

WINGS Tips

State Replication Guide For Working Interdisciplinary Networks Of Guardianship Stakeholders

2014



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Disclaimer

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WINGS Tips

State Replication Guide For Working Interdisciplinary Networks Of Guardianship Stakeholders

2014

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Introduction

The 2011 Third National Guardianship Summit, sponsored by the National Guardianship Network, made a key recommendation for change. It called for **coordinated state court-community partnerships**—“Working Interdisciplinary Networks of Guardianship Stakeholders” or “WINGS.” Such broad-based, collaborative working groups can drive changes that will affect the ways courts and guardians practice, and improve the lives of people who have or may need guardians.

States have lacked this kind of ongoing mechanism to continually evaluate “on the ground” guardian practice, to consistently target solutions for problems, and to ensure regular communication among stakeholders.

All too often, state task forces identify and advocate for needed legislative changes, but may not continue functioning for long-term implementation of the changes—and may not always include the essential gamut of stakeholders in the judicial, legal, aging, disability, guardianship, and mental health networks.

Over the past 25 years, adult guardianship reform recommendations repeatedly have urged the creation of court-community partnerships, and the 2011 Summit recommendation for WINGS builds on this history:

- **A 1988 National Guardianship Symposium** (“Wingspread”) proposed the development of “multidisciplinary guardianship and alternatives committees” to “serve as a planning, coordinating and problem-solving forum for the state’s guardianship system.”
- **The 2001 Second National Guardianship Conference** (“Wingspan”) suggested that state and local jurisdictions have an “interdisciplinary entity focused on guardianship implementation, evaluation, data collection, pilot projects, and funding.”
- **Follow-up 2004 “Action Steps”** emphasized that these interdisciplinary entities are at the core of adult guardianship practice improvement.
- **A 2010 Conference of State Court Administrators** report recommended the establishment of statewide guardianship task forces to resolve guardianship issues.

The Third National Guardianship Summit and the WINGS initiative are sponsored by the National Guardianship Network



The National Guardianship Network, established in 2002, consists of 11 national organizations dedicated to effective adult guardianship law and practice.

These organizations are

- AARP
- The American Bar Association Commission on Law and Aging
- The American Bar Association Section of Real Property, Trust and Estate Law
- The Alzheimer’s Association
- The American College of Trust and Estate Counsel
- The Center for Guardianship Certification
- The National Academy of Elder Law Attorneys,
- The National Center for State Courts
- The National College of Probate Judges
- The National Disability Rights Network
- The National Guardianship Association

See www.NationalGuardianshipNetwork.org

Introduction

To encourage the implementation of WINGS, the National Guardianship Network sought and received support from the **State Justice Institute** and the **Albert and Elaine Borchard Foundation Center on Law and Aging** to help initiate state WINGS pilots. The aim was for the state's highest court to partner with community agencies and groups in establishing and maintaining a WINGS entity to:

- Identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision-making options;
- Address key policy and practice issues;
- Engage in outreach, education and training; and
- Serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults in or potentially in the guardianship and alternatives system.

The National Guardianship Network NGN selected four WINGS pilot states:

- The *New York* State Unified Court System;
- The *Oregon* State Unit on Aging, with leadership from the Oregon Judicial Department;
- The *Texas* Office of Court Administration; and
- The *Utah* Administrative Office of the Courts.

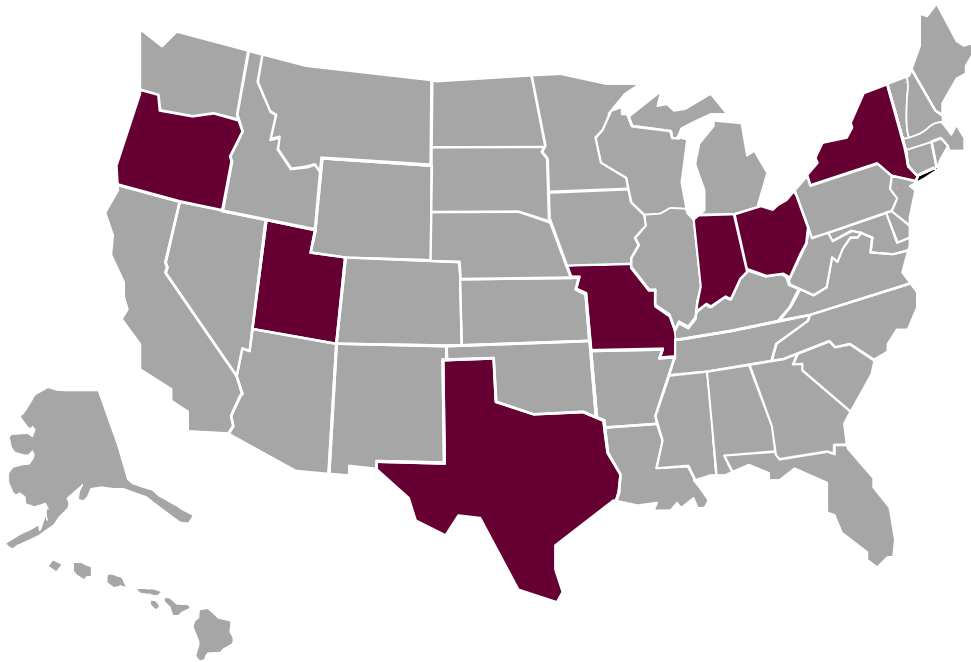
Three additional states already had such consensus and problem-solving groups in place or underway.

- In *Ohio*, an interdisciplinary Subcommittee on Adult Guardianship has been established under the state Supreme Court's Advisory Committee on Children, Families & the Courts.
- In *Missouri*, MO-WINGS grew out of a broadly inclusive task force convened by the Missouri Developmental Disabilities Council.
- In *Indiana*, an Adult Guardianship State Task Force also serves as a WINGS entity.

