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About the American Bar Association Commission on Law and Aging

The American Bar Association Commission on Law and Aging is a collaborative and interdisciplinary leader of the Association’s work to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care of aging persons. The Commission accomplishes its work through research, policy development, advocacy, education, training, and through assistance to lawyers, bar association, and other groups working on issues of aging.

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Contents

Need for Guardianship Reform .......................................................................................................................... 4

Birdseye: Where We Stand With WINGS ........................................................................................................ 5

Hallmarks of WINGS ......................................................................................................................................... 6

1. A WINGS has strong court support ........................................................................................................ 6
2. A WINGS has interdisciplinary stakeholders whose engagement creates synergy .......................... 7
3. A WINGS requires proactive planning for engagement and inclusivity ............................................. 8
4. A WINGS is ongoing .................................................................................................................................. 9
5. A WINGS is problem-solving in nature ................................................................................................. 9
6. WINGS groups focus primarily on changes in practice but could prompt legislation as well .......... 10
7. A WINGS seeks a balanced focus on improving court processes, programs and procedures and promoting self-determination ........................................................................................................... 10
8. A WINGS seeks public input .................................................................................................................. 11
9. A WINGS sets goals and evaluates success ........................................................................................ 11
10. WINGS groups see themselves as part of a national network ............................................................ 12

Ten Steps to Launching and Sustaining WINGS ......................................................................................... 12

1. Seek support from the highest level of court leadership ........................................................................ 12
   Rationales for Court Support of a WINGS ................................................................................................. 13
   Counter Court Concerns ........................................................................................................................... 14

2. Establish or Initiate the WINGS ............................................................................................................. 15
   Bills or Resolutions .................................................................................................................................. 15
   Supreme Court Authority ......................................................................................................................... 15
   Establishment of a WINGS by Non-Judicial Stakeholders .................................................................... 16

3. Designate a coordinator, chair, and steering committee ...................................................................... 16
   Coordinator Role ..................................................................................................................................... 16
   Chair role ................................................................................................................................................. 17
   Steering Committee Role ....................................................................................................................... 17

4. Identify and cultivate stakeholders ........................................................................................................ 18
   Composition of Stakeholder Group ......................................................................................................... 18
Introduction

State courts, policymakers and advocates have long sought to improve guardianship* practice, promote less restrictive options, and address abuse. Courts alone cannot accomplish the needed reforms, nor can legislatures, advocates, or legal and guardianship practitioners. However, by coming together in collaborative networks, they can make a positive impact on people’s lives.

This replication guide is a resource for states seeking to establish or enhance such a collaborative network as a “Working Interdisciplinary Network of Guardianship Stakeholders,” or WINGS. If your state does not have such a court-stakeholder partnership, this guide outlines 10 steps for creating one. If your state already has a similar reform group, the guide includes tips for strengthening, sustaining and evaluating it. The guide draws on extensive interviews with state WINGS stakeholder representatives, as well as assessments of WINGS through a grant to the American Bar Association Commission on Law and Aging (ABA Commission) from the U.S. Administration for Community Living (ACL).

Need for Guardianship Reform

Some state and local courts have begun guardianship reform initiatives such as enhancing training and monitoring of guardians. Many guardians are dedicated to the people they serve, often performing critical roles under crisis. Yet the U.S. Government Accountability Office (GAO) has highlighted abusive practices by some guardians. In 2018, the U.S. Senate Special Committee on Aging “identified persistent and widespread challenges that require a nationwide focus in order to ensure the guardianship system works on behalf of the individuals it is intended to protect.”

Accounts of inappropriate, overbroad, or abusive guardianships continue to appear in the media. Perhaps your state already has faced news stories about the experiences of individuals and families in a system that does not serve them well and may result in exploitation or harmful isolation – or that too casually removes rights without proper accountability.
*Throughout this Guide, the terms guardianship and guardian are intended to include conservatorship and conservator unless otherwise indicated.

Making permanent changes in guardianship is an uphill battle because:

1. Practices differ significantly by court and by state;
2. Cases are complex – often fraught with mental illness, medication, family conflict, undue influence, institutionalization, and service fragmentation;
3. Guardians must constantly walk a fine line balancing risks, protections, and self-determination; and
4. Funds, data, and research are scarce.

If guardianship is going to change, an ongoing collective effort by courts and a range of community stakeholders is required. A broad-based 2011 Summit convened by the National Guardianship Network urged that states develop WINGS to advance reform and promote less restrictive options.

**Birdseye: Where We Stand With WINGS**

Following the 2011 Guardianship Summit recommendation, the National Guardianship Network (NGN) piloted state WINGS, with coordination by the ABA Commission, and support from the State Justice Institute (SJI) and the Borchard Foundation Center on Law and Aging. NGN named four state courts to receive WINGS start-up funds and technical assistance in 2013, and five states in 2015. In 2016, the ABA Commission received a grant from ACL to establish, enhance and expand state WINGS. Under the grant, the ABA Commission provided subgrants in 2017 to the highest courts in seven states to launch or build on existing WINGS groups.

Meanwhile, other states convened similar guardianship reform stakeholder groups on their own. The ABA Commission’s WINGS website gives a brief overview and contact information for close to 25 currently existing state WINGS or similar groups, at [http://ambar.org/wings](http://ambar.org/wings). These groups have strong court support, have identified priorities, and recognize that interdisciplinary stakeholders must come together in order to create change.
Hallmarks of WINGS

Ten characteristics distinguish WINGS and similar guardianship reform groups. Anyone seeking to establish or enhance a state WINGS needs a thorough understanding of these fundamental hallmarks.

1. A WINGS has strong court support. Court support means judicial buy-in, representation, engagement, and often leadership. Court support could be either through (1) court convening and administration of a WINGS; or (2) consistent judicial involvement in a WINGS convened and administered by another stakeholder. There are important benefits and costs to each court role.

Benefits to Court Administration of a WINGS. When the Third National Guardianship Summit recommended WINGS in 2011, it specifically urged “state courts . . . to establish” them. The reasoning was that since guardianship is a judicial process, changing it should be at the initiative of the court. Of the currently existing WINGS or similar groups, 16 are administered by the state’s highest court. The court is perceived as the necessary “backbone” of the group.

“When judges call meetings, people come. When judges are at the table talking and listening, it adds value to the process, people feel they are committed to system improvement.”

WINGS member

Many WINGS stakeholder representatives said locating WINGS in the state’s highest court gives the group “legitimacy” and that it gets people to show up and be involved. Moreover, changes in judicial forms, rules, and procedures can most readily be implemented by court entities. Courts have authority to require training for judges, clerks, guardians, guardians ad litem, and attorneys. If the state’s highest court initiates and sustains WINGS, lower court judges and clerks are more likely to buy in. Also, courts may provide staffing and support. Finally, certain funding sources, and possibly future funding sources, may be targeted specifically to the court.

Benefits to WINGS Convened by Non-Judicial Stakeholders. There are some advantages in establishing an independent WINGS convened by other stakeholders. Such groups are not restricted by court policy, and thus are more able to advocate for changes in law and practice, as well as court funding. Additionally, such WINGS may be more apt to focus on issues beyond
changes in court processes, looking toward community or social services solutions, whereas court-based WINGS will likely emphasize judicial and legal changes first.

Examples of WINGS convened by non-judicial stakeholders include North Carolina, where a WINGS group is based in a university, and West Virginia, where WINGS was convened by Legal Aid. Indiana has a hybrid model, with a vigorous statewide task force of advocates, along with a court component. In Missouri, WINGS is based in the Council of Developmental Disabilities. In Massachusetts, advocates have created a state Guardianship Policy Institute, which is funded by a pooled community trust.

Whether WINGS is convened by the court or by a non-judicial stakeholder, it must be prepared to address changes in leadership, priorities and budgets over time, maintaining an engaged stakeholder group. Moreover, any WINGS – whether judicially-based or not – may encounter and need to manage sensitivity to criticism of longstanding practices.

