Memorandum of Understanding between the Court Visitor Program (CVP) of the Administrative Office of the Courts and Adult Protective Services (APS), Division of Aging and Adult Services, Utah Department of Human Services regarding the use of APS reports in Court Visitor reports

WHEREAS, APS is a unit within the Division of Aging and Adult Services in Utah’s Department of Human Services. APS is charged statutorily with investigating allegations of abuse, neglect, or exploitation against vulnerable adults.

WHEREAS, APS is not a law enforcement agency, but a Human Services agency.

WHEREAS, CVP acts on behalf of the court at the direction of the judge, and investigates the circumstances surrounding guardianship and conservatorship cases over which the court has continuing jurisdiction, and

WHEREAS, APS may have information that is relevant to the court’s ultimate determination regarding a guardianship or conservatorship case,

CVP and APS hereby agree as follows:

(1) If APS has received a referral pursuant to its statutory responsibilities involving either a ward/conservatee or adult allegedly incapacitated or a guardian or conservator or proposed guardian or conservator and

(b) the Court has requested that CVP investigate the circumstances of a guardianship or conservatorship case,

(c) CVP may submit a GRAMA-compliant request pursuant to Utah Code Ann. § 63G-2-206(2)(a) for APS’ first three pages of the APS case file.

(2) CVP will include in its GRAMA request a list of interested parties to the guardianship or conservatorship case about which the court may have concerns.

(3) Following receipt of a GRAMA-compliant request by CVP, APS will provide the first three pages of its redacted case file report concerning the APS investigation.

(4) Only if relevant to the CVP’s report, CVP will copy the redacted APS report verbatim to the Court Visitor report, making no changes to the information. Otherwise, the Court Visitor Report will note APS’s findings only.

(5) If the circumstances of the guardianship or conservatorship case dictate that APS and CVP deviate from the terms of this memorandum of understanding, APS and the Court Visitor Program may agree to other terms for that case but must reduce those terms to writing.

(6) With respect to any open APS investigation involving any party as mentioned in 1(a) of this memorandum, APS will inform CVP of its anticipated timeframe for completing its investigation.

8/23/2018

Date

6/22/18

Date

Sign here ➤ Nan Mendenhall

Adult Protective Services

Sign here ➤ [Signature]

Court Visitor Program of the Administrative Office of the Courts