With these state WINGS groups underway, the National Guardianship Network seeks to build on their experience, offering guidance to additional states. *The goal is for all states to have WINGS—and for WINGS to work consistently and collaboratively over time to address adult guardianship issues and improve practice.*

WINGS States:

Indiana, Missouri, New York, Ohio, Oregon, Texas, Utah



In 2011, a trailblazing article on social change entitled “Collective Impact” stated that “Large-scale social change comes from better cross-sector coordination rather than from the isolated intervention of individual organizations” (Kania & Kramer 2011).

The concept of “collective impact” centers on bringing a group of important actors from different sectors to a common agenda. It involves highly structured collaborative efforts focused intensively on a tough social problem. The uneven practice of adult guardianship and inadequate use of less restrictive decision-making options is exactly such a challenging social/judicial problem. Courts, adult protective services, aging and disability agencies, and other stakeholders all have faced sobering budget constraints, and if guardianship is going to be improved, they **must come together** to do it.

Based on the “collective impact” concept and on the experience of the 2013 WINGS pilots, here are *ten hallmarks* of WINGS, and *ten steps* to launching and maintaining WINGS.

“ Large scale social change comes from better cross-sector coordination rather than from the isolated intervention of individual organizations. ”

Kania & Kramer 2011



The Indiana Adult Guardianship State Task Force, which became an Indiana WINGS group, in 2008 brought together over 35 member organizations supported by the major state agencies providing services to adults. In 2013, the Task Force secured legislative appropriations for volunteer guardian programs, an adult guardianship registry and establishment of an Office of Adult Guardianship.



“Stakeholders work in disciplines that rarely overlap and are often geographically disparate from each other, with limited opportunities to collaborate and coordinate efforts to advance New York’s guardianship system.”

New York WINGS sought to bring them together (New York WINGS 2014 Final Report).

Ten WINGS Hallmarks

1. WINGS groups are ongoing and sustainable.

WINGS is about constant, measurable, incremental changes over a long period that gradually make for a better system. Creating WINGS for your state is not about forming a group to tackle a single guardianship problem and closing the books. Instead, WINGS groups step back and take a broader, more sustained, long-term view—which might well include education, advocacy, and legislative objectives but looks beyond them.

In other words, don’t just produce a handbook, pass a law, or create a time-limited task force, but galvanize a process to **continually promote desired practices** through the efforts of all stakeholders.

This kind of continuous action for change, continuous striving for improved practices, requires an ongoing coordinator. Since guardianship is a judicial process, and since courts are highly visible and influential stakeholders whose buy-in is critical, courts are probably best positioned to coordinate an ongoing WINGS effort.

2. WINGS are broad-based and interdisciplinary, including non-professionals.

Successful WINGS groups draw from the judicial, legal, aging, disability, guardianship and mental health networks, and more. Required stakeholders for the 2013 pilots included the court, the state unit on aging, adult protective services, and the protection and advocacy agency providing legal services for people with disabilities. NGN strongly encouraged involvement of Social Security Administration and Veterans Affairs regional representatives as well.

States went far beyond this, adding the bar association and a host of others (see Launch Step 2 on p. 12), seeking diversity in fields, expertise, geography, and minority status.

A broader range of stakeholders will spark more communication and understanding statewide.

3. WINGS are problem-solving in nature.

WINGS groups bring stakeholders together regularly—opening doors to communication and focusing collectively and intensively on problems that in the past have seemed intractable.

For example

- How can solid screening for other decision-making options become a regular practice?
- How can family guardians be consistently supported and educated?
- How can courts with resource constraints best oversee and assist guardians?

Since each stakeholder brings a unique perspective and familiarity with resources, a structured consensus-building process often can produce imaginative solutions not yet envisioned or tried.

4. WINGS groups look primarily to changes in practice, and extend beyond legislative changes.

State guardianship task forces in the past often existed for the sole purpose of crafting and passing improvements in guardianship statutory law. However, these enactments did not automatically translate into changes in practice—and problems frequently persisted.

For example, despite legislative improvements, practice in some areas may still include:

- conclusory diagnosis-based assessments,
- perfunctory hearings,
- appointment of guardians when other options would work,
- inconsistent submission of annual reports,
- uneven monitoring to spot any financial exploitation,
- lack of guardian knowledge about basic community resources,
- lack of attention to individual rights and self-determination, and
- lack of effective data collection.

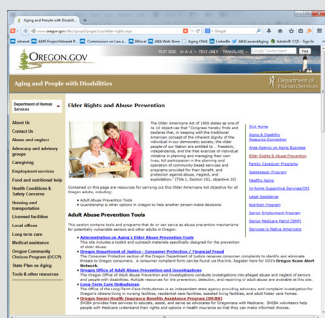
To galvanize real change, WINGS targets the on-the-ground performance by each of the stakeholder groups, and continually assesses how the performance changes are working.



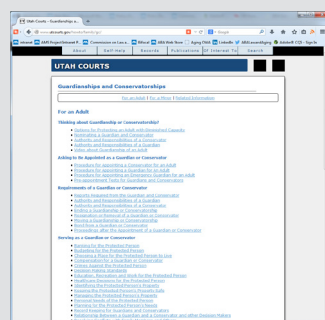
The Ohio WINGS entity, the Subcommittee on Adult Guardianship, was permanently established under the state Supreme Court’s Advisory Committee on Children, Families and the Courts. It has an ongoing mission to improve guardianship practice in the state.



Bringing together on one website state resources and forms on adult guardianship and other options can be a simple, no-cost, effective step forward. Oregon and Utah WINGS created easily accessible webpages.



Oregon website
<http://www.oregon.gov/dhs/spwpd/pages/sua/elder-rights.aspx>



Utah website
<http://www.utcourts.gov/howto/family/gc/>

5. WINGS groups start with solutions that are short-term “low-hanging fruit,” to generate momentum.

Groups that have brainstormed adult guardianship problems often come up with long lists that can seem overwhelming. Money to “fix things” is scarce to nonexistent, and changes in entrenched practices can seem daunting. Stakeholders may get discouraged and the group can fall of its own weight.