2. A WINGS has interdisciplinary stakeholders whose engagement creates synergy. The WINGS concept is grounded in a theory of social change called “collective impact,” which relies on “the commitment of a group of important actors from different sectors to a common agenda for solving a specific social problem.” Under the collective impact model, “large scale social change comes from better cross sector coordination rather than from the isolated intervention of individual organizations.”

According to the collective impact concept, court support and engagement alone is not sufficient to make real change in guardianship systems. The court must work in partnership with a broad range of groups. Effective WINGS draw not only from the judicial but the legal, aging, disability guardianship and mental health communities, and more. Effective WINGS seek diversity in fields of practice, location within the state, rural-urban setting, professional/non-professional status, governmental/non-governmental affiliation, and inclusion of underrepresented groups such as those based on race, ethnicity, language, socioeconomic status, or sexual orientation.
A wide range of WINGS participants will spark more communication and understanding statewide, as the diverse stakeholders transmit perceptions gained at the meetings to their constituencies. In the ABA Commission’s WINGS stakeholder assessment, over 90 percent of responding stakeholders said their knowledge about other organizations involved in guardianship has increased through WINGS; and over 95 percent said they have informally shared information learned at a WINGS meeting with colleagues in their organization. vii Stakeholders we interviewed were very aware of and enthusiastic about the interdisciplinary nature of WINGS. They said the strength of WINGS is that “it reaches into different groups that courts alone would never be able to reach.”

Actions of individual WINGS stakeholders can substantially reinforce WINGS objectives. Besides working together jointly, the diverse WINGS stakeholders can each independently do things that promote desired changes. This process is synergy, in which the combined effect of stakeholder interactions can produce a greater effect than any one stakeholder group, or than the work of WINGS as a coordinated whole. In the ABA Commission’s WINGS stakeholder survey, close to 80 percent of the responding stakeholders said that they more often seek to collaborate with other organizations in cases involving guardianship because of WINGS. More than half said they had set up training for others at their organization about guardianship or less restrictive decision-making options.

3. A WINGS requires proactive planning for engagement and inclusivity. WINGS does more than bring together a broad group of interdisciplinary members. It actively seeks to engage, interest, support, and accommodate each stakeholder representative, making possible maximum change. This might mean meeting individually with participants to gauge their particular skills and understanding and reaching out to underserved groups. It might mean educating stakeholders new to guardianship about issues likely to arise, and ensuring that during meetings, participants offer explanations and examples. In interviews, WINGS stakeholders described how participating in the WINGS group helped them to do a better job and get positive results, thereby improving guardianship:

• When stakeholders learn more about each other, the interaction can change overall patterns of behavior: “It’s easier when you get to know someone personally, triaging with those who come to the table.”

• APS staff “got to know legal services through WINGS, and now we are working together on exploitation issues and the need for legal counsel.”

• “Now there is a better understanding of other players in the system and problems they encounter. For example, now I understand the perspective of the hospital administrator better. Sitting across the table I realized that rushing into guardianship is not really their intent, they are trying to resolve an issue and there has not been an avenue.”

• “An important part of an ombudsman’s job is developing relationships so we can help the client. I have learned so much about the office of public guardian. We have conducted trainings together and can talk one-on-one if there is a problem.”
It includes accommodating individuals with disabilities and bringing out the experiences of family guardians. In other words, in WINGS there is a level playing field for everyone to be recognized and offer ideas (see #4 under Ten Steps below).

4. **A WINGS is ongoing.** WINGS is about constant, measurable, incremental changes over time that gradually make for a better system. Creating WINGS in your state is not about forming a task force to tackle a single guardianship problem and closing the books. Instead, WINGS groups take a broader, more sustained, long-term view built on a participatory priority-setting process. The process may lead to public input, education and training, court rules, legislative initiatives, data collection, and continuing analyses.

There will always be problems and needed improvements in the realm of guardianship and other decision-support options. WINGS could be called the “go to” group for guardianship issues in the state – a group that will remain active as leadership, trends and developments change.

5. **A WINGS is problem-solving in nature.** WINGS groups bring stakeholder representatives together regularly, opening doors to communication. They focus collectively and intensively on problems that in the past may have seemed intractable. For example, how can solid screening for decision-making options aside from guardianship become a regular practice? How can courts with resource constraints better oversee guardians? Since each stakeholder brings a unique perspective and familiarity with resources, a consensus-building process often can produce imaginative solutions. WINGS stakeholders described the process: “When everyone is around a table, we can short-circuit problems. It is a place to work out issues. For example, can we educate people about the court’s authority to make limited guardianship orders, or do we need legislation to clarify it?”

- “Roundtable discussion can take a common event and have a variety of perspectives, and from that we can see the gaps and problems.”
- “WINGS enables open communication with judges that is not perceived as *ex parte*. It enables the court to come in with its needs and resources, and to benefit from real world experience.”

“WINGS has made progress but we’re not there yet. It’s like turning an ocean liner. People have to just keep at it, chip away at problems.”

WINGS member

“Discussion helped us see the need for training on less restrictive options for hospital staff, long-term care ombudsman staff and APS staff who go too quickly to guardianship.”

WINGS coordinator
• What makes WINGS strong is a lot of vocal different opinions about things. Advocates from every side bring forth good discussion. They won’t always agree, and that is helpful.”

6. WINGS groups focus primarily on changes in practice but could prompt legislation as well. State guardianship task forces, in the past, often existed for the sole purpose of passing improvements in guardianship statutory law. While they frequently were successful in changing code language, the enactments did not automatically translate into changes in practice -- and problems often persisted. For example, despite legislative improvements, practice in some areas may still include conclusory diagnosis-based assessments, unnecessary or overbroad guardian appointments, and uneven filing of guardian reports. To galvanize real change, WINGS targets on-the-ground performance. Although legislation is one key element of change, WINGS looks beyond codifying change to implementing change.

At the same time, WINGS discussions can prompt stakeholder legislative advocacy around common goals. One stakeholder noted that WINGS “is able to function as an advanced alert forum to make sure everyone is aware of pending legislation, a clearinghouse so legislators have confidence that WINGS is able to vet issues.” Another observed that “getting lawmakers involved can bring a shift in their perception, and it’s amazing to see the change.”

7. A WINGS seeks a balanced focus on improving court processes, programs and procedures and promoting self-determination. Because guardianship is a court process, it may be natural to highlight judicial needs, especially for guardian accountability – for instance, improved petition and reporting forms and better court data systems. WINGS can reinforce these needs and work on solutions.
But effective WINGS give equal weight to self-determination of adults who are or may be subject to the guardianship system. Many WINGS groups have worked intensively on education and training about less restrictive decision-making options that are outside of the court process and that don’t remove rights. Some WINGS stakeholders have played key roles in passing legislation and creating pilots involving supported decision-making.

To be successful and fully engage all of its stakeholders, WINGS should seek a balance in objectives, targeting both court improvements and options for self-determination. New developments may cause a temporary shift one way or another, but WINGS leaders and stakeholders can re-establish an equilibrium.

8. A WINGS seeks public input. Because WINGS groups address an important public purpose, they should lean toward outreach and transparency. WINGS can sponsor public hearings that invite stories, complaints and suggestions. WINGS meetings can be structured to allow time for input from the public. At the same time, WINGS working committees also can convene privately to assess specific problems.

9. A WINGS sets goals and evaluates success. The collective impact principles on which WINGS is built includes “a common set of measures to monitor performance, track progress toward goals, and learn what is or is not working.”

Consistent with those principles, the 2019 assessment of the ABA Commission’s project WINGS by the National Center for State Courts recommended development of “a practical, meaningful, and valid set of measures regarding the impact on vulnerable individuals, their caregivers, and the courts of the changes implemented through WINGS.”

