

WINGS



Working Interdisciplinary Networks
of Guardianship Stakeholders
MINNESOTA

WINGS MN NEWSLETTER
Vol. 4, No. 3, July, 2020

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WINGS MN

With immense gratitude, WINGS MN is pleased to recognize the support of [MAGiC](#) (MN Association for Guardianship and Conservatorship) and the [Elder Law Section](#) of the MN Bar Association. Both organizations offered generous financial contributions intended to

offset the costs of the annual WINGS Summit, to help us keep the registration fees minimal. While we had to cancel the Summit itself, and are busily planning some virtual events, the funding and the fiscal sponsorship offered by MAGiC enables WINGS MN to renew [website](#) registration costs, and will support future WINGS MN educational opportunities.

Thank you MAGiC and Elder Law Section!



Though the 2020 WINGS MN Summit was cancelled due to the COVID-19 Pandemic, we are busily planning virtual events. Watch for updates in your email box!

WINGS MN Needs *YOU!* While we have an active group of stakeholders comprising the membership of WINGS, we need you, our Minnesota-based community, to contribute your ideas and talents to keep the Network strong and vibrant.

- we would love a **volunteer** or two who enjoy social media/website care and feeding to help keep our [WINGS MN website](#) relevant and engaging. Our **Working Interdisciplinary Network of Guardianship Stakeholders** are all busy volunteers, balancing WINGS contributions with our other jobs, and some tasks such as the website tend to be neglected.
- we're always looking for more **members** to help us broaden the network to ensure we are representative of Minnesota; we are specifically recruiting members from Tribes and individuals / families with lived experience with guardianship and/or supported decision making. Responsibilities include attending monthly meetings (virtually or in person).

- we publish **articles** in this newsletter of events, collaborations, and developing best practices happening throughout Minnesota: we need your contributions to help us build strong networks throughout Minnesota.

Please reach out to either of our Facilitators with your ideas and ability to volunteer.

(jamie.majerus@courts.state.mn.us or araymond@voamn.org)

COVID-19 / Coronavirus Resources & Announcements

Messages from WINGS MN Member Organizations

Minnesota Disability Law Center

The novel coronavirus outbreak, also known as COVID-19, is impacting our community in monumental ways and presenting new challenges for all of us. Despite temporarily closing our physical offices, The Minnesota Disability Law Center (MDLC), a division of Mid-Minnesota Legal Aid, is working overtime to help clients and people with legal needs arising from COVID-19. As Minnesota's Protection and Advocacy System for Minnesotans with disabilities, MDLC's fundamental objective is to uphold the rights and maintain the health and safety of people with disabilities – we work to prevent discrimination based on disability, to support independence, and ensure access to services. Throughout the COVID-19/coronavirus pandemic, we are striving to be engaged in the conversations happening at all levels – whether it is educating local, state and federal policy makers about disability rights or talking directly with people on the ground about their individual concerns. We encourage people to reach out to us so that we have an open line of communication between our staff and the communities we serve. This will help us be strong advocates and resolve problems. If your individual rights are being denied or you are experiencing difficulty getting your needs met, we want to hear from you and connect you with an advocate or attorney who can investigate the situation and ensure your rights are upheld.

We know that the COVID-19/coronavirus pandemic has created barriers across societal

domains and there are now a large range of new legal issues related to healthcare, education, and workplace discrimination and accessibility. It is essential for us to know what issues you and your loved ones are facing so that we can work to manage and overcome them together.

We are waiting to hear from you! Please reach out to Minnesota Disability Law Center intake line at: **612-334-5970** or **1-800-292-4150**. You can also check out our Facebook page for daily updates and resources: www.facebook.com/LegalAid. You can also go to www.lawhelpmn.org, an online hub of legal information and resources, that contains a guided questionnaire for getting quick answers to a variety of legal questions. Check out these [Know Your Rights](#) fact sheets.

Minnesota Elder Justice Center – Victim Services are Here to Assist You!