One secret to success is a series of incremental changes that add up to a large-scale difference. To build initial momentum, look first to efforts that can realistically be accomplished in a fairly short time, showing that the group is capable of producing results—and giving impetus for future successes.

Here are some examples of **doable short-term objectives**. Because different stakeholder entities bring different skills, several tasks could be in play at once with individual stakeholders or in small working groups, with progress reports at the plenary WINGS meetings.

- Develop a website or Facebook page for family guardians.
- Include a link to aging and disability resources on the court website.
- Have courts distribute information on nursing home residents’ rights to new guardians.
- Schedule a meeting between the court administrative office and the regional Social Security office responsible for representative payees.
- Increase the number of family guardians in the state guardianship association, and gear presentations toward their needs.
- Have experienced conservators mentor new conservators.
- Develop brochures or handouts about decision-making options less restrictive than guardianship.
- Use state guardianship associations to train guardians about community living and transition programs underway.
- Convene a meeting or presentation on “supported decision-making.”
- Survey courts on obstacles to limited guardianships.
- Develop an educational piece for health professionals on decision-making and guardianship.

6. WINGS depends on “mutually reinforcing activities” of stakeholders; and fosters trust and communications among them.

The core of the “collective impact” concept is that while various stakeholders may have differing perspectives, with proper coordination, they can all work around a “common agenda” (Kania & Kramer). They don’t all need to do the same thing or be involved in every aspect of the WINGS initiative. But they can all pursue activities that promote the common agenda. Kania and Kramer state that:

Collective impact initiatives [encourage] each participant to undertake the specific set of activities at which it excels in a way that supports and is coordinated with the actions of others. The power of collective action comes not from the sheer number of participants or the uniformity of their efforts, but from the coordination of their differentiated activities through a mutually reinforcing plan of action.

Thus, for instance, courts may be more interested in achieving better guardianship management and efficient administration of cases, while disability advocates may focus on ways to hear and respect the voice of the individual. Each can work on objectives that fit into the overall vision of a better, more responsive, more person-centered approach.

7. WINGS includes a focus on rights and person-centered planning.

Because guardianship is a court process, it may be natural to highlight judicial needs such as improved petition and reporting forms, stronger more informative assessment instruments, court data systems, training for judges and court administrators, and tools for monitoring guardians. WINGS can reinforce these needs and make them more visible to funders and policymakers.

But WINGS brings an equal spotlight on self-determination. Individual rights and person-centered planning were prominent themes of the 2011 *Third National Guardianship Summit* that recommended WINGS. Moreover, the principles of “supported decision-making” clearly affects adult guardianship practice, and should be recognized and advanced by WINGS (see Appendix A).



Oregon WINGS created a person-centered planning tool for guardians to better understand the individual and the decisions needed.



In Texas, WINGS reports to the Texas Judicial Council’s Elders Committee, which received public comment on the practice of adult guardianship in the state.

8. WINGS groups welcome public input, and are transparent to the public.

As public-private entities addressing an important public purpose, WINGS groups should lean toward inclusivity and transparency. Complaints about guardianship sometimes go unheard, and can fester, perhaps appearing in press exposes.

WINGS meetings could be structured to allow time for input from the public—or, WINGS groups can sponsor public hearings that invite stories, complaints and suggestions. At the same time, WINGS committees also can convene more privately to assess specific scenarios and responses to specific problems.

9. WINGS groups make continuous adaptations.

Since WINGS are ongoing entities, they continuously evaluate the priority needs and the effectiveness of their activities. As there are changes in law, administration, affected populations, practices, and resources, WINGS may alter its course.

WINGS can engage in “formative evaluations,” constantly adapting to changing circumstances. For example, if WINGS finds mid-stream that there are immediate, pressing mental health systems problems affecting guardianship, it can shape its training and advocacy objectives to better meet the specific needs.

10. WINGS groups see themselves as part of a national network.

State WINGS groups are not alone. As more states develop WINGS, they will **collectively change the face of guardianship** and the ways decisions are made by and on behalf of individuals.

State WINGS groups can benefit from WINGS in other states. For instance, in the 2013 pilots, one state created a guardianship survey, which then was adapted and used by other states.

The more each WINGS group sees itself as part of a larger national reform effort, the more it will be empowered. Together, WINGS can be a real force in driving change.

Ten Steps to Launching and Maintaining WINGS

1. Designate a coordinator and a steering committee.

Court leadership in working with community partners concerning vulnerable individuals is imperative, and is directly aligned with the *High Performance Court Framework* (National Center for State Courts 2010). State court administrators launched and coordinated three of the four 2013 pilot WINGS networks (New York, Texas, and Utah). In Ohio, the WINGS group has been made a permanent subcommittee of the Supreme Court. In Oregon, the State Unit on Aging is the coordinator, but with the strong backing of the Oregon Judicial Department as a co-partner.

The coordinator (from the state court administrative office or elsewhere) must:

- Select a key group to form the steering committee;
- Convene the steering committee regularly to plan the first WINGS meeting;
- Secure a meeting space and manage meeting logistics;
- Compile and disseminate notes or a report on the first and subsequent meetings;
- Publicize WINGS to inform professionals and the public;
- Oversee the continuing WINGS meetings and subcommittee meetings;
- Ensure the collection of data on measurable improvements; and
- Plan for and seek funding to sustain WINGS.

Steering committees in the WINGS pilots ranged from five or six knowledgeable individuals representing key partners to a broader group of over 20. The steering committee must:

- Understand the WINGS concept and have the will to launch a WINGS group;
- Conduct a process to select initial priority issues;
- Identify stakeholder groups and individual representatives;
- Plan a carefully structured, facilitated, interactive agenda for the first meeting;
- Evaluate the meeting and plan for additional meetings; and
- Plan for and seek funding to sustain WINGS.