As ongoing entities, WINGS are able to engage in strategic planning and to continuously evaluate their activities and priority needs. A WINGS may adapt to changing circumstances and alter its course. For example, if a WINGS finds mid-stream that there are pressing problems in the mental health system that affect guardianship, it can shape its training and advocacy objectives to better meet these emergent needs. (See #9 in Ten Steps below.)
10. **WINGS groups see themselves as part of a national network.** State WINGS are not alone. As more states develop WINGS and similar reform groups, they may collectively change the face of guardianship and the ways decisions are made by and on behalf of individuals. State WINGS groups can benefit from contact with counterparts in other states. For instance, in the 2013 pilots, one state created a survey of needs and gaps in its guardianship system, which then was adapted and used by other states.

The ABA Commission brought state WINGS coordinators together through two in-person forums, bimonthly calls, and discussion list exchanges. WINGS coordinators are beginning to call on each other for specific questions. The more each WINGS group sees itself as part of a national reform effort, the more it will be able to marshal and maximize resources, prevent reinvention of the wheel, and, potentially, add to the development of a body of national data.

**Ten Steps to Launching and Sustaining WINGS**

The experience since 2013 has demonstrated the importance of the following 10 steps for initiating a WINGS and keeping it going for the long term.

1. **Seek support from the highest level of court leadership.** Court administration, policies, dynamics, and resources are different in each state. Aim for the WINGS model that will maximize stakeholder synergy and engagement, and best reinforce the potential for action. The best fit for one state may not work for another state – and conditions may change over time.

   First consider whether the state’s highest court is a viable option for establishing a WINGS, because the judicial clout, capacity, and imprimatur has huge value. Since guardianship is a judicial process, courts are highly visible and influential stakeholders, and are often best positioned to coordinate the group. WINGS funded through SJI in 2013 and 2015, as well as WINGS funded through ACL in 2017, were all convened by the jurisdiction’s highest court.
If official court buy-in is not feasible, seek other means of court support and engagement through a WINGS convened by another entity, with as much judicial support as possible.

Ensure the participation of court representatives, and ongoing working relationships with key judges and court staff. In sum, judicial involvement and participation is an essential element of success, whether through direct court buy-in or through continuing court connections.

**Rationales for Court Support of a WINGS.** The idea of initiating a WINGS may come from the court, from advocates working toward systems change, from professionals who work with the court system, or from court-community interactions. Proponents should be ready to articulate why supporting a WINGS would be beneficial in general and specifically for the court.

- **Historical role.** Effective management of guardianship cases is an important role of the court – historically part of its inherent *parens patriae* responsibility to protect those in need.

- **State law.** Most state codes direct the court to monitor guardianships.

- **Media stories.** Either there have been – or there soon may be – media stories charging that the courts have failed to curb abusive guardians. Now is the time to act.

- **Public confidence.** Multidisciplinary reform efforts can raise public confidence in the courts.

- **Other states are ahead.** Other states, perhaps including those surrounding your state, have WINGS groups that have made marked improvements.

- **Demographic shifts.** As state residents live longer, there is a greater likelihood they will need a range of decision-making options including guardianship.
• **Judicial Recommendations on Partnerships.** Courts alone cannot make the necessary guardianship changes. They need the regular collaboration and feedback of stakeholders. The National Center for State Courts *High Performance Court Framework* highlights the need for court-community partnerships. It urges courts to “engage in a vigorous campaign to organize and mobilize partners...” A resolution by the Conference of Chief Justices/Conference of State Court Administrators reflects the importance of court partnerships for reforms in guardianship, referencing WINGS.

**Counter Court Concerns.** Be prepared to respond to reasons why the court may be cautious about establishing and administering WINGS or becoming involved in WINGS administered by other stakeholders. Resources. An obvious reason is lack of resources. WINGS does require a portion of coordinator staff time. But the value of the time and skills of stakeholders will markedly leverage the court’s input. Also, there are possible funding sources for WINGS (see below, Step #10). Judicial ethics. Judges may have ethical concerns about involvement in an entity that could be perceived as an advocacy group. But while judges may not be able to support legislative or policy changes, other stakeholders can be the advocacy voice to address judicial concerns. Utah WINGS developed by-laws that included explicit recognition of “Constraints on the Judiciary,” stating that as long as WINGS is housed in the judiciary, WINGS may not engage in advocacy, lobbying the legislature, or “any other activity that may call into question the judiciary’s neutrality” – but specifying that “individual members may engage in these activities on behalf of their own organization.”

**Local Court WINGS**

An innovative option is for a local court to convene local stakeholders, mirroring the hallmarks of a state WINGS. Local courts could initiate this on their own, or at the directive of the chief justice or state court administrator.

WINGS at the local level would be able to meet more readily, without transportation costs. It could focus on specific local practices needing attention and could demonstrate the same kinds of synergy as state groups.

The impact of a local WINGS could be easier to see and evaluate. Key judges and court staff may not ordinarily engage with the area agency on aging, local disability agencies, adult protective services, or the long-term care ombudsman. Bringing them together under the aegis of the court could immediately energize the system, highlighting gaps and potential solutions.
Indiana has a hybrid WINGS model in which the Statewide Adult Guardianship Task Force, a vibrant, long-standing interdisciplinary advocacy group, voices its concerns to policymakers. The Task Force works closely with the Indiana Supreme Court WINGS.

2. Establish or Initiate the WINGS

Bills or Resolutions. A WINGS may be officially established through legislation, court order, a publicized community launch of the group, or some other means of recognition. At least three states have passed bills or resolutions specifically creating WINGS.

- In 2004 the Idaho legislature convened a legislative Guardian and Conservator Interim Committee; in 2009, the interim committee was established as a permanent Idaho Supreme Court Interdisciplinary Guardianship and Conservatorship Committee.¹³
- In 2017, a Montana bill¹⁴ established a WINGS group consisting of nine members appointed by the chief justice. While appropriations to implement the provisions were not passed, in 2019 the Montana Supreme Court issued an order establishing WINGS, setting out its composition, and directing the State Law Library to provide administrative support.¹⁵
- In 2018, a Kentucky legislative recommendation urged creation of a Kentucky WINGS by the Cabinet for Health and Family Services and the Administrative Office of the Courts.¹⁶

Supreme Court Authority. In some states the Supreme Court has used its authority to create a permanent, multidisciplinary court committee on guardianship.

- In Ohio, the Supreme Court established a permanent Advisory Committee on Children and Families, with a Subcommittee on Adult Guardianship.
- In Nebraska, the Supreme Court established a Commission on Guardianship and Conservatorship.
- In Nevada, the Supreme Court established a permanent Guardianship Commission.

Short of a permanent committee, in other states, a visionary chief justice or state court administrator has pulled together guardianship reform groups to make changes. For instance, in Maryland, the Court’s Guardianship/Vulnerable Adults Workgroup of the Maryland Judicial Council Domestic Law Committee was initiated by -- and had the consistent support of -- the Chief Justice, who made guardianship issues a priority.
Establishment of a WINGS by Non-Judicial Stakeholders.
In states where WINGS is convened by non-judicial stakeholders, it may be established by a state agency and/or dedicated advocacy organization, in some cases as the result of a grant. Establishing the group may be as simple as convening an initial meeting and announcing it to the interested public. For example:

- In Indiana, the Arc and the state’s Family and Social Services Administration provided initial sponsorship and funding to convene more than 35 organizations and many individuals dedicated to improving guardianship practices.
- In North Carolina, the Division of Aging and Adult Services, with a grant from the state Council on Developmental Disabilities, convened a statewide workgroup representing a range of guardianship stakeholders.
- In West Virginia, Legal Aid took the initiative to organize a roundtable of stakeholders with an enticing start-up of “$30 for bagels” and a robust agenda for discussion.
- In Massachusetts, a Guardianship Policy Institute, established through the commonwealth’s Guardian Community Trust, hosted a colloquium to gain insight and get the group off the ground.

