

Agenda

Court Visitor Steering Committee

February 28, 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 January meeting	Tab 1	
Visitor report forms	Tab 2	Mary Jane Ciccarello Tim Shea
Training for judges and court staff	Tab 3	Karolina Abuzyarova
Screening	Tab 4	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.

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

January 24, 2012

Committee discussed court visitor forms and volunteer training curriculum. Clara McLane, Director of Older Adult Services and Counselor of the Jewish Family Service attended the meeting and provided a valuable input from the non-profit perspective.

Program Coordinator informed the committee on the progress with **community partnership building**. Coordinator established initial contact with the following groups in the 3rd Judicial District that includes Salt Lake, Summit and Tooele Counties: University of Utah College of Social Work, AARP, RSVP, Utah State University Social Work Program, Disability Law Center, Jewish Family Service, Neighbors helping Neighbors Interdisciplinary Program of the University of Utah. In the 7th District that includes Carbon, Emery, Grand and San Juan Counties, Coordinator met the following groups of Price and Moab: Directors of Senior Centers, Active Reentry Centers for Independent Living, Area Agencies on Aging, Volunteer Centers, Utah State University Social Work Program, and Four Corners Community Behavioral Health.

Coordinator reminded the **timeline** of the project: volunteer recruitment in February, selection of volunteers with background checks in March and trainings to be held in April-May.

Discussion on forms focused on **Visitor's Report on Request to Waive Respondent's Presence** and **Court Visitor's Report on Visits**. It was suggested to make several edits to both reports:

1. Add reference to a statute on the forms that would help both self represented litigants and the judge;
2. On the waiver form add a line on the respondent's desire to attend a hearing even if the ability to travel is assessed as poor;
3. And on the report on visits form to move point (5) "the scope of research" to the front page of the form, so that it is easier to see how volunteer gathered the information on the report.

Committee did not identify any significant gaps in the draft **training curriculum for volunteers**. However, some important edits were suggested:

1. Change throughout the text the language from "volunteer recommendations" to "report on observations and findings";
2. In section 1b specify in greater detail the expectations from the visitors, time commitment for each case/length of appointment to the case, deadline of submission of the report and other general timelines.
3. In section 1f on ethics and confidentiality add information on volunteer contract and conflict of interest, if volunteer is familiar with any of the parties in the case.
4. In sections 2, 3, 4 add information on the need in the services provided by the particular type of volunteer. If the volunteer services are envisioned by the law, it should be referenced as well.
5. In section 3 on training for court auditors, it would be helpful to have an inventory of documents volunteers could go through, that would be essential tool to start the assignment.

Additionally, committee advised to extend participation in the training to legal community as a CLE.

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 _____

<p>In the Matter of Protection for _____ Respondent</p>	<p>Court Visitor's Report on Interviews and Observations</p> <p>_____ Case Number</p> <p>_____ Judge</p>
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(1) Scope. The court appointed me to inquire about:

During my inquiries, I: (Choose all that apply.)

- interviewed the Respondent;
- interviewed the proposed guardian,
- interviewed _____
(name and relationship to Respondent)
- visited the Respondent's residence;
- made the following other inquiries:

(2) Information about the Respondent.

The Respondent lives:

- Alone
- With

Name	Relationship to the Respondent

- Licensed facility _____ (name)
- Other _____ (describe)
- Unable to determine

At:

Address

City, State, Zip

Phone

Email

(3) Respondent's Values and Preferences

Is the Respondent satisfied with their living situation, medical and personal care and caregivers, and finance management?

- Yes
- No
- Unable to determine

- If no, what does the Respondent want to change?

Does the Respondent want a guardian?

- Yes No Unable to determine

- If yes, who does the Respondent want to be guardian? _____
 - Are there activities the Respondent wants to maintain or avoid?
-

- Are there relationships the Respondent wants to maintain or avoid?
-

- Are there religious or cultural traditions or practices that the Respondent wants to maintain or avoid?
-

- Are there any other preferences that the Respondent has expressed?
-

(3) Respondent's Circumstances (If you check fair or poor or if you have concerns, explain in the comments section.)

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

Comments (Attach additional pages if necessary.)

(4) Daily Functions (If you check fair or poor or if you have concerns, explain in the comments section.)

	Level of Function Observed			Level of Function Reported		
	Good	Fair	Poor	Good	Fair	Poor
Activities of daily living (ADLs: bathing, grooming, dressing, mobility, toileting, eating, taking medication, etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical decision making (reason about health, express a choice, and understand, information, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Care of home and functioning in community (manage home, health, telephone, mail, drive, leisure, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ability to protect self from harm, including physical harm, self-neglect, and financial exploitation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments (Attach additional pages if necessary.)						