“ *Having a committed coordinator who glues everything together is important—somebody who is attentive to detail and is an effective relationship builder. The establishment of personal connections with committee members keeps them coming to meetings and continuing to accomplish tasks they have agreed to take on.* ”

2014 Utah WINGS
Final Report



Utah WINGS' broad-based, diverse membership was enhanced by recent additions from a Native American tribe, a non-profit that serves the Latino community, and the state Aging and Disability Resource Connection.

2. Identify stakeholders.

Draw from the judicial, legal, aging, disability, guardianship and mental health networks, and more. In the WINGS pilots, the number of participants in the first WINGS meeting (or “summit”) ranged from about 30 to 60. Those who attend should come well prepared to participate. Consider these stakeholders:

- **The highest state court, and the state court administrative office**

Involve both key judges and staff.

- **The state bar association, particularly the probate bar, and the elder and disability law bar**

Consider including any state chapter of the National Academy of Elder Law Attorneys.

- **The state unit on aging under the Older Americans Act, especially the state’s “legal assistance developer” often located in the state unit on aging**

The state unit on aging may be part of an “aging and disability resource center” (ADRC).

See www.eldercare.gov/ELDERCARE.NET/Public/About/Aging_Network/SUA.aspx

- **The state protection and advocacy agency**

This agency is part of a national, federally-mandated system of state agencies providing legally-based advocacy for people with disabilities.

See www.acf.hhs.gov/programs/aidd/resource/state-protection-and-advocacy-agencies

- **The state developmental disabilities planning council**

This council is part of a federally-mandated system promoting the interests and rights of people with disabilities and their families.

See www.acf.hhs.gov/programs/aidd/resource/state-councils-on-developmental-disabilities-contacts

- **The state adult protective services agency**

See www.napsa-now.org/get-help/help-in-your-area

- **State guardianship associations**
See www.guardianship.org/state_affiliates.htm
- **The state long-term care ombudsman, often located in the state unit on aging**
See www.ltcombudsman.org/ombudsman
- **Professional guardians, both public and private**
- **Family and other lay guardians**
- **Mental health agencies**
- **Law enforcement representatives**
- **People with disabilities who are self-advocates**
See, for example, the “People First” organizations in many states: www.peoplefirst.org/usa.
- **The regional Social Security Administration (SSA) office**
SSA involvement is important to promote coordination between the federal SSA representative payee program and state courts with guardianship jurisdiction, which serve essentially the same population.

In Missouri-WINGS, the Social Security Administration representative conducted a presentation on Social Security representative payees to the Missouri Association of Public Administrators.
- **The regional VA office, to promote coordination of the VA fiduciary program with state courts**
- **Representatives from the health care, hospital, psychology and social work fields**
- **State AARP offices**
- **Alzheimer’s Association representatives**
- **State or local Arc chapters for people with disabilities**
See www.thearc.org/page.aspx?pid=2437



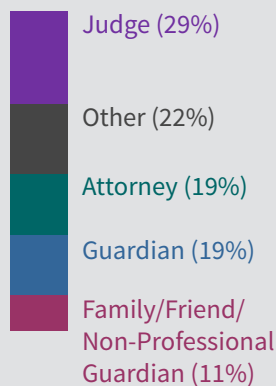
In Missouri-WINGS, the Social Security Administration representative conducted a presentation on Social Security representative payees to the Missouri Association of Public Administrators.



In New York a majority of the WINGS survey respondents identified the availability of guardian for indigent/low income individuals as a high priority.



In Texas, over 290 respondents completed a WINGS guardianship survey. The largest groups responding were lawyers and judges, but other practitioners and lay guardians responded as well.



3. Identify initial priorities.

In the 2013 WINGS pilots, three states conducted a **statewide survey** as a start-off needs assessment. Such a survey can give a reasonable indication of priorities and can help to build an initial agenda. WINGS coordinators can collect background materials or have steering committee members prepare concise briefs on each priority topic for distribution to the stakeholder participants before the first WINGS meeting.

Oregon

The Oregon WINGS conducted an online survey based on recommendations from a 2008 state task force, and from the 2011 Third National Guardianship Summit. A total of 186 respondents completed the survey, representing all 36 counties. The survey included 21 statements to be rated as a priority. Oregon WINGS also surveyed its membership following the first full meeting on issues the group should address.

The issue consistently identified as highest priority was the establishment of statewide public guardianship services. Additional priorities were mandatory training and continuing education for professional guardians, education for lay guardians, standardized assessment of capacity, court monitoring improvements, and mandatory training for court visitors.

Texas

In Texas, the WINGS steering committee adapted the Oregon survey to Texas law and practice, and distributed it electronically throughout the state.

Over 290 respondents completed the survey. The top issues were: services to coordinate alternatives to guardianship; the need for statewide public guardianship; support services for family/friends to become guardians; support services to help and educate lay guardians; the need for standardized assessment forms; judicial training, and attorney training.

New York

In New York, the WINGS steering committee sent a brief survey to each prospective meeting attendee. Fifty-six stakeholders responded. A substantial majority of the respondents (70%) identified the availability of guardians for indigent/low income individuals as a high priority issue. Other priority issues were: access to counsel for petitioners in low asset/indigent cases; availability of alternatives to guardianship, education, training and certification of guardians; and monitoring and oversight of guardians.

Utah

Utah had a remarkably broad steering committee that met several times in person, and identified 14 topics as most important to address at the initial WINGS summit. This list led to an “issues matrix” based on input at planning meetings, which in turn led to selection of three topic areas for consideration at the summit—how organizations can work collectively to improve services and decision-making; the use of medical evidence in guardianship proceedings; and the use of alternatives to guardianship, person-centered planning and supported decision-making.