3. Designate a coordinator, chair, and steering committee

Coordinator Role. The energy, skills and dedication of the coordinator can be the decisive factor in the success of WINGS. The coordinator must:

- In consultation with the chair, select a key group to serve as the steering committee.
- Convene the steering committee regularly to plan WINGS meetings.
- Work with chair and steering committee to identify and cultivate stakeholders.
- Secure a meeting space and manage meeting logistics.
- Compile and disseminate meeting notes.
- Publicize WINGS to inform professionals and the public.
- Oversee the continue WINGS meetings and subcommittee meetings.
- Involve and inform court leadership about WINGS.
- Keep the stakeholders engaged and active to keep things moving rather than “slog along.
- Be willing to “do administrative stuff” necessary for the group’s existence.

“I did a lot of outreach behind the scenes to agencies, developed relationships, and WINGS has taken off and blossomed from there.”
WINGS coordinator
• Identify data on measurable improvements.
• Plan for and seek funding to sustain WINGS, which is among the most difficult of tasks.

Estimates of time spent for WINGS coordination range from about 25 to 30 percent of a professional position to one full-time position plus administrative time. The greater time estimate could account for time spent on outreach to stakeholders, meetings with the WINGS steering committee and working groups, and ongoing fundraising. One stakeholder expressed the need for a coordinator with sufficient dedicated time, “who does not have a bunch of other jobs” and could focus intensively on WINGS needs.

Chair role. A skillful chair also is at the heart of WINGS’ success. The chair must facilitate the meetings, and work with the coordinator and steering committee to plan the direction of the group. A WINGS chair is very often a judge who can open doors with colleagues. One chair explained that “often, being a judge helps to carry some weight, and if used carefully, people are willing to listen.” Also, judges can help to bridge court leadership transitions, and are experienced at dealing with conflicts. WINGS chairs described the qualities and experience needed:

✓ “A willingness to listen, work with staff, draw input from others, consider issues and be involved in finding solutions.”
✓ “Someone who can take the 30,000-foot view and have the big vision and then prioritize to maximize the most benefit.”
✓ “Knowing how to listen and being able to facilitate without judgment so people feel included.”
✓ “The ability to distinguish between chair role and the chair’s professional role, make meetings meaningful, understand advocacy process, manage and bridge competing interests, and think about sustainability of the group.”
✓ “Making sure that all voices at the table get heard, but keep things focused” as meetings are managed effectively.

Steering Committee Role. WINGS steering committees are generally made up of six or eight knowledgeable individuals representing key partners. Keeping the steering committee under 10 will make it more nimble for planning and taking other actions between WINGS full stakeholder meetings.

The committee must include representatives of key stakeholder entities. It should be balanced between judicial/non-judicial members, as well as between aging/disability members. The ABA Commission on Law and Aging ACL WINGS project required the steering committee to include a representative from the state unit on aging, the protection and advocacy agency for
people with disabilities or the developmental disabilities council, and adult protective services (even if APS is a part of the state unit on aging).

The steering committee, with the coordinator, must:

- Understand the WINGS concept and have the will to launch and sustain a WINGS group.
- Conduct a process to select priority issues for initial emphasis.
- Identify stakeholder groups and individual representatives.
- Plan facilitated, interactive meeting agendas.
- With the coordinator, find ways to evaluate the effectiveness of WINGS.

4. Identify and cultivate stakeholders

WINGS is all about bringing key stakeholders together in a structured setting to generate ideas and action. Draw these key stakeholders from the judicial, legal, aging, disability, guardianship and mental health networks, and more. In some states, legislation or an invitation from the chief justice designates organizations, agencies or individuals to participate as stakeholders, as well as a set term. But in many states, the coordinator, chair and steering committee identify stakeholders whose input and expertise are needed.

**Composition of Stakeholder Group.** Different state dynamics should be reflected in the composition of the WINGS group. For instance, in some states, probate judges are administratively separate from the state’s highest court and the state court administrative office so it is essential to ensure they are represented in WINGS. If the court clerks play a central role in guardianship proceedings, they should have stakeholder representation. Most states have Native American tribes that should be represented. A few states have different guardianship systems based on populations (people with intellectual/developmental disabilities, individuals with other cognitive impairments including dementia, people with mental
illness), and representatives of the various agencies and organizations serving or representing them should be included.

If efforts for guardianship reform already have been underway, build on them, developing a WINGS to reinforce 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.” For instance, Oregon benefited from “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.”

After they were created, some WINGS recognized that they needed to add members -- family guardians, self-advocates, tribal leaders, law enforcement, a legislator, or others. One stakeholder remarked that WINGS “could do a better job of partnering with the probate bar. I can’t recall leadership of the probate section ever being at the table.” Another noted that some groups were not at the table, including law enforcement, prosecuting attorneys, licensure and certification, banks, and financial abuse specialist teams, and that these groups were needed to get things done.

 Ensuring Inclusivity. A WINGS must be inclusive. Be sure to provide accommodations and support so that individuals with disabilities can actively participate in WINGS meetings and activities. Accommodations may include support staff, ensuring a meeting place is physically accessible to someone with a mobility impairment, interpretation services, and technological services. Ask all participants whether they require accommodations and ask for feedback to improve future practice. Be sure to build the cost of accommodations into the budget.

Including one or more family guardians adds a key viewpoint, and it is essential to consider how best to meet their needs. They may be unfamiliar with guardianship law; may not understand legal terms or abbreviations; and may not be comfortable in a group of mostly professionals. Make an effort to meet with them in advance and find out their needs and questions. In WINGS meetings, encourage their participation. At the same time, encourage the stakeholders to use plain language and explain terms. One WINGS group resolved to fine each member a quarter if they used abbreviations – and while the fines were not imposed, the strategy worked! Making efforts to ensure inclusivity and a level playing field will not only benefit family guardians but may be helpful to law enforcement and other professionals less familiar with guardianship as well.
Moreover, it is critical to actively reach out to underserved groups based on race, ethnicity, socioeconomic status, language, and sexual orientation – in addition to seeking diversity as to external factors such as geographic location and guardianship expertise.

Size of Stakeholder Group. The number of stakeholders in the ABA Commission’s ACL project WINGS ranged from 19 to 45. One state listed an additional 16 participants as “interested parties,” and another state listed 22 stakeholders in the court-based WINGS and an additional 80 in an independent statewide advocacy task force outside the court. It is harder to fully engage a larger group, yet a small group may not encompass all of the diverse views. Aim for a stakeholder group of engaged participants committed to meet regularly.

If a larger group would have greater impact, consider convening a broad set of “interested parties” less frequently than the key stakeholders to review and comment on WINGS work or garner public input. For example, some WINGS have a core group of about two dozen members, but annually convene a much larger summit for maximum input. The Utah WINGS bylaws provide that annually, WINGS is to invite to its meeting “community members and agency partners who are not Utah WINGS members but who engage with guardianship or conservatorship issues on a regular basis . . . to raise awareness of Utah WINGS efforts, to listen to the challenges facing those dealing with guardianship and conservatorship issues, and to identify potential projects that fall within the bounds of Utah WINGS objectives.”

Turnover and Transitions. Transitions of stakeholder representatives on a WINGS can be difficult. Anticipate them and plan for them. One WINGS coordinator remarked that a WINGS should always be in the process of planning for transitions – including change in the coordinator.

“A huge lesson for WINGS is that change is inevitable and you just have to plan for it. Constantly think of who will replace you. Always be mentoring.” WINGS coordinator

Transitions in leadership of the sponsoring court, agency, or organization can be especially challenging. The incoming leader may have different priorities and assess the WINGS in different ways. For example, in one state, political changes meant that WINGS was no longer to be administered by the court. Strong and ongoing court connections can help WINGS to survive and flourish regardless of whether it is judicially administered. In another state, a legislative resolution supporting WINGS aimed to bolster the group in case of difficult transitions.
Having a process to replace a stakeholder representative who leaves with another active participant from the same organization or discipline is also critical. For example, the Utah WINGS Bylaws include rules concerning stakeholder succession. The Bylaws set out stakeholder terms for the chair and the members, and provide that when a vacancy in membership arises, a new member “who can provide the same or similar representation” is to be sought within 60 days.

