tool to prevent possible aggravated situations.

Committee approved items on the agenda regarding **training for the judges and clerks**:

1. Purpose of the Court Visitor Volunteer Program
2. Who are the Court Visitors: how they are selected, background check, interview, reference check
3. Roles volunteers can perform and their limits: visitors, auditors, records researchers, educators
4. When to appoint visitors: cases with red flags
5. How to communicate with volunteers and get them appointed
6. Reports of the visitors and recommendations for action
7. Participation in volunteer evaluation and recognition
8. Community resources available for protected persons and guardians

Committee recommended adding the following items to the training for judges and clerks:

1. Information on the needs addressed by the Court Visitor Program. National Center for State Courts currently has a new curriculum on Elder Abuse available for the State Courts that is available to use.
2. Procedures to be followed by the Judge when referral is received from the APS or LTCO.
3. Encourage judges to make themselves available for the court visitors to provide direction on the assignment during visit versus a court visitor being advised by legal counsels on both sides on the tasks to be accomplished.
4. Ensuring that the parties receive visitor's report before the hearing.

Tab 2

This is a private record.

My Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

Respondent

Visitor's Report on Request to Waive Respondent's Presence

Case Number

Judge

(1) The court appointed me to investigate why the Respondent's presence at the hearing should not be required. During my investigation I:(Choose all that apply.)

- interviewed the Respondent;
- interviewed the proposed guardian,
- interviewed _____
(name and relationship to Respondent)
- visited the Respondent's residence;
- conducted other observations. (describe)

(2) The Respondent lives:

- Alone
- With _____ (name and relationship)
- Licensed facility _____ (name)
- Other _____ (describe)
- Unable to determine

(3) The Respondent's ability to travel to the hearing is

- Good
- Fair
- Poor
- Unable

Why?

(4) The Respondent's ability to communicate at the hearing is

- Good
- Fair
- Poor
- Unable

Why?

(5) The Respondent's ability to understand is

- Good
- Fair
- Poor
- Unable

Why?

(6) What accommodations would help facilitate the Respondent's participation at the hearing?

Date

Sign here ► _____

Typed or Printed Name _____

Certificate of Service

I certify that I served a copy of this Visitor's Report on Request to Waive Respondent's Presence on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Petitioner or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Respondent or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ► _____

Date _____

Typed or Printed Name _____

This is a private record.

My Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>In the Matter of Protection for _____,</p> <p>Respondent</p>	<p>Court Visitor's Report on Visits</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p>
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(1) Summary. If you feel that the Respondent's needs are not being met, if your score levels are fair or poor, or if you have concerns about the Respondent's care, explain in the "comments" section. (Attach additional pages if necessary).

Respondent's Circumstances	Excellent	Good	Fair	Poor	No Opportunity to Observe
Overall	<input type="checkbox"/>				
Relationship with proposed guardian	<input type="checkbox"/>				
Environment is safe and clean	<input type="checkbox"/>				
Activities of daily living are being met	<input type="checkbox"/>				
Financial needs are being met	<input type="checkbox"/>				
Physical needs are being met	<input type="checkbox"/>				
Medical needs are being met	<input type="checkbox"/>				
Social / recreational needs are being met	<input type="checkbox"/>				

Comments

(2) Daily Functions

	Level of Impairment				
	None	Mild	Moderate	Severe	No Opportunity to Observe
Activities of daily living (ADLs: bathing, grooming, dressing, mobility, toileting, eating, taking medication, etc.)	<input type="checkbox"/>				
Instrumental Activities of Daily Living (IADLs: medication acquisition and monitoring, food shopping and preparation, transportation, paying bills, protect assets, resist fraud, etc.)	<input type="checkbox"/>				
Medical decision making (reason about health, express a choice, and understand, information, etc.)	<input type="checkbox"/>				
Care of home and functioning in community (manage home, health, telephone, mail, drive, leisure, etc.)	<input type="checkbox"/>				
Other civil, legal, or safety matters (sign documents, vote, retain legal counsel, etc.)	<input type="checkbox"/>				
Comments					

What accommodations would help the Respondent? (Choose all that apply.)