We're all aware that COVID-19 is causing greatly increased social isolation, which necessarily heightens risks being faced by vulnerable adults. Minnesota Elder Justice Center has advocates who are trained to listen and provide support with issues of abuse, neglect, and financial exploitation. We provide confidential assistance with:

- Information about COVID-19 rules affecting elders and vulnerable adults
- Reporting abuse and financial exploitation
- Learning about relevant resources and resource availability at this time
- Navigating complex systems and developing action plans
- Understanding supported decision making, guardianship, and conservatorship
- Identifying legal issues and resources
- Other related concerns

MEJC advocacy services remain open during the COVID-19 pandemic. Please share this information and help to break isolation. Please reach our victim services staff at (651) 440-9305. You may also contact us by submitting your information through our [website](#).

The [Guardianship Information Line](#) and direct social work at the [Center for Excellence in Supported Decision Making](#), a program of Volunteers of America MN, remains fully functional and ready to provide in-depth phone consultation to hundreds of individuals, families and

professionals throughout Minnesota. Keep in touch with us: like and follow us on [Facebook](#).

Local and National COVID-19 Resources

[Social Security Administration](#)

Announces Temporary COVID-19 Procedures

On May 21, 2020, we announced temporary (COVID-19) procedures to allow claimants to use different methods to sign the notice of appointment of a representative and fee agreement, if the fee agreement is submitted with the new notice of appointment.

While these procedures are in place, if we receive an appointment document and the claimant's original signature does not appear to be a wet signature, we will make three attempts to contact the claimant to verify their identity and confirm the signature. If we verify the identity and signature, we will process the appointment. If we cannot verify the claimant's signature, we will return the paperwork to the person who submitted it and indicate we are not recognizing their appointment.

We also have temporary procedures in place permitting claimants to appoint a representative verbally during a "remote" telephone hearing with an administrative law judge. However, they must subsequently submit a written notice of appointment. In this situation, we also will accept an alternate format of the claimant's signature on the written appointment notice.

Please click [here](#) to learn more about these temporary procedures.

I encourage you to share this information with your members, colleagues, affiliates, and other interested parties. Doug M. Nguyen, Regional Communications Director

SSA's Minnesota and Northern Wisconsin Office of Public Affairs reminds us that "Social Security Offices are closed to the public during the COVID-19 pandemic, although our secure and convenient online services remain available at www.socialsecurity.gov. Local offices will also continue to provide critical services over the phone. We are working closely with the [Centers for Disease Control and Prevention \(CDC\)](#), state and local governments, and other experts to monitor COVID-19 and will let you know as soon as we can resume in-person service...[F]ind the phone number for your local Social Security office by using our [Field Office](#)

[Locator](#) ... To stay connected with the latest updates about what SSA is doing during the COVID-19 pandemic, please visit: www.ssa.gov/coronavirus/. You may select 'Subscribe' to receive alerts from us when we add or change information on this page."

The [National Guardianship Association](#) is keeping an updated [COVID-19 Resource](#) page, including [FAQs by Guardians](#). Be sure to check back frequently to this valuable resource if you are a guardian or are supporting a guardian.

Did a nursing home or assisted living facility take your stimulus check? A recent [FTC blog](#) "explains that nursing homes and assisted living facilities can't take stimulus payments from residents who receive Medicaid. It includes links to supporting law, and tells how to report to your state attorney general and the FTC." (NCEA List, 5/15/20)

[National Center on Elder Abuse \(NCEA\)](#)