4. Plan a consensus session.

Have the steering committee plan a full-day, working, **consensus-building meeting** to launch WINGS. The steering committee should structure the day tightly for maximum output. Consider opening the meeting with a speaker who can set the stage and rouse the group to action—perhaps the chief justice, a national expert, or a widely respected advocate.

Based on the identified priorities, the steering committee could plan for three or four working groups, each with a facilitator. Structure the groups to include a range of participants and expertise—for example, spreading among the groups the judges, attorneys, and family guardians. These working groups will form the heart of the day's session, and will take most of the time.

Structured working groups where everyone can be heard, and where problems and potential solutions are identified, are the heart of the initial WINGS meeting.

WINGS Tip

Structured working groups where everyone can be heard, and where problems and potential solutions are identified, are the heart of the initial WINGS meeting.



“Connections were established between agencies that sometimes serve the same population but do not communicate with each other or provide referrals. It certainly provided an educational opportunity and widened the understanding of guardianship and beyond.”

2014 Utah WINGS
Final Report

WINGS Tip

The coordinator and steering committee should work to maintain a tightly planned structure yet include some informal time for networking, and some flexibility to change course if needed. Be sure to include lunch! Sharing food can often help to make connections among stakeholders. Food and snacks are great conversation starters, plus they give energy to the participants.



Oregon WINGS drafted a Charter to formalize its ongoing mission and objectives, to keep the group on course and to easily incorporate new members as needed.

Instruct the working group facilitators in conducting the sessions—directing the group members, within specific timeframes, to:

1. introduce themselves and their organization;
2. identify problems;
3. identify possible solutions; and
4. identify action steps.

Toward the end of the meeting, have each group present its discussion and priorities to the full summit. End with a strong, dynamic closing. (See examples of WINGS agendas for the initial meeting at Appendix B.)

5. Convene initial WINGS meeting.

The initial WINGS meeting will offer an opportunity for communications by participants who likely have not come together before. There will be some “aha” moments as stakeholders begin to recognize and understand each other’s role.

Aim to come out of the meeting with a working set of recommendations, and the makings of key ongoing workgroups for action. Plan for follow-up workgroup or committee meetings to focus on the recommendations.

Have the participants complete an evaluation of the session either at the end of the meeting or directly following the meeting. For example, Utah WINGS had the participants rate the agenda, content, facility, working groups, networking opportunities, and overall impact of the meeting.

6. Launch committees to focus on priorities.

There are two ways to form ongoing WINGS committees that will conduct much of the work. First, the workgroups from the initial meeting may continue as ongoing committees. Second, following the initial meeting, the coordinator may ask participants to choose the topic areas on which they want to work.

In Oregon, after the second meeting, WINGS formed four workgroups. Each workgroup has short-term, mid-term or long-term, and future (or other) projects. Participants chose the group that best suited their interests. The groups are: (1) training, education and supports for system partners; (2) support service for family/lay guardians; (3) protected person advocacy and system access; and (4) legislative/policy advocacy.

7. Meet regularly and foster continuing communication.

Plan to convene the full WINGS group regularly. For instance, in Oregon, WINGS meets quarterly. The Utah WINGS group has met bimonthly. Meeting frequency may depend on geography and costs. Plan at least biannual in-person meetings, with phone or video meetings in between. Meetings could piggyback on scheduled stakeholder events such as state guardianship association conferences.

WINGS workgroups can meet more frequently, either in person or by phone/video. (The coordinator could consider attending some of the workgroup meetings to maintain focus and avoid veering into another workgroup's tasks.)

An **expectation of regular, scheduled meetings** will help to sustain the group and build communications and trust.

8. Cultivate multiple, reinforcing stakeholder actions.

Each stakeholder brings special experience, skills and resources to the table. Each brings value to the full group and to the working committees. Each has its own channels of communication that can benefit the common agenda.

For instance, the court has a judicial education unit that can plan webinars or regional training sessions for judges on specific topics such as procedural requirements, assessments, person-centered planning or advance directives.

Many states have guardianship associations that can quickly and directly reach an array of guardianship practitioners.

AARP state offices may have resources to devote to certain objectives, and have a membership with powerful impact as advocates or volunteers. The state unit on aging has a widely used website to educate the public.

Aggregating all of these strategies can be a potent force for change.

If efforts for reform already have been underway, WINGS can build on these, reinforcing their effect, rather than starting over.

Collective impact efforts are most effective when they build from what already exists; honoring current efforts and engaging established organizations, rather than creating an entirely new solution from scratch. (Kania & Kramer)

For instance, in New York directly following the 2011 *Third National Guardianship Summit*, the Cardozo School of Law convened a guardianship reform conference in New York City, and the Vera Institute Guardianship Project made important advances, which both gave a solid platform on which WINGS could build in 2013.

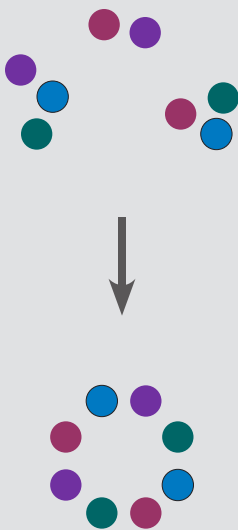


“Something that proved most valuable to the success of Oregon WINGS was the inclusion of all stakeholders that were or have been involved in guardianship infrastructure enhancements. WINGS did not attempt to duplicate or assume leadership on existing efforts but instead worked to support such efforts.”

Oregon WINGS
2014 Final Report

WINGS Tip

Aggregating several sets of data gives a compelling view of the movement as a whole.



9. Collect data; evaluate to measure impact.

To fully realize the effectiveness of the WINGS effort requires the **methodical collection of data**. The “collective impact” strategy includes “a common set of measures to monitor performance, track progress toward goals, and learn what is or is not working” (Kania & Kramer). Rather than competing, WINGS stakeholders can agree on desired changes and the stakeholders can track progress. Aggregating several sets of data gives a compelling view of the movement as a whole.

