

# Oregon WINGS General Meeting Minutes

## Wednesday, December 14, 2022

Oregon Judicial Department  
Juvenile & Family Court Programs Division at OJD  
Meeting held via WebEx

**Attendees:** Hon. Patrick Henry, Hon. Lauren Holland, Jan Friedman, Chris Rosin, Marc Kochanski, Eugenia Liu, Theresa Hollis, Victoria Blachly, Chris Madden, Matt Shields, Deborah Howard, Jerry Cohen, Christian Hale, Emily Braman, Allan Edwards, Ivy Heuton, Mark Sanford, Allison Enriquez, Fred Steele, Traci Robertson

OJD Staff: Bryan Marsh, Jeffrey Petty, Cristina Guillen

### Introductions

**Bryan Marsh**

Called to order by Bryan Marsh 9:00 AM.

Minutes approved for September 14, 2022.

### PROJECT UPDATES:

#### Get a Life Plan

**Theresa Hollis & Mark Sanford**

No further work has been done, and there have been no further ad campaigns. We will continue to seek translation of the Get a Life Plan into Russian and Vietnamese. Bryan will check in with OJD-CLAS translation services. Theresa mentioned that the website numbers that were shared appear to be incorrect since they show lower numbers for year to date than they did 3 months ago. We will double check and correct the report.

Many thanks to all who worked hard to produce the materials, video, and promote them to the public. This has been an amazing workgroup, with great work done especially by the Chairs, Theresa and Mark. No further meetings of this workgroup scheduled.

### Website Update

	Since Last Meeting (9/14/22-12/14/22)	Year to Date (1/1/22-12/14/22)	Last 30 Days (11/14/22-12/14/22)
WINGS Home Page	602	2,531	176
WINGS GALP	400	4,874	77
WINGS GALP Spanish	18	283	9

### Train the Trainer

**Jerry Cohen**

We have posted to the website the audio recordings of the Curriculum on PowerPoint. Some glitches on the initial slides' audio need to be corrected, otherwise this should be ready to allow usage. Jerry will also check for content.

Thanks to the workgroup, which, like the Get a Life Plan group, is winding down. We may continue to discuss dissemination and access to the materials. The materials produced by both groups will need periodic attention for updates.

### **Publication Update**

**Bryan Marsh**

We will check back with this workgroup. Allison Enriquez has been instrumental in trying to keep this moving. We will check in with her (she joined the meeting later).

### **NEW PROJECTS:**

**Bryan Marsh**

#### **Person Centered Planning Guide**

A workgroup is needed to get started. Emily Braman, Victoria Blachly, Jan Friedman, and Eugenia Liu volunteered to be in this workgroup. The group should meet soon to define the project deliverables, set goals, and deadlines. An email with a doodle poll for scheduling a meeting will be sent and copied to all WINGS in case others would like to attend. There are resources, so we should not need to “re-invent the wheel.” We may consider including the protected person’s bill of rights. A couple of versions exist and links to them will be shared.

#### **Dissemination of Tools and Information**

This project is a combination of the priorities identified in prior WINGS meetings: efforts to disseminate WINGS materials, improve the website, and pursue funding for WINGS projects. A workgroup is proposed. Jerry Cohen, Jeff Petty, and Mark Sanford volunteer to be in this workgroup. Jerry also ‘volunteered’ Mary Jaeger. Others encouraged to join in when we schedule the meeting. An email with a doodle poll for scheduling a meeting will be sent and copied to all WINGS in case others would like to attend.

### **ROUNDTABLE DISCUSSION**

#### **Legislative Updates**

**Bryan Marsh**

#### **SB 578- Legal Counsel**

This bill was passed in 2021, became effective in Multnomah and Lane counties in 2022, will go live in Columbia County in 2023, then statewide in 2024. It requires judges to hold hearings and appoint attorneys for the respondent or protected person in certain circumstances. Of critical importance is finding enough attorneys to fill the need. It appears that little thought was put into how attorneys would be recruited and trained in sufficient numbers to meet the requirements of the bill as it was going through the legislative process. The procedure for getting payment from OPDS, and the low pay (\$75 an hour) was discussed. Daniela Holgate, an attorney in the office of Victoria Blachly, is pioneering the process and is willing to do a training on it for interested attorneys. Daniela will reach out to Judge Henry to coordinate. Judge Holland and Chris Rosin pointed out the importance of legal counsel in these cases where critical constitutional rights are being taken from vulnerable persons. Judge Henry pointed out the difficulty in even Multnomah County in finding attorneys to take cases, particularly in the short timeframe of a temporary guardianship. Once Columbia County begins the process, the stress on attorneys in the same pool that Multnomah uses will increase and will get much more difficult once Clackamas and Washington

counties in 2024. Without a fundamental change, the program will not be functioning as the bill contemplates. Jeff Petty pointed out the inherent conflict of interest in having a judge select and appoint attorneys in cases before them.