**Key WINGS Stakeholders.** Cultivating stakeholders must be a continuing priority for WINGS leaders. Seek high-level stakeholder representatives who can affect their court, agency, or organization policies and help turn WINGS priorities into action.

WINGS should include many of the following stakeholders:

**Judicial Stakeholders**

- The highest state court, including key judges.
- The state court administrative office – the state court administrator and possibly staff named by the administrator.
- Judges from various locations within the state who hear guardianship proceedings or matters involving populations that may be subject to guardianship petitions (e.g., judges presiding over mental health courts or veterans courts)
- The state judicial educator or others involved in developing and presenting judicial education programs. [http://nasje.org](http://nasje.org).

**Aging Network Stakeholders**

- The state unit on aging under the Older Americans Act. [http://www.nasuada.org/about-state-agencies/list-members](http://www.nasuada.org/about-state-agencies/list-members). This could be the director of the state unit on aging, or someone the director has named – for instance, the state’s “legal assistance developer” tasked with marshalling and maximizing legal resources for older people.
- The state adult protective services agency (APS). [http://www.napsa-now.org/get-help/help-in-your-area](http://www.napsa-now.org/get-help/help-in-your-area). If APS is located in the state unit on aging, be sure that both are represented.
- The state long-term care ombudsman, often located in the state unit on aging. [https://theconsumervoice.org/get_help](https://theconsumervoice.org/get_help).

“What drives WINGS is what a high-level committee it is. Everyone at the table is a very high-level decision-maker, all the top people. It doesn't have to get sold up the line.”

WINGS member
• Any elder abuse or elder fraud prevention networks in the state.

Disability Network Stakeholders

• People with disabilities who are self-advocates (see, for example, the “People First” organizations in many states, https://www.peoplefirst.org/usa).
• State or local Arc chapters for people with disabilities. https://www.thearc.org/find-a-chapter.

Legal Stakeholders

• Representatives of relevant state bar association sections or committees, particularly those on elder law, disability law, and probate law, which often have different perspectives on guardianship issues. For a list of state bar associations, see https://www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders/.
• State chapters of the National Academy of Elder Law Attorneys. https://www.naela.org/Web/About_Tab/About_Tab_Main_Landing/NAELA_Chapters_new.aspx. NAELA includes lawyers to serve both older persons and individuals with special needs.
• Professors or other university employees who run legal clinics, medical-legal partnerships, or in some way serve people who have guardians.
• Legal services programs funded through the Legal Services Corporation (https://www.lsc.gov/grants-grantee-resources/our-grantees) or other legal aid programs. In particular, many legal aid programs receive Older Americans Act funds to serve older clients.
• State Access to Justice programs.
• State law enforcement and prosecutor representatives.
• Elder mediators, who may be members of the Association for Conflict Resolution Elder Section, http://acreldersection.weebly.com.

Guardianship Stakeholders

• Professional guardians, both public and private.
• Family and other lay guardians.
• Guardianship abuse reform groups, often coordinated by family members who have experienced malfeasance by a professional guardian.

Health Care and Related Fields

• Mental health associations. See National Alliance on Mental Illness, state organizations and affiliates, https://www.nami.org/Find-Your-Local-NAMI.

Federal Connections. Both the Social Security Administration representative payee program and the Department of Veterans Affairs (VA) fiduciary program serve much of the same population as state courts with guardianship jurisdiction. Coordination and information exchange between the federal and state systems is important to best serve those in need.\textsuperscript{xxi}

The Social Security Administration (SSA). SSA has designated a regional representative for each of the existing WINGS groups. The representatives are the SSA “Regional Communications Directors” (RCDs). Each RCD is matched with several state WINGS. The connection has proven challenging because the liaisons are at the regional level, and WINGS are at the state level. It is hard for the RCD to attend meetings. Moreover, each RCD is faced with a pressing workload.

WINGS leaders can facilitate the SSA connection by: (1) ensuring that the assigned RCD is on the WINGS list to be notified of meetings; (2) calling the RCD to develop an individualized
plan of communication that works best, and inviting the RCD to give a presentation to WINGS on the representative payee system and other relevant Social Security topics; and (3) determining whether the RCD can name a state or local representative to WINGS for closer coordination. To identify the SSA liaison for a state WINGS, contact Diandra.Taylor@ssa.gov, with a copy to OEA.Net.Post@ssa.gov.

Department of Veterans Affairs. WINGS should seek a liaison with the regional U.S. Department of Veterans Affairs (VA), to promote coordination of the VA fiduciary program with state courts. See https://www.benefits.va.gov/fiduciary.

5. Convene initial WINGS meeting

Plan a working, consensus-building meeting to launch WINGS. Structure the day carefully for maximum output but allow time for networking as well. The initial 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.

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.

Be sure to include lunch or a snack! Sharing food can help to make connections among stakeholders. Food is a great conversation starter, plus it gives energy to the participants. At least one state WINGS every meeting, which is a food can be built into a some cases, the cost may grant. Community AARP state offices have WINGS meetings in Otherwise, stakeholder be willing to pay for a coordinator.

Have the participants complete an evaluation of the meeting. Ask them to rate the agenda, content, facility, working groups, networking opportunities, accommodations, and overall impact of the meeting. Honest feedback will prompt any immediate changes needed.

6. Conduct priority setting and strategic planning initiatives

24
**Priority setting.** The WINGS chair, steering committee members, and coordinator should identify three or four pressing issues around which to build an initial agenda. There are multiple ways in which they can accomplish that, and it may be valuable to use more than one method. For each method, discussion of the issues highlighted is an important part of the priority setting process:

- **Community forums/public hearings/town hall meetings.** They can hold community forums, town halls, or more formal public hearings to gather input. Florida WINGS held two regional public hearings. Alabama WINGS held town hall meetings for the public.

- **Individual meetings.** They can meet informally with key stakeholders one on one. For example, in Alaska, the coordinator met individually with several stakeholder representatives before setting up a series of community forums in different areas of the state.

- **Surveys.** Some states have conducted a statewide survey as a start-off needs assessment. These surveys were not intended to be scientific, but they provided a reasonable indication of priorities to start off a first agenda and working groups. Early WINGS surveys conducted in Oregon, and Texas helped to highlight areas in need of action. More recently, the Florida WINGS conducted an online statewide survey. The Alabama WINGS conducted a survey of probate judges.

**Strategic Planning.** While priority-setting can provide some initial direction, WINGS should engage in a structured strategic planning process. This can be an exercise either for the steering committee or for the full group. Breaking into brainstorming teams can ensure that everyone participates and will promote interaction. Strategic plans should include:

- **A vision:** How the group thinks things would look if guardianships were perfectly addressed – in a few succinct words! The vision should be pithy, catchy, and inspiring.

- **A mission statement:** Broadly describe what the group will do and why. For example, “To improve the state’s guardianship system, avoid unnecessary and overbroad guardianships, and prevent and address abuse.”

- **Objectives:** What measurable results is WINGS aiming for and by when. The objectives should be achievable yet challenging. For example, “By XX date, 30 percent of guardianship orders will be limited.” “By XX date, the state will conduct training for all
guardians on existing standards of practice.” “By XX date, courts will order restoration of rights in at least XX cases.”

- **Strategies:** Methods by which WINGS will meet its objectives. For example, to meet an objective about increasing the number of restorations, judges will receive training at an upcoming judicial education session.
- **Action plan:** Shows how the strategies will be implemented, what the steps will be, and who will do what by when.

Developing a draft strategic plan can be accomplished in a full-day or two half-day meetings, especially if a skilled facilitator is used. Drawing it out too long can frustrate a drive for action and results. Stakeholders in one state voiced impatience that building a strategic plan overwhelmed the group, adding, “We would like to see a more actionable agenda.”