Stakeholders can track “output” data such as the number of judges, attorneys, and guardians educated, the number of sessions, the number of lay guardians or informal caregivers and decision-makers supported, the amount of funding devoted to WINGS objectives.

More difficult but important is tracking more “outcome” oriented data such as the number of limited guardianships, the number of petitions diverted to less restrictive options, the change in percentage of reports timely filed, the change in respondent presence or participation at hearings, the use of “person-centered plans,” or the increase in advance planning to avoid guardianship.

A “report card” highlighting important data can spur public attention, funder attention, and action.

Don’t overlook collecting “stories” of “aha moments,” small changes in practice, or new networking opportunities fostered by WINGS connections.

10. Identify funding sources and strategies to sustain the group.

Funding is where some WINGS planners get stuck. The WINGS concept leverages action by multiple stakeholders, and thus gets real “bang for the buck”—a small amount of funding can generate a big wave of change. WINGS is not a high-cost undertaking—and gives a big payback.

However, WINGS is strengthened by support for at least some of the time of the coordinator or coordinating “backbone” entity, and in some cases by subsidies for participant costs for attending at least the first meeting at a key location in the state.

NGN provided the four 2013 WINGS pilots with incentive support of \$7,000 each to launch the effort. This modest amount of funds paid for initial meeting expenses, and in some cases follow-up publications and limited studies. The WINGS groups report that the use of phone and video technology will allow working groups to meet regularly. Full WINGS meetings costs in the future may be absorbed as part of the court budget and/or by the member organizations.

A small amount of funding to boost coordination and sustain the early momentum is critical. Funders must recognize that supporting the collective efforts of the group will have a multiplier effect.

There is no magic bullet for funding, but consider these ideas:

- Use the data collected, and any report card, to highlight the needs, and the combined power of the stakeholders.
- Draw on WINGS stakeholder relationships to make the best contacts with funders.
- Go for a combination of public and private monies.
- Find a “champion” to advance your cause with policymakers and funders.
- Catch the positive attention of the press.
- Support individual stakeholder efforts to seek funding that would help to address overall WINGS objectives.
- Give examples of things accomplished by WINGS that “don’t cost a dime” such as posting resources on stakeholder websites or providing community information to guardians and family decision-makers.
- Impress funders with the breadth of stakeholders and the potential for imaginative, often low-cost solutions.
- Tell funders that your WINGS is part of a national network that can drive changes in the lives of the growing number of elders and persons with disabilities.

WINGS Tip

Draw on WINGS stakeholder relationships to make the best contacts with funders.



In Texas, AARP agreed to host an upcoming state WINGS meeting.

Conclusion

WINGS can breathe fresh air into the drive by courts and community stakeholders to advance adult guardianship reform. Already, WINGS meetings have sparked numerable interactions that can have ripple effects in improved guardianship trends and in the lives of vulnerable people.

“*The establishment of WINGS in Oregon couldn't have come at a better time to help see the public guardian bill across the finish line. Without WINGS and the demonstration to the Senator that the continued strong interest in a public guardian program went well beyond just the 10-12 people that were a part of our Public Guardian Task Force, he may not have made the public guardian bill one of his two bills this session. . . . When the bill died last year, it could have stayed on that heap, but the momentum was here to make it a priority bill for him. And with [the] volunteer guardian bill passing . . . it's been a great session. We also have another state Senator asking broader guardianship related questions. . . There is a lot of momentum in Oregon.*”

Oregon WINGS coordinator, 2014



Appendices

Appendix A: References on Development of WINGS

- Center for Elders and the Court, National Center for State Courts, *Adult Guardianship Court Data and Issues Results from an Online Survey*, 2010 (Recommendation #5 on Court Partnerships), http://guardianship.org/reports/Guardianship_Survey_Report.pdf
- Hanleybrown, Fay, Kania, John & Kramer, Mark, “Channeling Change: Making Collective Impact Work,” *Stanford Social Innovation Review*, pp. 1-8 (2012).
- Kania, John & Kramer, Mark, “Collective Impact,” *Stanford Social Innovation Review*, pp. 36-41 (Winter 2011).
- Nack, Julia, Dessin, Carolyn & Swift, Thomas, “Creating and sustaining Interdisciplinary Guardianship Committees,” *Utah Law Review*, Vol. 2012, No. 3, pp. 1667-1690.
- National Center for State Courts, *High Performance Court Framework* (2010), <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1874>.
- National Guardianship Network, http://nationalguardianshipnetwork.org/wings_reform.htm. See final reports from the 2013-2014 WING pilot states on the WINGS page. Final reports include detailed descriptions of formation of WINGS in each of the four states.
- Steele, Fred, “Results of Informal Survey on Guardianship-Related Recommendations,” *Elder Law Newsletter*, Oregon (October 2013).
- Third National Guardianship Summit: Standards of Excellence, Symposium Issue, *Utah Law Review*, Vol. 2012, No. 3.
- Wood, Erica, “WINGS: Court-Community Partnerships to Improve Adult Guardianship,” *2014 Trends in State Courts*, pp. 59-62, National Center for State Courts (2014).

Guardianship Resources

- Center for Elders and the Courts, National Center for State Courts: <http://www.eldersandcourts.org/Guardianship.aspx>
- American Bar Association Commission on Law and Aging: http://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice.html
- National Guardianship Association: <http://www.guardianship.org>
- National Guardianship Network: <http://www.nationalguardianshipnetwork.org>

Supported Decision-Making Resources

- “Supported decision-making” is an emergent concept confirmed in the United Nations Convention on the Rights of Persons with Disabilities, Article 12. In supported decision-making the individual with a disability remains the decision-maker, with relationships and arrangements to assist the person in making and communicating decisions about his or her life. It maximizes independence and promotes self-advocacy. Because the concept affects the population of individuals with disabilities in need of decision-making support, it is an important topic for WINGS.
- See a list of articles at <http://www.americanbar.org/groups/disabilityrights/resources/crpd/article12.html>.