Announcements, News and Resources

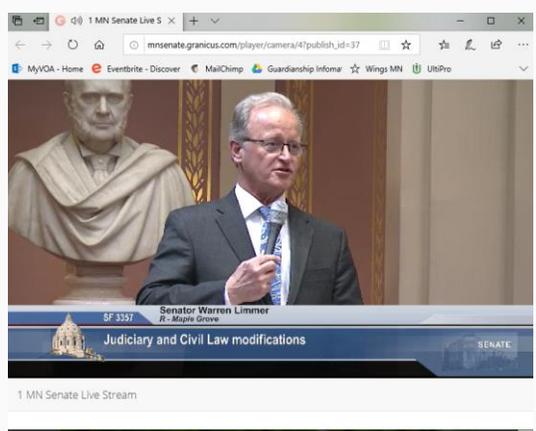
"We are pleased to share two new checklists, "[Keeping Family Together During COVID-19: A Checklist](#)" and "[Should I Take My Loved One Home During the COVID-19 Crisis?](#)" by the National Center on Elder Abuse and the National Consumer Voice for Quality Long-Term Care. Families coping with the safety and economic impacts of COVID-19 have found themselves discussing readjustments in home life. On one hand, with the spread of the coronavirus disease (COVID-19) in long-term care facilities, some families are considering taking their loved ones home. While other families have encountered financial strain causing adult children to move in with their parents. These are very personal decisions, and one for which you will need a plan. Even in the most genial of families, close quarters and changes in living situations may heighten emotions, potentially contributing to family discord and elder abuse. Efforts can be made to reduce tensions and promote a healthy and safe environment for all. In an effort to help keep families from falling apart while coming together, these checklists were created to serve as a blue print for thoughtful conversations in the beginning to avoid awkward conversations later." (NCEA List, 6/25/20)

The Administration for Community Living's [COVID-19 Resource Page](#) offers numerous articles, trainings, and other resources such as: a recent [webinar on technology solutions](#) to social isolation; [guidance for residents, staff, administrators and visitors of retirement communities, and independent/assisted living facilities](#); and more.

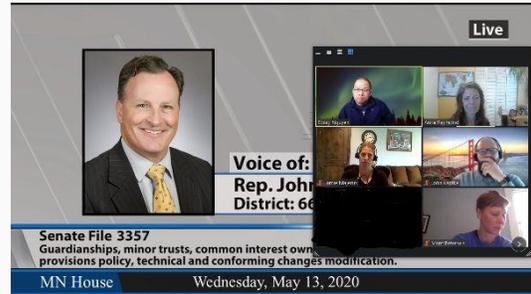
Modernizing MN Guardianship Statute

[Minnesota's Guardianship Statute has been modernized and updated](#) with Gov. Walz signing of SF3357 in May. This was the culmination of years of consensus-driven work by a group of advocates and legal experts, many of whom are active WINGS MN members. In late 2019, a subgroup began the intensive work of introducing the language and rationale for the changes to legislators in preparation for this session. With Senator Ingebretsen and Representative Moller as lead authors, the bills moved through judiciary committees and then passed unanimously on the House and Senate floors. Kudos to Bob McLeod (Best & Flanagan) who led the drafting group, Alicia Munson (The Arc MN) and Sean Burke (MN Elder Justice Center) who led the effort to get the bills introduced and authored, and the lobbying support of MN Consortium of Citizens with Disabilities. Effective August 1, the changes include technical improvements, enhanced data privacy protections, updated terminology, supported decision making definition and clarifying it as a legal guardianship alternative, and mandate time-limited guardianships for people under 30 years old. *Do you have questions about the new law? Contact the [Guardianship Information Line](#) to see how it affects your situation or to inquire about how to bring a presentation to your area.*

Senate Hearing and Bill Passage, 5/6/2020



House Hearing, 5/13/20, streamed live during WINGS MN monthly meeting



WINGS MN reactions to SF 3357 passage.