- | | | |
|--|---|--|
| <input type="checkbox"/> 24-hr. supervision | <input type="checkbox"/> Housekeeping | <input type="checkbox"/> Recreation or outings |
| <input type="checkbox"/> Bathing | <input type="checkbox"/> Manage financial affairs | <input type="checkbox"/> Skilled nursing care |
| <input type="checkbox"/> Day care program | <input type="checkbox"/> Meal preparation | <input type="checkbox"/> Toileting |
| <input type="checkbox"/> Dressing | <input type="checkbox"/> Medication monitoring | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Feeding | <input type="checkbox"/> Occupational therapy | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Grooming | <input type="checkbox"/> Physical therapy | _____ |
| <input type="checkbox"/> Health care decisions | <input type="checkbox"/> Provide necessities | _____ |

(3) Behavior

	Level of Impairment				
	None	Mild	Moderate	Severe	No Opportunity to Observe
Rambling, nonsensical, or incoherent thinking	<input type="checkbox"/>				
Seeing, hearing, smelling things that are not there	<input type="checkbox"/>				
Extreme suspiciousness; believing things that are not true against reason or evidence	<input type="checkbox"/>				
Uncontrollable worry, fear, thoughts, or behaviors	<input type="checkbox"/>				
High mood, high energy, sleeplessness	<input type="checkbox"/>				
Sad or irritable mood	<input type="checkbox"/>				
Acting without considering consequences	<input type="checkbox"/>				
Disinhibition; acting with hostility, anger or violence	<input type="checkbox"/>				
Refuses to accept help or follow directions	<input type="checkbox"/>				
Sexual inappropriateness	<input type="checkbox"/>				
Wandering	<input type="checkbox"/>				
Comments					

Certificate of Service

I certify that I served a copy of this Court Visitor's Report on Visits on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Petitioner or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Respondent or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ► _____

Date _____

Typed or Printed Name _____

Tab 3

Court Visitor Volunteer Program

Draft Training Agenda

January 24, 2012

1. Training for all volunteers

- a. Introduction: the need in the Court Visitor Program, what problems we will be addressing, why it is important. History of program development (**Supreme Court Judge/ Presiding Judge/ Probate Judge**)

Learning objectives: As a result of this session, volunteers will be more committed to the goals of the Court Visitor Program and will be able to volunteer for a more extended period of time, they will be able to identify the program goals, and tell why this program is important.

- b. Structure of the program: what, where, when (**Program Coordinator**):

- Introduction of Court's staff

Learning objectives: Volunteers will become familiar and recognize court's staff and how to contact them

- Overview of the volunteer roles

Learning objectives: Volunteers will be able to explain what volunteer roles are and the scope of their responsibilities.

- What we are going to learn

Learning objectives: Volunteers will be able to list topics that will be covered during training.

- c. Guardianship law and court procedures (**experienced probate attorney – Kent Alderman/Maureen Henry/ Mary Jane Ciccarello; professional guardians: Guardianship Associates of Utah/Age Connections/ElderCare Consult; Court staff**)

Learning objectives: Volunteers will be able to describe how the guardianship is imposed and explain the court procedures in guardianships.

- d. Who are the people we will be helping:

- Vulnerable adults, what conditions they live in (**Professional guardians, Division of Services for People with Disabilities, Division of Substance Abuse and Mental Health, National Alliance on Mental Illness, University of Utah Center on Aging,**

Gerontology Interdisciplinary Program of the University of Utah College of Nursing)

Learning objectives: Volunteer visitor will be able to recognize and describe various types of disabilities that they will encounter during visits. Court auditors and records researchers will get a general idea of who the PP are, and they will be able to focus on the best interest the PP while reviewing financial reports and updating court records.

- Guardians (**Utah Caregiver Support Program, professional guardians, Jewish Family Service**)

Learning objective: Volunteers will be able to describe the role of the guardian and the difficulties and burdens associated with that role.

- Conservators (**Stagg ElderCare Services**)

Learning objective: Volunteers will be able to describe the role of the conservator and the responsibility associated with that role.

- Judges, court clerks (**Judge, AOC Senior Staff Attorney, Probate Case Manager**)

Learning objective: Volunteers will be able to explain how their work will help the probate judge make better decisions and how they will help the clerks to better do their job.

e. Overview of the problems in guardianships:

- Abuse and neglect of vulnerable adults (**Adult Protective Services, Long Term Care Ombudsman**)
- Financial exploitation (**State Department of Commerce, Division of Securities, Keith Woodwell; Utah Department of Human Services, Division of Aging and Adult Services, Jilene Gunther**)
- Available community resources, referrals

Learning objectives: Volunteers will be able to identify when abuse, neglect and financial exploitation take place in guardianship. Volunteers will also be able to list resources available to vulnerable adults to stop or prevent harmful situation.

f. Ethics and confidentiality – the volunteer role and its limits (**AOC attorney**)

Learning objective: Volunteers will be able to explain the importance of confidentiality in guardianships. They will be able to tell what sanctions will be taken in case of breach of oath; they will be able to demonstrate that they can act ethically in such sensitive matters.

