Oregon WINGS General Meeting Minutes

Wednesday December 9, 2020

Oregon Judicial Department

Juvenile & Family Court Programs Division

Meeting held via WebEx

Attendees: Hon. Lauren Holland, Hon. Patrick Henry, Bryan Marsh, Matt Shields, Theressa Hollis, Leslie Sutton, Emily Braman, Jerry Cohen, Marc Kochanski, Michael Lantz, Traci Robertson DHS Aging and People with Disabilities, Jan Friedman, Victoria Blachly, Channah Newel, Whitney Yazzolino, Fred Steele, Valerie Eames, Mary Jaeger, Mark Sanford, Deborah Howard, Paula Boga, Chris Rosin, Melissa Dablow

- Traci L. Robertson, Alan Edwards Social Security Administration, Matt Shields, Ellen Klem

Introductions **Judge Holland**

Called to order by Judge Holland 9:00 AM
Approved Minutes September 9, 2020

PR Project **Theressa Hollis**

- Website changes; having new material translated into Spanish. Added new photos to webpage to include more diversity. Have made the Get a Life Plan page on the front page. You Tube added close captioning to video.
- How to get the word out, add to newsletter/blogs. PEBB update? Debra Howard- got information after open enrollment, looking for them to include under HEM requirements. Mark Sanford also working with County Communications team to get it out with Google Adds. Apply some CARES act funding since it's closely related to pandemic. Is AARP Interested? Jerry has put the plug in the cue to go in electronic newsletter. Shared with national office as well.

Train the Trainer **Paula Boga**

Moving forward with public training. The date of public training 2/18/ 10-1pm Bryan will send a notice to the group.

Roundtable Discussion of Trends and Issues, including: **[All]**

- Fred Steele- Ombudsman, public forum for WINGS Meetings to allow for legitimate concerns Public Comment time on the agenda and give ability for public to reach out to Bryan ahead of time for a specific issue on the agenda. Use the chat feature for public comment. Will look into event features with a panel of speakers as opposed to a single speaker. Tiered participation. Tiered platform? Any thought about how best to work with it. Is this a public meeting? WINGS is not required to comply with public meeting laws. Are we trying to develop best practice? Develop

policy to get input from people not members of committee. Clear parameters. How to use WebEx for panel, tiered participation?

- How will people learn about the meeting, provide input in writing? Need more clarity on how to invite participants. Agenda last 10 minutes available for public comment. Committee to help develop policy: Judge Henry and Judge Holland may contact members directly. Jan Freidman volunteered as well.
- Legislative update: **Channa Newell**
  - Senate Judiciary meeting tomorrow, several bills being introducing, lots of things still out there that she doesn't know about yet. Multiple bills unknown. Advance Directive form adoption committee 11 am, will be on web afterwards. Civil Commitment statute, *LC 959* redrafted, will be on senate judiciary website, modifies notice to protected person once guardianship is established. *LC 1062* new advance directive form on web today. *LC 1419*, redraft of SB682, attorneys for those in guardianship. Couple of banking bills not dealing with guardianships or conservatorships, several bills dealing with probate, removal of sunset for remote notarization, extend the end dates, effective for a certain period of time, trial period, if all is working, remove sunset and allow legislation to continue.
  - Remote attestation bill, measure advance directive registry to voluntarily have people register their AD.
  - Supportive decision making? Had heard there would be a bill, she has not seen a final bill yet. One of the many she expects to see in the next few weeks.
  - Electronic will? Does not think it will make it this session, Bryan says it will not come out of the commission, significant opposition from judges in the group.
  - Court appointed attorneys? LC 1419 redraft of SB 682A from 2019, still trying to get funding from pilot project, court has authority to appoint attorney, but there is no funding for it. There is a list of attorneys that will take pro bono cases. Respondent who does not have capacity does not have representation when every other party does. If widespread funding is not available, we are trying a pilot project to try to figure out how much it would cost. This would be solely for unrepresented respondents/protected person. Notification: in a meaningful way and appropriate for the situation.
  - Vulnerable youth guardianships – 18-21 year-olds for federal visa program. Expected, but not seen yet.
  - Ongoing COVID-19 Restrictions
- Court Visitors: Removed as essential visitors? Regulations are being reviewed now. Essential Visitors: 25 of 36 counties in highest risk category. In door visitations began again for only a couple weeks before new restrictions were put in place. Residents have always been able to leave the building, some facilities have been creative with trying to convince residents to not leave facilities. There are still many memory care facilities and other residents unable to leave that cannot easily come and go. Indoor visitation would address isolation concerns. Failure to thrive cases linked to lack of visitation. Health and mental health deteriorating rapidly, some unable to recognize spouses. Planning a training for ombudsman volunteers to safely resume visitation in parallel with indoor visitor guidance.