(5) Behavior (If you check moderate or severe or if you have concerns, explain in the comments section.)

	Observed			Reported by Others		
	None	Moderate	Severe	None	Moderate	Severe
Rambling, nonsensical, or incoherent thinking	<input type="checkbox"/>					
Seeing, hearing, smelling things not there	<input type="checkbox"/>					
Extreme suspiciousness; believing things that are not true against reason or evidence	<input type="checkbox"/>					
Uncontrollable worry, fear, thoughts	<input type="checkbox"/>					
Acting without considering consequences	<input type="checkbox"/>					
Acting with hostility, anger or violence	<input type="checkbox"/>					
Disinhibition, sexual aggression, uncontrollable behavior,	<input type="checkbox"/>					
Refuses to accept help or follow directions	<input type="checkbox"/>					
Wandering	<input type="checkbox"/>					

Comments (Attach additional pages if necessary.)

(6) Accommodations

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 | _____ |

(7) Guardian's care for the Respondent. (If you check fair or poor or if you have concerns, explain in the comments section.)

	Level of Care Observed			Level of Care Reported		
	Good	Fair	Poor	Good	Fair	Poor
The guardian's management of the Respondent's safety, care and finances is:	<input type="checkbox"/>					
The guardian's understanding of their duties is:	<input type="checkbox"/>					
The guardian's understanding of the Respondent's rights is:	<input type="checkbox"/>					
The guardian's ability to file reports is:	<input type="checkbox"/>					
???????	<input type="checkbox"/>					
Comments (Attach additional pages if necessary.)						

Sign here ► _____

Date

Typed or Printed Name _____

Certificate of Service

I certify that I served a copy of this Court Visitor's Report on Interviews and Observations 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		
(Interested Person)	<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.)		
(Interested Person)	<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 for Judges and Staff

February 28, 2012

1. Purpose of the Court Visitor Volunteer Program. Information on the needs addressed by the Court Visitor Program. (National Center for State Courts has a new curriculum on Elder Abuse available at <http://www.eldersandcourts.org/curriculum/index.html>)

Learning objective: Judge and court staff are able to describe the importance of the guardianship cases from the perspective of the human rights of the protected person, the scale of abuse, neglect and financial exploitation of vulnerable adults in Utah. They are able to identify the program goals and recognize the needs addressed by the Court Visitor Program. They are able to identify the difficulties faced by the guardians in performing their role and the resources available in the community for protected persons and guardians or prospective guardians.

2. Who are the Court Visitors: how they are selected, background check, interview, reference check.

Learning objectives: Staff are able to establish an effective and trusting working relationship with court visitors. They are able to follow the procedures of the program and provide volunteers with access to the guardianship files the visitor is assigned to work on.

3. Roles volunteers can perform and their limits: visitors, auditors, records researchers, educators.

Learning objectives: Judges and staff are able to explain volunteer functions and communicate a need for a particular type of volunteer to the program coordinator. Judges and staff do not employ volunteers beyond the limits of the case or the role to which the volunteer is assigned.

4. When to appoint visitors: identify cases that might benefit from the appointment of a court visitor.

Learning objectives: Judges and staff are able to identify cases that might be problematic or might otherwise benefit from the appointment of a court visitor. Judges and staff process information received from lawyers, interested persons, Adult Protective Services or the Long-Term-Care Ombudsman.

5. How to communicate with volunteers and get them appointed.

Learning objectives: Courts staff are able to follow the program procedures when the judge wants to appoint a court visitor and contact the program coordinator with a request for a

particular case. Judges are able to provide direction to the visitor rather than a visitor being advised by the parties or lawyers.

6. Reports of the visitors and recommendations for action. Ensuring that the parties receive visitor's report before the hearing.

Learning objectives: Judges read visitor's reports and are able to decide if further action is needed, e.g.: to send a volunteer for a follow up visit, change current guardianship or only appoint a limited guardianship. Staff send the visitor's report to all interested parties before the hearing.

7. Participation in volunteer evaluation and recognition.

Learning objectives: Judges and staff are able to timely fill out the surveys on volunteer performance. Judges are able to speak before a group of volunteers as part of the training or a recognition event.

Tab 4

Screening

Minor criminal offenses

Juvenile offenses

Minimum age

Legal residence