- g. Program evaluation (**Program Coordinator, AOC Senior Staff Attorney**)

Learning objectives: Volunteers will agree and will fill out the evaluation forms required by the program. They will recognize the importance of program evaluation in improving the Court Visitor Program.

2. Training for Court Visitors

- a. Role and duty of the visitor

Learning objectives: Volunteers will be able to describe tasks they will have to accomplish during visit.

- b. Court case files – how to find them, how to read them, what information to get from them

Learning objectives: Volunteers will be able to identify forms and documents in the guardianship file and tell if some are missing. They will be able to extract information necessary to perform a visit: names of PP, guardian and interested parties, addresses, medical condition of the PP, history of the case and the latest information entered in the case.

- c. Typical physical and mental conditions affecting individuals under guardianship

Learning objectives: Volunteers will be able stay focused on the task of impartially observing and taking notes of what they see and hear, when they go into the homes/places of residence of the protected persons. Volunteers will demonstrate ability to communicate as equals with persons under guardianships, and apply effective communication techniques (reference to volunteer manual: communication do's and don'ts).

- d. 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

Learning objectives: Volunteers will become familiar with the process of performing a visit and they will apply step by step approach at the time of the visit. They will have operational knowledge of the responsibilities and limits of the guardian, they will be able to employ communication tips and affirmative language at the time of interview with PP and the guardian, and avoid any potential conflict.

- e. Safety matters

Learning objectives: Volunteers will be aware of their surroundings at the time of the visit and employ safety tips learned in the classroom, as well as common sense. Volunteers will be

able to assess the situation and withdraw early if necessary. Volunteers will be able to state who to contact in case of emergency.

- f. Filling out the Court Visitor report. How to make recommendations to the court

Learning objectives: Volunteers will become familiar with the guardianship file before going on a visit, they will read through the information required in the court visitor report and take notes at the time of the visit that will help them write a full court visitor report. Volunteers will write recommendations to the court if change is necessary in the situation of the PP. Recommendations will be based on and refer to the facts identified at the time of the visit.

- g. Accompanied visit and follow up discussion

Learning objectives: The goal is for volunteers to be able to transition from a supervised visit to performing visit independently and become comfortable with the role of the court visitor. After the supervised visit volunteers will be able raise questions they have about the visit, court procedures, communication techniques, etc. During this follow discussion they will be able to describe any difficulty they have with performing a visitor role and practice to address that problem.

3. Training for Court Auditors

- a. Basics of auditing policy, court practices

Learning objectives: Volunteers will be able to describe court practices in financial auditing of the conservatorship cases.

- b. Roles and duties of conservator

Learning objectives: Volunteers will be able to state tasks they will have to accomplish as court auditors.

- c. How to read the accounting and conservatorship file, what to look for: common problems “red flags in conservator accounting

Learning objectives: Volunteers will be able tell what forms and documents have to be in the conservatorship file. Volunteers will be able to recognize “red flags” while looking through the financial reports of the conservatorship case; they will be able to identify missing information or any inconsistencies in the file.

- d. Steps in the review, how to fill out the Court Auditor report and write recommendations to the Court.

Learning objectives: Volunteers will be able to critically examine annual conservatorship reports and write a clear court auditor report based on their findings. Volunteers will write recommendations with the goal to change/stop/improve the current situation of the PP, if e.g.: financial exploitation is taking place, a better conservator is needed, or some training should be provided to the existing conservator.

- e. What happens to the review

Learning objectives: Volunteers will be able to prepare recommendations to the court and will be able to accept the decision of the Court's staff on what happens to the auditing report: e.g.: recommendations accepted or not.

- f. On the job training and supervision

Learning objectives: Volunteers will be able to list resources available for them in case of questions. They will discuss problems that come up during review with the coordinator or an expert provided by the coordinator. The goal is for the volunteers to be able to perform independent auditing review, fill out the report and write recommendations to the court with minimum supervision.

4. Training for Records Researchers

- a. Court procedures in guardianship and conservatorship matters

Learning objectives: Volunteers will be able to describe how guardianship is imposed and the accompanying court procedures.

- b. Checklist of documents for guardianship and conservatorship file

Learning objectives: Volunteers will be able to list forms and documents required in guardianship/conservatorship procedure. They will be able to identify if some information is missing and/or insufficient.

- c. Locating the guardian if the contact information is missing in court files

Learning objectives: Volunteers will be provided with tools to locate the PP, guardian or other interested parties. Volunteers will be able to investigate and locate the missing contact.

- d. Working with the probate clerk and Court Visitor Coordinator. Building blocks in establishing trusting relations with Court's staff.

Learning objectives: Volunteers will establish positive and trusting working relations with the probate clerk and program coordinator, as they will be the primary sources of information and contacts for records researchers.