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2020 Agenda MAY - Read-O... Anita Raymond AR

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WINGS
Working Interdisciplinary
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I. Roll Call/Intro
MN House of Representatives
II. WINGS MN
III. WINGS Meeting
a. COVID-19
b. Updates
c. SSA
d. ACLI
[http://](#)
e. Other
IV. WINGS MN

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Guide bookie...
Emotion Wheel

Doug Nguyen

Anita Raymond

John Kantke

Marit Peterson

Brian Rudolph

kmcarlison

Jennifer Wright

Jamie Majerus

Dalaine Remes

pwjat01

Amanda

Holly

Melissa Vongsy

anna



Minnesota's Guardianship Modernization Act signed into law by Gov. Tim Walz, 5/16/20

Local News & Announcements

Minnesota World Elder Abuse Awareness Day Conference: August 24 & 25, 2020

[2020 Minnesota World Elder Abuse Awareness Day Conference](#) planned for June has been moved to virtual format on Monday, August 24 and Tuesday, August 25, with keynote speaker, [Dr. Louise Aronson](#). Questions can be directed to katie.behrens@elderjusticemn.org.

MINNESOTA ELDER JUSTICE CENTER

MEJC is an active member of WINGS and is heavily involved in promoting improvements in guardianship and the benefits of self-determination in addressing vulnerabilities. Read more about their work in their [recent newsletter](#), and consider subscribing! MEJC's Help Line is available at 651-440-9300. For more information or to get help, visit the MEJC [website](#).

SAVE THE DATE: [MAGiC](#) (Minnesota Association for Guardianship and Conservatorship) has scheduled it's annual conference: October 8, 2020 at Rush Creek Golf Club with a virtual attendance option. Join MAGiC to ensure you receive all the benefits, including quarterly Journal, member discounts for the conference, and quarterly educational meetings (lunch usually provided!). WINGS MN is grateful for MAGiC's collaboration and



support!

**Center for Excellence in Supported
Decision Making**

Guardianship Information Line: Ask an Expert

Question: One of the residents in our memory care facility won't comply with the necessary COVID-19 precautions, putting herself and others at risk. We think she needs a guardian to ensure compliance. Can you help?

Answer: This is indeed a frustrating and concerning situation! This is also a good time to remind everyone that the power of guardianship has little impact on changing concerning behaviors. There are no statutory powers which enable a guardian, or care providers at a guardian's direction, to force compliance: we just can't make a person do something we want them to do, or stop doing something that we don't want them to do. Instead, providers need to continue with creatively finding ways to engage with the person with memory loss, such as validating their feelings/reality, and redirecting them to another activity (distracting). This is also a good time to remind caregivers that behaviors are rarely "behaviors" but rather a person's way of communicating a need (fear, discomfort, frustration, hunger, etc.); it may be helpful to seek an in-house psychology or behavioral analyst evaluation. These are not easy situations, and concerns about complying with COVID precautions for the safety of staff and residents is real, but guardianship will not alleviate the situation.

Do you have questions about guardianship, supported decision making or related topics? Contact Minnesota's Guardianship Information Line at cesdm@voamn.org, 952-945-4174 or toll free 844-333-

CESDM

CENTER FOR EXCELLENCE
IN SUPPORTED DECISION MAKING



National Scope: WINGS & Supported Decision Making News, Tools, Resources

FREE WEBINAR: Legal Basics: Decision-Making Support July 29, 2020, 1:00 p.m. CT

"Decision-making is a human right. Lawyers and professionals working with older adults can play an active role in providing supports to individuals planning and making decisions. [This Legal Basics webcast](#) will explore various decision-making models, tools for advance planning, and the essential role that supporters and advocates have in empowering and enabling decision supports. The presentation will share examples for formal and informal tools to aid in decision-making. **Presenter:** David Godfrey, Senior Attorney, American Bar Association Commission on Law and Aging" ([National Center on Law & Elder Rights](#) List, 7/2/2020)

[Commission on Law and Aging WINGS](#)

"I wanted to share these two articles with you. The first is written by our Executive Director, Charlie Sabatino and makes the case for a new model for long term care. The second is about the intersection of guardianship and nursing homes during the Covid-19 crisis. I am quoted in this one, which I am happy to say does not just report about egregious cases of guardian abuse, but also describes how some states enact reforms in response." (Dari Pogach, Senior Attorney, ABA Commission on Law and Aging, COLA-WINGS List, 7/7/20)