Appendix B: WINGS Initial Meeting Agendas

- New York—March 2014
- Oregon—August 2013
- Texas—November 2013
- Utah—November 2013

New York



WINGS Planning Summit

“Setting the Agenda for Guardianship in New York: Fewer Resources, Greater Collaboration”

March 11, 2014

White Plains, New York

- 8:15-9:00 Check-in and Continental Breakfast
9:00-9:05 Welcome
9:05-9:30 WINGS Overview
9:30 -9:35 Instructions to the working groups
10:00-3:00 Break into working groups
1. Pre-Commencement Guardianship Issues
 2. Models of Guardianship
 3. Post-Appointment Guardianship Issues: Education, Oversight and Resources
- 12:00-12:30 Lunch- A buffet box lunch will be provided
3:00-4:15 Presentations by the Subcommittees
- 25-minute presentation by each group which will include a summation of their discussion, the issues they will focus on, and their next step.
- 4:15- 4:30 Closing Remarks

Oregon



Oregon WINGS (Working Interdisciplinary Network of Guardian Stakeholders)

August 28, 2013

9:30- 12:30

Salem, Oregon

- I. Introductions
- II. History & Purpose of WINGS
- III. Goal of our Oregon WINGS group
- IV. Review of 2008 Oregon Task Force on Protective Proceedings
- V. Review 2011 National Guardianship Summit recommendations
- VI. Review of Aug. 2013 survey regarding Oregon guardianship needs
- VII. Discussion on priorities for improving Oregon guardianship practices
 - a. Next Steps?
- VIII. Begin discussion on WINGS grant related project
 - a. e.g., public outreach, training, pilot project, or ???

Texas

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)
Friday, November 15, 2013
Austin, Texas

- 9-9:15 Welcome and Introductions
 9:15-9:30 Overview of Project Goals
 a. Texas WINGS
 b. WINGS in Other States
 9:30- 10:15 WINGS Survey Results
 10:15 -10:30 Break
 10:30- Noon Workgroup Discussions (Breakout Session)
 Noon -1 Networking Lunch
 1-1:30 Workgroup Discussions (Breakout Session)
 1:30- 2:30 Workgroup Reporting
 2:30- 2:45 Break
 2:45-3:45 Solutions Discussion
 3:45-4 Next Steps and Sustainability of WINGS Group

Utah

WINGS Summit
November 6, 2013
8:30 to 4:00
Salt Lake City, Utah

- 8:30 Registration and Continental Breakfast-Second floor lobby
 9:00 Keynote Address-Parley 1 &2 Rev. Tom Goldsmith, First Unitarian Church
 9:20 Objectives for the Day-Tim Shea, Administrative Office of the Courts
 9:30 Breakout Sessions (Explore Issues)
 - Agency Collective Impact (Aspen Room)
 - Evidence of Incapacity (Cedar Room)
 - Person Centered Planning and Supported Decision Making (Red Butte Room)
 11:45 Lunch (Second floor lobby)
 Address by Chris Burbank, Chief of Police, Salt Lake City
 1:00 Breakout Sessions (Resolve Issues)
 - Agency Collective Impact (Aspen Room)
 - Evidence of Incapacity (Cedar Room)
 - Person Centered Planning and Supported Decision Making (Red Butte Room)
 3:00 Reports and Recommendations Agency Collective Impact (Parley Room 1&2)
 - Evidence of Incapacity
 - Person Centered Planning and Supported Decision Making
 3:45 Wrap Up-Sally Hurme, AARP Health Education Team
 4:00 Adjourn

Appendix C: Example of WINGS Priority-Setting Survey

The Texas WINGS Steering Committee adapted an earlier Oregon WINGS survey to Texas law and practice, and distributed it electronically throughout the state. Over 290 respondents completed the survey. The largest groups responding were lawyers and judges, but other practitioners and lay guardians responded as well.

The top issues were: services to coordinate alternatives to guardianship; the need for statewide public guardianship; support services for family/friends to become guardians; support services to help and educate lay guardians; the need for standardized assessment forms; judicial training, and attorney training.

Texas WINGS Statewide Guardianship Survey

The National Guardianship Network has invited the Supreme Court of Texas to take a leadership role in adult guardianship reform—and specifically in the creation of an ongoing “Working Interdisciplinary Network of Guardianship Stakeholders” (WINGS). The purpose of WINGS is to bring together stakeholders from various disciplines with interest in the guardianship system for short-term and long-term planning and action to improve the state's guardianship system.

This survey is intended to use your knowledge of Texas' adult guardianship system to assist the Texas WINGS group in understanding which issues should be prioritized for short-term and long-term planning and action purposes. The survey should take 5 to 10 minutes to complete. Thank you for your assistance on this important project. Please contact Amanda Stites, Research Specialist, Texas Office of Court Administration, at 512-463-1643 or amanda.stites@txcourts.gov if you have any questions.

1. What is your relationship to guardians or guardianship procedures in Texas?

- | | |
|--|---|
| <input type="checkbox"/> Advocacy organization | <input type="checkbox"/> Judge |
| <input type="checkbox"/> Attorney | <input type="checkbox"/> Legislator/legislative staff |
| <input type="checkbox"/> CertifGuardian (DADS) | <input type="checkbox"/> Medical professional |
| <input type="checkbox"/> CertifGuardian (non-DADS) | <input type="checkbox"/> Mental health professional |
| <input type="checkbox"/> Certified Long-Term Care Ombudsman | <input type="checkbox"/> Professional in Aging |
| <input type="checkbox"/> Court Visitor | <input type="checkbox"/> Protective Services Specialist/Investigator of adult abuse |
| <input type="checkbox"/> Disability professional | <input type="checkbox"/> Self-advocate |
| <input type="checkbox"/> District/County Attorney | <input type="checkbox"/> Other: (Please specify.) |
| <input type="checkbox"/> Family/friend/non-professional guardian | |