The group discussed recruitment of attorneys: at the GCA, family law attorneys, litigators from other areas of the law, certified law students, law schools. Maybe WINGS could be instrumental in the creation of a pipeline of attorneys into guardianships? Presentations to law school students? Judge Henry proposed another workgroup that would develop ways to recruit attorneys. Jeff Petty, Victoria Blachly, Theresa Hollis, and Judge Henry volunteered to be on the workgroup. The workgroup should meet soon and put together a plan for training and recruitment of attorneys before the next quarterly meeting in March. An email with a doodle poll for scheduling a meeting will be sent and copied to all WINGS in case others would like to attend.

### **Concepts and bills for 2023**

**Fred Steele & Chris Rosin**

Oregon Public Guardian (OPG) is the guardian of last resort and are limited to serving on cases where there are no appropriate friends or family, and no funds for a professional fiduciary to serve. There have been a number of cases over the years where the case has been referred to OPG, we've done an assessment, and through that assessment process we've identified a family member that is appropriate and willing to serve. The preference in law is for that person to become the guardian instead of OPG. Sometimes, they do not have the funds for the legal costs of petitioning for the guardianship. A lot of state agencies/programs have resolved this issue by creating a fund or allocating funds for those agencies when they support a guardianship to get established to contract with a private attorney who represents the petitioner/guardian. Chris has proposed for a fund to be held at OPG that allows them to contract with an attorney to help that family member get appointed. The concept submitted is the framework for allowing that fund to exist, without any actual funding request. If legislation is onboard, we will have conversations with the legislature about what that funding might be.

Long Term Care Ombudsman (LTCO) is requesting that resident rights for residents who live in assisted living and residential care be put into statute and under legislative purview. We want to create some equality of legislative oversight. One element we are proposing to add is that "a resident can be admitted to a facility without having guardianship."

Something to put on our radar is that the new Governor Kotek's stated priority areas are houselessness/homeless issues, and mental health/behavioral health. Think about that as we go into the next legislative session and where there might be crossover with some of the work that we do.

### **Minor Guardianship Monitoring**

**Hon. Patrick Henry**

An issue that was raised at the last Steering Committee is the court's limited ability to monitor minor guardianships. The courts rely on the guardian's annual report, but that's a very limited source of information.

Judge Henry shares about a Multnomah County case in which the minor's father consented to the appointment of a non-relative to act as guardian (mother defaulted). The guardian's last report said that everything was going well. The minor was later taken to the emergency room, which resulted in criminal charges against the father and the guardian for extreme abuse of the minor.

A child in a dependency case has many resources to make sure the child's needs are addressed, but there isn't anything like that in minor guardianship and probate.

Judge Henry adds that this is an issue for a group like WINGS to be aware of and thinking about developing concepts, if it's an area that we are interested in. Do we have the right people at the table?

Bryan Marsh adds that many counties don't even require an annual report in minor guardianships.

## **STAKEHOLDER PROJECT UPDATES**

### **Center for Youth Voice Youth Choice**

**Emily Braman**

CYVYC was chosen to create a state plan for alternatives to guardianships for youth with intellectual and developmental disabilities. We are working on creating our state team. We have many recruited including seven youth (part of this is being youth led and youth receive a stipend). We are still looking for attorney representation. We are meeting once a month to work on our state plan to move alternatives to guardianship across Oregon for transition age youth.

Regarding lack of attorney representation, Judge Henry recommends reaching out to the AG's office and Jonathan Strauhull, attorney who represents the Multnomah County Developmental Disabilities Program.

Deborah Howard adds that it would be helpful to get the word out to high school special education and county case managers since they can pass the word to families.

### **OJD/ACL Elder Justice Innovation Grant**

**Jeffrey Petty**

We issued our draft self-assessment report to committee members for comments and editing. The takeaway is touching on court visitors, standardizing expectations, providing statewide resources for smaller courts, and getting attorneys. Christian Hale is doing auditing work with five counties as part of a statewide conservatorship program. We are setting up Odyssey case management software tracking systems. Jeff is working on data cleanup, new data avenues and testing out reasons for terminations of protective proceedings to get staff to start reporting why these cases close. We've also been hosting a monthly lunch and learn for court staff and judges. We've been covering topics on protective proceedings, working on standardizing, and encouraging more diligence.

### **Other:**

The December Steering Committee meeting will be cancelled. We will reconvene in January.

### **Public Comments and Involvement**

No public comments received.

Next Meeting: March 8, 2023

Meeting Ended 10:55 a.m.