

Working Interdisciplinary Network of Guardianship Stakeholders

January 14, 2015 summary minutes

Attending:

Judge Kate Toomey, Chair
Karolina Abuzyarova, Staff
Nancy Sylvester, Staff
Judge David Connors
Kent Alderman
Ellen Silver
Lisa Thornton
Shannon Alvey
Erica Wood, guest (remote)
Rep. Becky Edwards, guest

The November 19, 2014 meeting minutes were approved.

Erica Wood, Assistant Director of the Commission on Law and Aging of the American Bar Association, represented the National Guardianship Network at the meeting and made a presentation on the nature of guardianship reform and on WINGS groups that are leading the effort throughout the country. She shared information about the milestones and challenges in developing and maintaining WINGS, as well as accomplishments achieved. Ms. Wood is available as a technical assistance resource for Utah WINGS and can be reached at Erica.Wood@americanbar.org. Staff attorney, Nancy Sylvester, inquired into whether assistance with drafting rules on running background checks for proposed guardians would be available through the NGN and Ms. Wood confirmed that it could be.

Kent Alderman, chair of the education subcommittee, reported on his work with Mary Jane Ciccarello and Ellen Silver on the three-part education program: 1) How to avoid guardianship (Mary Jane); 2) Emergency guardianship: court process, medical evidence, and reporting requirements (Kent Alderman); and 3) Resources to support guardians (Ellen Silver). The idea is to have presentations at either senior centers or public libraries and have them recorded and posted on the Court's YouTube channel.

Sessions will be offered in April, May and June 2015. Mr. Alderman noted that May is national elder law month. The committee in turn noted that the focus is not solely on the elderly, but on all adults with diminished capacity. The committee also discussed recording and location options for the presentations, such as the AOC Education Room, which has built in equipment. The committee expressed concern about acoustics and the room's ability to fit a large group. Ellen Silver suggested a private filming company that she has worked with in the past. It was also suggested that the Area Agencies on Aging could co-sponsor the event. When asked which was more important, recorded videos or live classes, Mr. Alderman said the live and open to the public classes are a priority.

The committee welcomed Lisa Thornton, a new member of WINGS representing the Utah Parent Center. Ms. Thornton's daughter has Prader-Willi Syndrome and Ms. Thornton is president of the Utah Prader-Willi Syndrome Association. She is an attorney and has done several pro bono/low bono guardianships over the last five years for families. Ms. Thornton said the guardianship process is complex and needs to be streamlined and simplified. Ms. Sylvester and Ms. Abuzyarova emphasized the need for a balanced approach so that persons with diminished capacity receive the help they need but are also protected from abuse, neglect and exploitation.

Another guest attending the meeting was a representative from District 20, Rebecca "Becky" Edwards. Rep. Edwards supported Ms. Thornton's proposal to make the guardianship process

more streamlined for parents and guardians whose children are turning 18. Rep. Edwards welcomed feedback from the committee on the proposed legislation. Judge Connors brought a “wish list” item of establishing a Guardian Ad Litem Office for Adults or, alternatively, a Guardianship Ombudsman Office. The ombudsman office was identified by the WINGS Committee in the very beginning, but was abandoned due to the lack of funds needed to pursue it. Judge Connors pointed out that if this were sponsored by a legislator with an attached fiscal note this idea could come to fruition.

Ms. Sylvester provided an update on the Guardianship Signature Program. The program will offer an online training (OTP) on guardianship for attorneys who choose to take pro bono and low bono cases. The goal of the program is to provide respondents in guardianship cases with representation. This project is a partnership with the Utah State Bar, and the list of attorneys who sign up and who have certified to competence in guardianship cases will be forwarded to the probate clerks in each district. Once a case comes in showing a respondent without counsel, the clerks will send out an email with a request for representation. The first attorney to respond will be appointed. Judge Connors inquired as to why the Bar’s Modest Means/Pro Bono Coordinator doesn’t place the request. Ms. Sylvester said she would look into it and provide a response at the March meeting. The Guardianship Signature Program is expected to be launched in February 2015 and will be announced in the Bar President’s message.