2. Please provide the name of your advocacy organization.

3. Please indicate the type of judge.

- | | | |
|---|--|------------------------------------|
| <input type="checkbox"/> Appellate | <input type="checkbox"/> Statutory Probate | <input type="checkbox"/> Municipal |
| <input type="checkbox"/> District | <input type="checkbox"/> Constitutional County | <input type="checkbox"/> Associate |
| <input type="checkbox"/> Statutory County | <input type="checkbox"/> Justice of the Peace | <input type="checkbox"/> Retired |

4. How regularly do you practice adult guardianship matters?
- | | |
|--|---|
| <input type="checkbox"/> I have never handled a guardianship case. | <input type="checkbox"/> 11 to 20 cases a month |
| <input type="checkbox"/> Less than one case a month | <input type="checkbox"/> More than 20 cases a month |
| <input type="checkbox"/> 1 to 2 cases a month | <input type="checkbox"/> My entire practice is in adult guardianship matters. |
| <input type="checkbox"/> 3 to 5 cases a month | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> 6 to 10 cases a month | |
5. In which county or counties do you interact with Texas' adult guardianship system? (Select all that apply.)
- Anderson
 - Andrews
 - Angelina
 - Aransas
 - Archer
- (other counties follow, listed alphabetically)
6. In your area, are there barriers to obtaining guardianship-related services?
- Yes
 - No
7. Please indicate the barriers to obtaining guardianship-related services that exist in your area. Check all that apply.
- Distance to service providers
 - Limited health care services
 - Lack of transportation
 - Lack of legal services
 - Lack of community services
 - Lack of assisted living facilities
 - Other (please specify)
8. Please provide any additional information you would like to share about guardianship issues in your area.

Appendices

9. For each issue listed, please indicate whether you think that the issue needs to be addressed as a high priority, moderate priority, low priority, not an issue that needs to be addressed or whether you are not sure.

| | High Priority | Moderate Priority | Low Priority | Not Needed | Not Sure |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Services to coordinate alternatives to guardianship should be established. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Statewide public guardianship services should be established for adults in need of guardianship but without options (such as family members or resources) for a person to serve as guardian. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Support services should be established to assist family/friend with becoming a guardian. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Support services should be established to assist family/friend (non-professional) guardians to complete their legally mandated duties. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ongoing education/training should be required for family/friend (non-professional) guardians. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Practices should be improved for actively monitoring the reasonableness of non-professional guardian compensation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Increased training and continuing education of private professional guardians should be required. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ongoing education/training regarding guardianships should be available to health professionals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A standardized form should be developed for courts to obtain an accurate and detailed assessment of a proposed protected person's functional limitations. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A template should be created to assist guardians in developing a person-centered plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mediation availability in contested guardianship proceedings should be expanded. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Personal information of those subject to guardianship should be better defined and protected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Standard forms for filing and fiduciary reporting should be created. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | High Priority | Moderate Priority | Low Priority | Not Needed | Not Sure |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Court monitoring of established guardianships should be improved. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Courts should be authorized to require a guardian to remain serving until a succession plan is in place. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Court visitors should be used in all cases. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Court visitor programs should be established in each jurisdiction in Texas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Court visitor qualifications, standards and procedures should be established with uniformity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| A mandatory training program for court visitors should be developed. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judges specializing in probate and guardianship should be established to handle the caseload in most areas of the state. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judicial training for judges on probate should be enhanced. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Courts should have the authority to appoint an attorney for an indigent applicant and compensate the attorney appropriately. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judges should have broader authority to establish compensation structures for attorneys ad litem or guardians ad litem. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Attorneys practicing guardianship law should be required to obtain specialized training. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The Guardianship Certification Board should have the authority to review complaints against non-certified guardians. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The appropriateness of court-initiated guardianships should be examined. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

10. Of these issues, please indicate the top three that you think would have the biggest impact on improving the state's guardianship system.

- Services to coordinate alternatives to guardianship should be established.
- Statewide public guardianship services should be established for adults in need of guardianship but without options (such as family members or resources) for a person to serve as guardian.
- Support services should be established to assist family/friend with becoming a guardian.

- Support services should be established to assist family/friend (non-professional) guardians to complete their legally mandated duties.
- Ongoing education/training should be required for family/friend (non-professional) guardians.
- Practices should be improved for actively monitoring the reasonableness of non-professional guardian compensation.
- Increased training and continuing education of private professional guardians should be required.
- Ongoing education/training regarding guardianships should be available to health professionals.
- A standardized form should be developed for courts to obtain an accurate and detailed assessment of a proposed protected person's functional limitations.
- A template should be created to assist guardians in developing a person-centered plan.
- Mediation availability in contested guardianship proceedings should be expanded.
- Personal information of those subject to guardianship should be better defined and protected.
- Standard forms for filing and fiduciary reporting should be created.
- Court monitoring of established guardianships should be improved.
- Courts should be authorized to require a guardian to remain serving until a succession plan is in place.
- Court visitors should be used in all cases.
- Court visitor programs should be established in each jurisdiction in Texas.
- Court visitor qualifications, standards and procedures should be established with uniformity.
- A mandatory training program for court visitors should be developed.
- Judges specializing in probate and guardianship should be established to handle the caseload in most areas of the state.
- Judicial training for judges on probate should be enhanced.
- Courts should have the authority to appoint an attorney for an indigent applicant and compensate the attorney appropriately.
- Judges should have broader authority to establish compensation structures for attorneys ad litem or guardians ad litem.
- Attorneys practicing guardianship law should be required to obtain specialized training.
- The Guardianship Certification Board should have the authority to review complaints against non-certified guardians.
- The appropriateness of court-initiated guardianships should be examined.

11. Please describe any additional issues you believe should be addressed by the WINGS group to improve guardianship processes in Texas



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