**“Low-Hanging Fruit.”** Within the framework of priority-setting and strategic planning, a WINGS needs early successes with short-term solutions to generate momentum, or “low-hanging fruit.” Guardianship problems can seem overwhelming. Money to “fix things” is scarce, and changes in entrenched practices can seem daunting. Begin with efforts that can realistically be accomplished in a fairly short time, showing that the group is capable of producing results. WINGS should accomplish at least one tangible product or goal in its first year. Examples of manageable short-term objectives include:

- Develop a website or Facebook page with key information easily accessible for the public.
- Include a link to aging and disability resources on the court website.
- Have courts distribute information on nursing home residents’ rights, agency on aging resources, or adult protective services to new guardians.
- Develop brochures or handouts about decision-making options less restrictive than guardianship.xxv
- Convene educational presentations on supported decision-making.
- Determine what guardianship information is included in statewide and local court databases.

Because different stakeholders bring different skills, individual stakeholders or small working groups could work on several tasks simultaneously and provide progress reports at the full WINGS meetings.
7. Develop focused working groups

Based on issues identified through priority setting and initial discussion, designate WINGS working groups, each with a chair. It is the working groups that will do the real work between full stakeholder meetings. Their meetings will keep up the momentum. The groups should be small enough to get things done. They may meet in person or by phone/video.

Structure the groups to include a range of participants and expertise if possible – but allow members to choose the groups in which they are most interested. The coordinator should collaborate with the working group chairs to clarify expectations on how the groups will operate within the overall umbrella of WINGS, and how they will report back to WINGS. The coordinator should attend some of the working group meetings to ensure the groups maintain focus and avoid duplication. WINGS working groups have included:

- Legal education; judicial education
- Public & professional education
- Guardian training
- Data collection
- Monitoring
- Less restrictive options
- Outreach
- Supported decision-making
- Court rules
- Legislation
- Standards of practice
- Forms
- Court file review
- Alternative dispute resolution
- Financial exploitation
- Ad hoc working groups to plan for symposia or retreats

8. Promote stakeholder engagement and synergy

Each stakeholder brings special experience and resources to the table. Each brings value to the full group and to the working groups. 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 and offer webinars or regional training sessions for judges. Many states have guardianship associations that can quickly and directly reach an array of guardianship practitioners. AARP state offices can tap members who have powerful impact as advocates or volunteers. The state unit on aging has a widely-used website to educate the public. Aggregating all these stakeholder resources can be a potent force for change. Moreover, aside
from their representational role, many WINGS members, as individuals, bring substantial expertise and connections.

But beyond adding all these stakeholder resources together, each stakeholder can affect the others individually, producing a multiplier effect – a “synergy.” Methods for cultivating stakeholder engagement and synergy include:

- **Schedule meetings at regular intervals.** Convene the full WINGS group regularly, with working group meetings in between. An expectation of regular, scheduled meetings will help to sustain the group and build communications and trust. Ensure that the meetings are tightly run and stay within the allotted time. In-person meetings are ideal, but their feasibility will depend on geography and costs. It may help stakeholders to schedule some meetings adjacent to other scheduled stakeholder events such as aging, disability or state guardianship association conferences. Some meetings could take place via remote teleconferencing or videoconferencing.

Meeting frequency may depend on geography, weather, and costs. Find a balance that works in your state. For instance, according to its bylaws, Utah WINGS meets every two months. In Virginia and Idaho, WINGS meets semi-annually. In Alabama and Oregon, WINGS meets quarterly. One stakeholder observed that “quarterly is a nice pace, enough to accomplish things, but not so that attendance lags.”

- **Prompt stakeholders to learn about each other.** Don’t assume that everyone knows about the roles and responsibilities of other organizations represented on WINGS, or that their knowledge is current. Structure opportunities for each stakeholder to explain what their agency does and what challenges they encounter. You may see lightbulbs going off as understanding increases, and

As noted earlier, many stakeholder representatives observed that being a part of WINGS had helped them with their own job responsibilities and improved their practices:

“Meeting people at WINGS increased my universe of contacts and made me more aware of how to refer clients for services.”

“I learned about agencies I was not familiar with, and now I am making referrals to them.”

“WINGS put me in a position of providing better counsel to other members of the section and the bar who are not focused on guardianship.”

“WINGS allows me to be a better resource for families.”

“Being on WINGS is necessary to fulfill my protection & advocacy role.”

“WINGS has led to a better relationship with the trust and estate bar. I am now on their board, and the head of the section is now on our supported decision-making committee, and we have done trainings together.”
stakeholders see a nexus with their own agency or role.

- **Be sure that all stakeholders are involved in WINGS tasks.** Some coordinators remarked that a core WINGS group tended to do most of the work, while others did little. “There is a core group that always show up, but additional stakeholders that don’t get into mix.” Several stakeholders confirmed that without a specific WINGS role or expectation, they feel less connected to the group. One person said: “I need a task to accomplish. Without a task, it’s harder to be engaged.”

- **Be alert to private stakeholder agendas.** Sometimes stakeholder representatives come to WINGS with their own agendas or “pet issues” and may insist on these as priorities. The issue may stem from a professional goal over many years, a longstanding advocacy campaign, or a personal experience. For example, a stakeholder may have experienced, or represent others who have experienced, an abusive guardian and now seek an immediate law enforcement or legislative response. Approaches to address such private agendas include:
  
  - Meet with the member individually to understand the perspective. Acknowledge the issue and the suggested need for change.
  - Ensure the stakeholder has time at the meeting to voice concerns and hear the responses of others.
  - Ensure strong priority setting and implementation of an ongoing strategic planning process at the beginning of WINGS. This allows the concerns to be considered by the full group yet places them in the larger overall context. One state WINGS organized a retreat at which common objectives could be discussed in depth and reinforced or modified. A specific stakeholder issue could be a constructive impetus for action steps – but only if endorsed collectively.
  - Rely on facilitation skills of a strong chair or coordinator.

- **Reach out to stakeholders regularly; reinvigorate stakeholder and group energy.** Encourage less-active stakeholders to join a working group, or ask them to bring back specific information from their agency. Talk with stakeholder representatives individually to find out their perspective. Ask if they have questions or need clarification of items discussed. For instance, one stakeholder remarked that “my ideas don’t always make the flip chart” – a view that would be helpful for a coordinator and chair to understand. Let
each stakeholder know their input is valuable and that you want them there. “If the coordinator says we hope you come [to the meeting] I give that a priority.”

9. Continually Evaluate to Measure Success

Measure your WINGS’ success from the beginning. Evaluation will inform stakeholders, help secure funds, raise public and media interest, and keep up the momentum.

Evaluation will help the court leadership show the value of WINGS and it may result in important changes in the group’s direction. It is the best way to get an overall vision of the group and its efforts as a whole over time. The ABA Commission’s ACL WINGS project required all seven participating state courts to develop and implement an evaluation strategy. Utah has included evaluation in its bylaws, providing that annually “Utah WINGS shall hold an assessment meeting to determine how well the committee is meeting its objectives and whether Utah WINGS needs and priorities have – or should be – changed.” The extent to which other state WINGS or similar groups outside of the ABA Commission project have engaged in evaluation is uncertain.

Types of Evaluation. The National Center for State Courts (NCSC) suggests three types of evaluation for WINGS:xxvi

- **Process Evaluation.** Have we done what we said we were going to do? We said we would hold three meetings a year, and sponsor two judicial education programs. Have we done so?

- **Outcome Evaluation.** What have been the short-term results of WINGS actions? For instance, how many hits has the WINGS website had, how many judges have been trained, how many trained volunteers have monitored cases for the court, did the legislation pass?

- **Impact Evaluation.** This is the most important and difficult kind of evaluation. It asks, “What difference has WINGS made” systemically and in the lives of individuals? For instance, an impact evaluation could seek to find out:
(1) Whether there is an increase in the number of limited guardianships; the number of petitions diverted to less restrictive options; and/or the number of individuals whose rights have been restored;
(2) Whether there is a change in the percentage of guardian reports filed on time; in the presence or participation of the respondent in hearings; and/or the use of “person-centered plans;”
(3) About the increase in the use of advance planning to avoid guardianship;
(4) Though it is challenging, the effect of these changes on the well-being of the respondent or the person who is subject to guardianship.

