

Oregon WINGS General Meeting Minutes

Wednesday, March 8, 2023

Oregon Judicial Department

Juvenile & Family Court Programs Division

Meeting held via WebEx

Attendees: Hon. Patrick Henry, Traci Robertson, Theresa Hollis, Whitney Yazzolino, Mark Sanford, Mary Jaeger, Emily Braman, Fred Steele, Jeffry Brandon, Christian Hale, Eugenia Liu, Dr. Maureen Nash, Chris Rosin, Sherry Stock

OJD Staff: Bryan Marsh, Jeffrey Petty, Nanci Thaemert, Cristina Guillen

Introductions

Bryan Marsh

Called to order by Bryan Marsh 9:02 AM.

The December 14, 2022, Minutes will be approved at the next meeting.

SB 578 and Subgroups

Bryan Marsh

SB 578 requires the court, under certain circumstances, appoint an attorney for respondent or protected person in protective proceedings. This is currently in effect in Multnomah, Lane, and Columbia. It will go into effect statewide in January 2024.

The SB 578 Workgroup is involved in helping the courts and guardianship system be able to handle the number of cases that will soon have appointed attorneys. The workgroup met and discussed two specific areas we'd like to focus on: attorney training and attorney recruitment.

Training: We want help from WINGS to determine what the scope of the training group should be.

Should it be focused on overall training to everybody, or should it be focused on the attorneys? What is the work product that you envision WINGS being able to put forth to help attorneys? Jeffrey Petty is working with some attorneys and possibly putting on a CLE. Theresa Hollis believes the focus needs to be on helping attorneys represent respondents specifically in the objection portion of the guardianship. The consensus is that this subgroup should not be the one putting on the trainings. This group can help identify existing trainings, create a resource list with specific descriptions and put the list on our website. Bryan Marsh suggests reaching out to elder law attorneys to ask what trainings have been valuable to them.

Recruitment: There are not enough attorneys who practice probate to cover the number of cases that will need attorneys statewide. We need to find a way to draw new attorneys in. Theresa Hollis is drafting an article to put on the Bar Bulletin, Family Law Newsletter, and Elder Law Newsletter. Once the article is written, Theresa will send it to WINGS so that we can get it distributed as widely as

possible. Other distribution ideas are ARC Oregon, FACT Oregon, state workers, Senior Law Project, and similar organizations. Jeffrey Petty, in efforts with the State Protective Proceedings Advisory Committee (SPPAC), is working on a project to collect names from folks who have been appointed previously.

As a reminder, attorneys who are not part of WINGS are welcome to join the workgroups.

Person Centered Guide

Bryan Marsh

The workgroup met and is struggling on determining what the work product should be. We can look at the existing person-centered guides and choose one to recommend or create one. We'd like some input from WINGS on what this workgroup should produce. A previous WINGS workgroup drafted and completed a guide that was never really utilized. We can revamp those materials and shift the focus to being supportive of guardians and protected persons, add the website, and add in depth materials and training, with an emphasis on distribution. Between now and the next meeting, Fred Steele, Mark Sanford, and Allison Enriquez will review the materials and begin to edit/update. Another challenge has been finding someone to lead this workgroup. Bryan is not the one to lead as he does not work with the folks who may need these guides.

Dissemination/Promotion

Bryan Marsh

We only had OJD folks at the last meeting. Bryan Marsh will get another meeting scheduled.

Judge Henry encourages folks to attend if they can. Mark Sanford is committed to some fiscal year salary savings in his program that could be utilized to help with this project.

Roundtable Discussion

Legislative Updates

Fred Steele

Some of the bills were put on hold when the new Governor came in, but we recently got approval to move forward with the LTCO bill. Stay tuned for updates.

Our agency had their Ways and Means presentation in our Human Services Subcommittee. The Governor's recommended budget is to keep us at current service level and no cuts to the agency. We've been having decent conversations with new leadership within the Governor's office around the Public Guardian Program and the fact that Chris Rosin and staff will be maxed out with capacity within the next month of two. For anybody outside of Multnomah County, the state Public Guardian Program will be creating an extended waitlist, without any growth in that program. We have been having good conversations and we know there are plenty of partners out there.

Bryan Marsh adds that JFCPD monitors the bills and often are tapped to do some analysis on them.

We are currently tracking 18 bills that are probate related. Half of those are placeholders.

SB 793 creates rebuttable presumption that protected person consents to ordinary and preventive health

care. Provides that presumption may be overcome by clear and convincing evidence that protected person would withhold consent to specific treatment, if able. Directs guardian to petition court for instructions in specified circumstances. The link is shared in the chat. Chris Rosin adds that SB 793 is problematic because if the guardian learns what the protected persons wants, in the medical care setting, is going to cause the protected person harm, they need to petition the court for further instructions, and it then becomes a court decision.

SB 528 is the Disability Rights Oregon Bill. At the moment it doesn't look like it's going anywhere. Fred Steele suggests having someone come to next meeting to give us an overview of the uniform code.

Minor Guardianship Monitoring

Hon. Patrick Henry

Judge Henry met with Mark Kochanski from Guardian Partners to discuss whether this is new work that they can take on. They currently monitor adult protective proceedings around the state. The proposal is for Guardian Partners to take on a couple of cases as a pilot project. Mark Kochanski will take this proposal to the board to consider.

ACL Elder Justice Innovation Grant

Jeffrey Petty

The statewide self-assessment was finalized and published on the website. Jeffrey Petty shares the [link](#) in the chat. The Advisory Committee has continued to meet monthly to discuss improving court monitoring. Their plan is to put together a list of project recommendations to pass over to SPPAC. That will most likely include a deep dive into the court visitor program statewide and how to make sure we have competent, available court visitors for the counties that otherwise may not have someone reliable to depend on. The Advisory Committee has also been talking about SB 578.

Training: Judge Norby, Clackamas, did record a Judicial Decision-Making CLE that is available to judges statewide.

Audit Program: We are contracted with 5 circuit courts, covering 6 counties, with a plan to add more in a couple of months. Christian Hale does a deep dive into what is presented in the file, any concerns, and sends back a detailed analysis to judge.

We will soon be implementing a data entry update in Odyssey. When a general judgment gets entered that terminates a case, there will be a dropdown list of categories that will allow us to track the reasons why a case is terminated. We also have an audit tab implementation that will facilitate Christian Hale's work. Our data dashboard is getting amended to include more data measures for information that we have access to, but have not been tracking.

Lunch & Learn monthly training sessions continue and are recorded. These sessions help make practices across the state uniform and help problem solve amongst each other.

Other

Mark Sanford is retiring, effective May 1, 2023. Mark will come back part-time to assist with the transition.

Public Comments and Involvement

No public comments received.

Next Meeting: June 14, 2023, by WebEx.

Meeting Ended 10:30 a.m.