

To: Utah Judicial Council  
 From: Judge Keith A. Kelly, Chair, Utah WINGS  
 Re: Utah WINGS Update  
 Date: January 25, 2021

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Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a problem solving body that relies on court-community partnerships to:

- Oversee guardianship practice in the Courts;
- Improve the handling of guardianship cases;
- Engage in outreach/education; and
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS meets every two months. WINGS is effective through participation of key stakeholders who understand and are in a position to improve the Courts' guardianship processes.

**WINGS Executive Committee:**

1.	Keith A. Kelly	Judge, WINGS Chair	3 <sup>rd</sup> District
2.	Brant Christiansen	Attorney/Partner	Lewis Hansen Law Firm
3.	Nels Holmgren	Director	Division of Adult and Aging Services
4.	Nan Mendenhall	Director	Adult Protective Services
5.	Andrew Riggle	Public Policy Analyst	Disability Law Center
6.	Nancy Sylvester	Associate General Counsel	Administrative Office of the Courts
7.	Shonna Thomas	GRAMP Program Coordinator	Administrative Office of the Courts
8.	Michelle Wilkes	Court Visitor Program Coordinator	Administrative Office of the Courts

**Steering Committee:**

1.	James Brady	Judge	4 <sup>th</sup> District
2.	David Connors	Judge	2 <sup>nd</sup> District
3.	Kent Alderman	Attorney/Partner	Lewis Hansen Law Firm
4.	Shane Bahr	District Court Administrator	Administrative Office of the Courts
5.	TantaLisa Clayton	Attorney / Director	Utah Legal Services
6.	Rob Denton	Attorney	Attorney at Law
7.	Jeff Daybell	Staff Attorney	Access to Justice, Utah State Bar
8.	Rob Ence	Director	Utah Commission on Aging
9.	Xia Erickson	Director	Office of Public Guardian
10.	Wendy Fayles	Criminal Justice / Mentor	National Alliance on Mental Illness
11.	Michelle Miranda	Clinical Neuropsychologist	University of Utah School of Medicine
12.	Daniel Musto	Administrator	Long-term Care Ombudsman
13.	Alan Ormsby	State Director	AARP
14.	Nancy Sylvester	Associate General Counsel	Administrative Office of the Courts
15.	James Toledo	Program Manager	Utah Division of Indian Affairs
16.	Norma Valavala-Ballard	Judicial Case Manager	4 <sup>th</sup> District
17.	Todd Weiler	Senator	23 <sup>rd</sup> District
18.	Kaye Lynn Wootton	Assistant Attorney General	Medicaid Fraud Control Unit

## **Accomplishments:**

- CJA Rule 6-507. Approval for this new rule was an important accomplishment for WINGS in 2020. This rule codifies and details the Court Visitor Program. It also defines the process required for review of the reports submitted by Court Visitors. Reports will now be accompanied by a Request to Submit for Decision, to place review of the reports on tracking. In accordance with Rule 3-101, Judges will have 60 days to review and make findings on the report. The new rule went into effect on November 1, 2020.
- Court Order Revision. Due to COVID-19, all Court Visitor activities were moved to remote/virtual platforms. A Court Visitor raised concerns about ensuring privacy and confidentiality and limiting undue influence during Court Visitor interviews in these new environments. WINGS collaborated with the Court Visitor Program to resolve this concern. Approved language was added to the existing court orders for assigning a Court Visitor that placed restrictions on recording interviews and emphasized confidentiality practices.
- Court Partnerships. WINGS has developed and maintained positive relationships within other areas of the court system, including the Clerks of Court, Court Services, and various court committees such as the Juvenile Rules committee and the Probate subcommittee. WINGS members have attended meetings and collaborated with these entities throughout 2020, as well as invited individuals to WINGS meetings to discuss current and new issues and to offer suggestions and recommendations.
- Community Partnerships. WINGS provided an audience and networking connection for several community programs, allowing them to share information, and expand access and reach to their important services. For example, WINGS hosted Kate Nance, an Elder Law attorney working with Adult Protective Services to develop pro bono virtual clinics for vulnerable adults aimed at reducing the risks of financial exploitation in this population. Similarly, the Commodity Supplemental Food Program presented in a WINGS meeting and provided their materials for WINGS stakeholders to share within their organizations.
- National WINGS Recognition. Utah WINGS continues to have a presence and positive reputation on the national stage. For example, the National WINGS organization and the Massachusetts Guardianship Policy Institute invited the Court Visitor Program to present at the Colloquium on Guardianship Oversight in December 2020.
- Court Visitor Appreciation. An Appreciation Event was held in February 2020, to celebrate the hard work and contribution of the Court Visitor volunteers. Several WINGS members attended and were able to share with Court Visitors their experiences with the Court Visitor Program, including the value they bring to the courts and guardianship cases.

## **Current & Upcoming Projects:**

In April 2020, WINGS meetings moved online due to the COVID-19 pandemic; however, ongoing WINGS projects have not been disrupted. Current and upcoming projects include:

- Guardianship Education / Manuals. WINGS has been working on updating materials used in guardianship processes. These include the guardianship manual used by court staff and the

basic guidelines manual provided to proposed and newly appointed guardians. In 2020, both manuals underwent the revision and review process from WINGS stakeholders and WINGS subcommittees. They are now moving into the final phase of the process, which includes review of the final draft and approval from the appropriate court committees.

- Reminder Notice System. WINGS has been interested in improving compliance with annual reporting by guardians/conservators. The current system in place for annual guardianship reports includes sending notice to guardians/conservators when reports are past due. The 4<sup>th</sup> district clerks have also implemented a reminder system to reach out to guardians 60 days *before* their reports are due. Through collaboration between WINGS stakeholders, 4<sup>th</sup> district probate staff, Clerks of Court, and Court Services, a Reminder Notice System is ready to be implemented in a few volunteer districts, to determine its efficacy and success rate in other areas of the state. WINGS anticipates rollout of this system in early 2021.
- Annual Report Review Process. WINGS continues to work to address concerns related to a standard review of submitted annual reports in guardianship cases. This item was brought before both the Clerks of Court and the Board of District Court Judges for discussion and input. Based upon their feedback, in late 2020, WINGS created a draft coversheet to assist judges in their review process. This coversheet draft will be submitted for review and approval in early 2021.
- CJA Rule 6-501. This rule reflects the annual report review process. WINGS stakeholders identified gaps in the rule where additional language could help clarify. In December 2020, WINGS formed a subcommittee to review the language in this rule and make recommendations for suggested language additions. The subcommittee will meet in January 2021 to begin this project.
- Guardianship for School Purposes / Limited Guardianship of a Minor. WINGS was approached to look more closely at guardianships of minors. Concern was raised about authorization of limited guardianship of minors and the use of alternatives to guardianship. WINGS stakeholders plan to delve deeper into this concern in 2021, and compile suggestions for possible solutions.