**Two kinds of impact evaluation.** WINGS should assess both the need for and extent of available quantitative and qualitative information for an impact evaluation:

- **Quantitative (numerical) data.** Clarify what data the court collects, and to what extent databases could be changed to include key guardianship measures. An important objective could be to include more information on guardianship demographics, procedures, and reports in the court’s database.

To supplement court data, conduct a limited court case file review to pull out information relevant to WINGS objectives – find and document cases with limited orders, cases with or without legal counsel, cases in which no report was filed – within a specified period. This can give a baseline against which future file reviews could be compared. For example, North Carolina WINGS reviewed case records at the clerk’s office in one county to give an initial idea of problems and gaps.

Additionally, identify any existing measures outside of court, such as data collected by APS, the protection and advocacy agency, legal services, or hospitals on a regular basis. For instance, APS may track the number of cases in which it either serves as guardian or responds to a report of abuse, neglect or exploitation by a guardian. Nursing homes or assisted living facilities may track the number of admissions in which residents have guardians or in which the home or facility files for a guardianship. In one state, WINGS learned the number for assisted living was high due to ill-conceived policies that all residents admitted must have guardians.

- **Qualitative (non-numerical) data.** Use surveys and interviews to document observations and experiences of key stakeholder groups such as adults subject to guardianship,
petitioners, judges, court staff, volunteer visitors, or family members. This can include perceptions about well-being and changes in practice. “Satisfaction surveys” can be a useful tool. Don’t overlook collecting stories showing changes in practice.

Oregon WINGS conducted a massive “mapping project” on the availability and use of less restrictive decision-making options statewide. The results served both to help set priorities and to develop a baseline set of information for later comparison. In North Carolina, the WINGS Rethinking Guardianship group sought information from clerks through surveys and focus groups, and collected stories of restoration of rights through its disability stakeholder contacts. Alabama conducted a survey of probate judges on guardianship practices.

**Challenges of Impact Evaluation.** Clearly, impact evaluation is both the hardest to develop and the most valuable in determining the effect of change. In the big picture, WINGS should be looking for impact using both quantitative and qualitative data, both in the court system and outside of the court system. For each data set, WINGS should start with baseline information for later comparison.

<table>
<thead>
<tr>
<th>Quantitative data in court system – for example, number of limited guardianship orders; number of restoration of rights cases; percent of cases in which person alleged to need guardian has counsel; percent of cases in which guardian reports are timely filed.</th>
<th>Qualitative data in court system – for example, interviews documenting perceptions of judges, court staff, lawyers, petitioners, guardians ad litem, court visitors.</th>
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<tr>
<td>Quantitative data outside of court – for example, data collected by APS on the number of guardianships for which they have petitioned, or the number of guardians shown by APS to have perpetrated abuse or exploitation; data collected by hospitals, as the number of incoming patients with health care advance directives or the number of incoming patients with guardians.</td>
<td>Qualitative data outside of court – for example, surveys, interviews, or stories documenting experiences of individuals subject to guardianship or whose rights were restored; interviews with guardians on their duties and challenges; or interviews documenting experience with the use of less restrictive decision-making options.</td>
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An obstacle is that most courts do not keep data on, for instance, the number of limited orders, the number of terminations of guardianship in which there was a restoration of rights, or the number of cases in which the person alleged to need a guardian had counsel. In fact, many court databases have no or few specific fields regarding adult guardianship, and courts often do not know the number of open cases for adults, or the number of cases under family or professional guardianship.

An even greater challenge is measuring impact outside the court system, such as greater use of less restrictive options to avoid guardianship. Finally, perhaps hardest of all -- how is the “well-being” of an adult to be measured?

The first step in conducting an impact evaluation of a WINGS should be to determine what data is available and what is missing. WINGS leaders could talk with court database staff and find out from stakeholders if there is other data that might be collected or combined with court information. They should examine the possible methods of collecting data and piece together an impact evaluation as best they can. If a WINGS has a university member or has built a relationship with a university, research experts may be able to suggest measurement tools.

**Measuring synergy of WINGS.** Finally, in addition to measuring its success in changing guardianship practices and promoting less restrictive options, WINGS should look internally, tracking stakeholder time dedicated (see section 10 below on funding), as well as synergy or “collective impact.” The coordinator could periodically solicit stakeholder responses to this important question:

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<th>How, if at all, has interaction with other WINGS stakeholders resulted in changes? Changes do not necessarily need to be under the auspices of the WINGS, and examples might include:</th>
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<tr>
<td>a. New or increased referrals to other WINGS stakeholders</td>
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<tr>
<td>b. New partnerships or joint activities with other stakeholders</td>
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<td>c. Support for actions or initiatives of other stakeholders</td>
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The ABA Commission used two approaches to measure WINGS “collective impact” or synergy. The first was dubbed the “lightbulb survey.” It consisted of only three questions that were answered by stakeholder representatives immediately following a meeting – at which they may have had a “lightbulb moment” of new understanding about the guardianship system. (Following any “yes” answer, they described what they learned):

- Did you learn something new about any other stakeholder organization?
• Did you learn something about a process related to guardianship or conservatorship that might be of use to you?
• Did anything else result from your participation in the meeting that might be of use to you?

Second, the ABA Commission conducted a national survey of WINGS stakeholder members in 2019, with responses from 187 stakeholders in 19 states. (See Appendix for a link to the survey.) The survey asked about the impact of WINGS on the individual and his/her job duties; stakeholder and organizational actions resulting from participation in WINGS; and the impact of WINGS on guardianship law and practice. Both ABA surveys could be adapted for use by state WINGS.

10. Identify funding sources for WINGS sustainability

Funding Needs. Funding is where some WINGS planners get stuck. The WINGS concept leverages action by multiple stakeholders, and thus a small amount of funding can generate a big wave of change. WINGS is not high-cost and gives a big payback -- but it requires some funding support, primarily for coordinator time.

We asked WINGS coordinators and leaders to estimate the funding needs. They listed the following costs:

• **Coordinator time.** Several stated that a part-time or half-time coordinator is needed – including both salary and fringe benefits.
• **Administrative and website support.** Some WINGS coordinators noted the need for a small amount of administrative time.
• **Member travel.** This is especially high in large rural states in which stakeholders may need to stay overnight.
• **Printing of materials.** WINGS may develop, print and distribute guides, pamphlets or curricula.
• **Food for meetings.** Sometimes stakeholders may be able to cover all or part of food costs.
• **Occasional speaker reimbursements** or special consultants.
• **Accommodations** for individuals with disabilities.

Funding Sources. For WINGS located in the state’s highest court, a natural aim is to have WINGS function as an ongoing judicial entity, with funding included in the court budget. A more realistic strategy would be to go for a combination of public funds, largely through the judicial branch, and private resources. Possible funding sources and strategies for a WINGS are described below:
Specific legislative appropriation for WINGS. A legislative enactment creating WINGS may have an appropriation, at least for an initial period. In Nebraska and Nevada, there were legislative appropriations for enactments creating a court guardianship and conservatorship commission that serves a similar purpose to WINGS.

Moreover, a legislative appropriation for a specific guardianship improvement may benefit WINGS as well. For instance, in 2013, the Indiana Adult Guardianship State Task Force secured an appropriation to create a Supreme Court Adult Guardianship Office, which in turn is supportive of the Task Force (WINGS) efforts. In Utah, in 2018 WINGS advocated for and won permanent appropriations for the Supreme Court’s guardianship volunteer visitor program, which in turn helps to support some staff time for WINGS.

Finally, a legislative resolution endorsing WINGS may ultimately lead to creation of an ongoing WINGS entity with appropriations. For example, in 2018 the Alabama legislature passed a resolution supporting Alabama WINGS, which could lay groundwork for future funding.