- Whitney Yazzolino: case by case basis. Figuring out how to have documents signed, have been able to make it work on case by case basis.
- Mark Sanford: some facilities are COVID positive, have been able to access when essential with PPE, some outdoor visits, facilities have been less inclined, the weather also provides an issue. Alternative process with staff members. Impact on residents, particularly on intellectual disabilities with changes in routine, more outbursts even creating ER visits, they just don't understand why they can't visit with people in person. Have had a number of client deaths.
- Emily Braman: Intellectual disabilities, the people that had work program and were more active, why and how long is this going? The "we don't know" end date, struggle with clients, maintaining contact over the phone, virtual, able to stay in contact just fine, the longer it goes on, the more frustrated they are getting.
- Volunteers, able to continue recruiting due to own exposure.

• Court Improvement Project
- ABA commission working on Guardianship Court Improvement Project, much like JCIP which improved processes and systems regarding Juvenile Court processes. States are all over the place on Guardianships and conservatorships, resolution to form this project to ultimately obtain funding from congress for data collection, best practices for all states.
- In December chief justice group will meet and in February full panel of TCA's and Chiefs of all states to endorse the project. In 2021 if approved, partner with many national groups to bring to congress to get funding, will be presented in May at National Guardianship Summit virtually or in New York. Some WINGS groups throughout state can help implement best practices. What needs to be accomplished, what are the goals? What is the funding? What does it include? Initial stages, Judge Holland will share information with the group as it comes through. Involves trying to convince congress to agree on this. Bryan will share ABA resolution trying to get minimum standards on processes to be used, how best to ensure that voices of the vulnerable can be heard and respected.

- Uniform Guardianship Act Review Subcommittee
  - Coming to the conclusion that pieces of this act will be of assistance with our framework, but we are not recommending that Oregon adopts it in total, as some of it does not fit as well in Oregon framework. Recommend a larger group be in involved in reviewing it. Victoria Blachly on committee also helped write it. Which pieces should we move forward with integrating into existing statues, Oregon has a lot of protections in place already that work well.
- Visitors as Monitors
  - Should Court visitors be used as Monitors? Special advocates to be utilized? To ensure protected person is not neglected or abused. Once a guardianship is authorized is when the case begins. How many ways do we have to monitor? Is there room for more than one way to monitor guardianships? Chris Rosin: Oregon Public Guardian is statewide, often success to file a motion to have court appoint a visitor to monitor the situation from prospective if there might be abuse or neglect. In practice it is working well. Theressa Hollis: cost is a concern, guardian partners goal is to be statewide, monitors are volunteers, and no payment is charged. Judge

Henry: in cases where problem has been identified, Adult Protective System leads to investigation after report of abuse or neglect, referral to public guardian office. What if it doesn't rise to that level, inappropriate setting? Multnomah has well qualified visitors that can be appointed and are a great resource, but outside the valley it is much more limited, unable to find someone to give objective assessment. Resources are limited, like guardian partners (not statewide yet) with no funding, what about periodic evaluations before a concern is raised? Debra Howard: If not in a county where they require training, some guardians don't always understand their role, not being neglectful, just need education to meet requirements of role. Help them be more aware and responsive, instead of trying to get a new guardian, when there are no other resources. Sometimes even after education, guardians still don't totally understand some basic concepts (comingling funds). Each judicial district decides if they require guardianship trainings. Judge Holland gave a plenary talk to all OJD Judges encouraging each county to adopt rules requiring education piece for guardians. How can we support guardians and ensure they do not over step. Monitor pre-neglect as well as responding to reports.

- Guardian Partners: First case in Tillamook County, education resources final editing steps for new online guardians of adults courses, in English and Spanish hoping to be up in January, will be much easier for all counties to access. Guardian Partners goal to operate in all counties.
- Chris Rosin: Gov. recommended budget, 6 FTE in Oregon Public Guardian program 5 new deputies and 1 support staff. If funded this will shrink demographic areas for each deputy and provide leads and back up coverage. Ability to respond to emergencies more quickly. Seeking all to speak to legislature about importance of public guardians.
- Mark Sanford: Bryan Marsh presented at the Guardian/Conservator Association of Oregon, state of the state in terms of protected proceedings.

Wrap up and next Steps-Judge Holland

Next Meeting scheduled for Wednesday, March 10, 2021 from 9:00 am -11:00 am.
Meeting Ended 11:00 a.m.