Court filing fees. In Idaho, a 2005 bill increased fees in guardianship and conservatorship cases to fund a pilot project to evaluate and improve guardianship and conservatorship monitoring. Recognizing the success of the pilot, the Idaho Supreme Court in 2009 created a permanent, interdisciplinary Idaho Supreme Court Guardianship and Conservatorship Committee (WINGS), funded by the filing fees (fees for filing the guardian report, not for filing the petition).

Community trust funds. In Massachusetts, the Guardian Community Trust is a non-profit organization that operates the largest pooled trust program in the state. See http://www.guardiancommunitytrust.org/index.html. The individual accounts are managed as a pool. An underlying purpose of the Trust is to improve the lives of incapacitated persons in Massachusetts. A share of the balance left in each pooled trust at death goes to an Endowment to address this purpose. The Massachusetts Guardianship Policy Institute was established in 2014 as a collaboration between the Guardian Community Trust and other entities, and functions like a WINGS.
(4) **National, state or local foundations.** WINGS can identify and apply to national, state or local foundations with a special interest in aging, disability, health care or financial decision-making, mental health, or access to justice. Searching directories such as Grantmakers in Aging can help. See [https://www.giaging.org](https://www.giaging.org). Several WINGS have sought and won foundation support. For example, Utah received funds from ASPIRE to provide training for families on advance life planning and guardianship. In Alabama, WINGS received a grant from the Alabama Law Foundation for public and professional outreach. Early WINGS created in 2013 and 2015 received supplemental funds from the Borchard Foundation Center on Law and Aging, [https://www.borchardcla.org](https://www.borchardcla.org).

(5) **State Justice Institute.** The State Justice Institute (SJI) awards grants to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. See [http://www.sji.gov](http://www.sji.gov). A stated priority in the grant guidelines has been: “Guardianship, Conservatorship, and Elder Issues—Assisting the state courts in improving their oversight responsibilities through electronic reporting, visitor programs, and training.”

The original WINGS pilots in 2013 and 2015 were funded by SJI, through the National Guardianship Network, with supplemental funding from the Borchard Foundation. The Utah Supreme Court received SJI funding for its volunteer visitor program, which also helped to support WINGS. In 2016 the Guam courts applied for and received funding for a WINGS.

(6) **Federal Grants.** Federal grants for related projects may include funding for, or address some of the objectives of, WINGS. For instance, in Minnesota, Volunteers of America (VoA) received a grant from the U.S. Administration for Community Living addressing
supported decision-making. The grant supported time of the VoA staff member who served as WINGS coordinator.

Federal and other grant opportunities in legal services, elder abuse, disability systems, mental health or aging may be vehicles to help sustain WINGS. See [https://www.grants.gov](https://www.grants.gov).

(7) **Universities.** Universities may be a source of funding, as well as research expertise. In North Carolina, “Rethinking Guardianship” (WINGS) is based in the University of North Carolina School of Social Work's Jordan Institute for Families. Utah WINGS received support from Utah State University to organize a roundtable on “Crossroads on Guardianship, Involuntary Commitment and Essential Treatment.”

(8) **State disability/aging agencies.** In North Carolina, the Rethinking Guardianship is supported not only through the university, but also is a collaborative effort involving both the Council on Developmental Disabilities and the Department of Aging and Adult Services. In Missouri, WINGS meetings are staffed through the Missouri Developmental Disabilities Council.

(9) **Supplemental in-kind contributions from stakeholders.** Don’t overlook important contributions that can be made by WINGS stakeholders. For example, Florida WINGS used supplementary funding from The Florida Bar for travel expenses. West Virginia WINGS is coordinated by Legal Aid staff. The Indiana Adult Guardianship State Task Force has used meeting space provided by a local law firm. For several WINGS, AARP state offices serving as WINGS stakeholders have provided space, lunch, or contributed to costs of a reception.

**Volunteer Time.** The volunteer time of stakeholder representatives is a huge in-kind funding source. Be sure to track the value of the volunteer hours. It will help to attract other funding sources. Because WINGS stakeholder representatives are often high-level professionals, the total value of their donated time can be impressive to funders, as well as court leaders. Moreover, some grants require that recipients donate a percentage of funding as a “match” – and volunteer time can be an important component to fulfill the necessary match amount.
The seven WINGS funded by the ABA Commission’s ACL grant were required to track stakeholder time – not only at meetings, but in any related activities such as preparing for meetings, conducting research, making presentations, and writing articles. The ACL WINGS used a “Volunteer Time Reporting Form” for members to record their time and estimate the value of their time. In Oregon, the form included a chart of all the WINGS meeting dates, so stakeholder representatives can easily fill it in (see Appendix). The number of hours reported and the value of the time can be surprisingly large. For instance, one of the seven ACL project WINGS reported that from June 1, 2017, through June 30, 2019, a total of 762.87 volunteer hours were devoted to WINGS with a total value of $84,770.38.

Promoting WINGS with Funders. The “collective impact” model is appealing to funders because they can give at one time to multiple entities who have banded together in one block to be more effective. Funders recognize that supporting the collective efforts of the group will have a leveraging effect. Here are some tips in communicating with funders:

- Use the results of the WINGS evaluation to demonstrate positive outcomes.
- Impress funders with the breadth of stakeholders and the potential for imaginative, often low-cost solutions that can result from better coordination.
- 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.
- Use articles by WINGS members, court reports including WINGS, and positive press stories to show funders that WINGS has momentum and recognition. In some states, the chief justice has mentioned WINGS in the state of the judiciary speech.
• Support individual stakeholder requests for funding that would help to address overall WINGS objectives. Write letters of support and demonstrate how the request fits into the larger WINGS objectives. For example, when the National Resource Center for Supported Decision-Making requested proposals for mini-grants, applications of disability organizations in several states were supported by WINGS.

• Give examples of things accomplished by WINGS that “don’t cost a dime” such as posting widely on stakeholder websites or providing community resource information to guardians and family decision-makers that can make a real and immediate difference.

• If stakeholders have a relationship with potential funders, ask them to write a letter, request a meeting, or meet informally to promote WINGS.

Conclusion

WINGS can breathe fresh air into the drive by courts and community stakeholders to advance adult guardianship reform and promote less restrictive options. WINGS have sparked numerable interactions that can have ripple effects in the lives of vulnerable people. WINGS is collective impact at work!
Appendix

The following items, referenced throughout the WINGS Replication Guide, have been posted on the ABA Commission’s WINGS website at http://ambar.org/wings, and are available at the links shown below:

- Utah WINGS By-Laws; Minnesota WINGS By-Laws
- Oregon WINGS Time Reporting Form
- Montana and Kentucky Legislation Establishing WINGS
- Alabama Legislative Resolution Recognizing Supporting WINGS
- ABA Commission Stakeholder Representative Survey

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i U.S. Special Committee on Aging, Ensuring Trust: Strengthening State Efforts to Overhaul the Guardianship Process and Protect Older Americans (November 2018).
viii Kania & Kramer, note 6 above.
xiii Idaho Supreme Court WINGS proposal to the ABA Commission, 2017.
xiv Montana HB 70 (2017).
Montana Supreme Court, “In Re the Establishment of and Appointments for the Working Interdisciplinary Network on Guardianship (WINGS),” AF 19-0360, Filed June 20, 2019.

Kentucky HJR 33, recommending creation of Kentucky WINGS, headed by the Cabinet for Health and Family Services and the Administrative Office of the Courts, 2018.

Kania & Kramer, note 6 above.


Federal hearings and governmental reports have urged better coordination between SSA, the VA and state courts with guardianship jurisdiction. See, for example, U.S. Government Accountability Office, Guardianships: Collaboration Needed to Protect Incapacitated Elderly People, GAO-04-655, July 2004.

A community forum is generally local or regional, made up of residents and community groups seeking to work together to address certain issues. A town hall meeting is an event at which public officials answer questions and seek input from members of the public. A public hearing is a public meeting in which a government body accepts public comment and testimony.


Alabama Act #2018-575.

Idaho Code §31-3201G.

https://guardianship.institute.