[OPINION: It's Time to Defund Nursing Homes](#) [Forced Assistance](#)

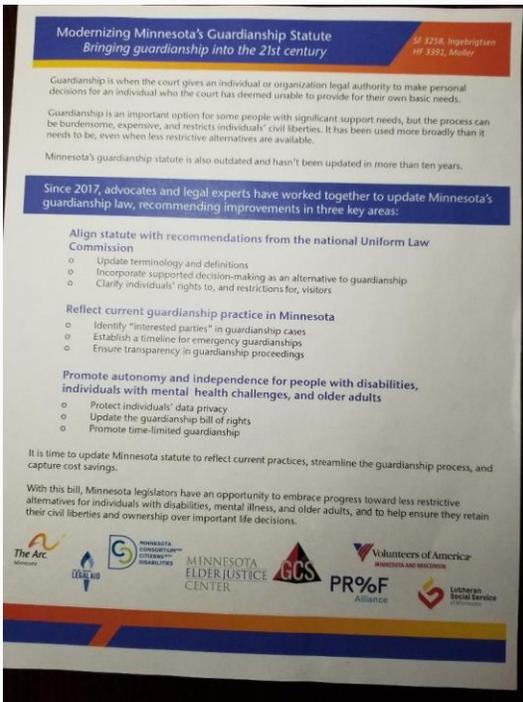
[National Center on Elder Abuse \(NCEA\)](#)

"The National Center for State Courts, with the assistance of the American Bar Association Commission on Law and Aging, have created [Finding the Right Fit: Decision-Making Supports and Guardianship](#), a training designed to assist individuals in exploring ways to help someone

who may need assistance in making decisions with informal supports, legal options, and/or adult guardianship. Finding the Right Fit provides a broad overview of decision-making supports and guardianship that is not specific to state laws or rules. The goal of the training is to provide information and guidance on finding the right kind of supports for someone's needs..." (NCEA List, 7/13/20)

Guardianship in the News: more highlights from 2020 Legislative Session





Top row: House Author Representative Kelly Moller's team of House Judiciary Hearing witnesses and supporters. Middle row, left to right: Summary position paper; Rep. Moller, Mary Hauff and Jean Hoff testifying in support of the guardianship bill. Bottom row: Guardianship bill introduced in Senate (3/4/20) and House (3/3/20) Judiciary Committee Hearings.

Elder Justice and Maltreatment of

Vulnerable Adults: Trainings, News, Briefs, Resources

[National Center on Elder Abuse \(NCEA\)](#) **Announcements, News and Resources**

"The [National Clearinghouse on Abuse in Later Life \(NCALL\)](#)...just released the [Increasing Access to Healing Services and Just Outcomes for Older African American Crime Survivors](#) toolkit. Older African Americans experience crime and violence at the intersections of race, age, class, and other identities. Systemic and institutional challenges create barriers for older African American survivors seeking services and supports to heal from harm. This toolkit offers victim services providers and criminal justice systems stakeholders information and practical strategies to enhance their capacity to identify, reach, and serve older African American victims." (NCEA List, 7/16/20)

Be sure to read NCEA's May blog, entitled "[Confronting Ageism, Racism, and Abuse in Later Life During COVID-19](#)" by the National Clearinghouse on Abuse in Later Life (NCALL) by Katie Block and Sar Mayer. (NCEA List, 5/27/20)

"The Consumer Financial Protection Bureau is committed to providing relevant financial education resources for older adults, their families, and practitioners who work in the aging field during the coronavirus pandemic...[including] information created specifically for older adults [such as]: [Beware of scams](#) - Recognize and prevent fraud and scams during the coronavirus pandemic [and] [Avoid scams while finding help](#) - If you or a loved one needs help with errands, watch out for scammers. (Co-authored by the FTC) (NCEA List4/14/20)

[APS Technical Assistance Resource Center \(APS-TARC\)](#) Resource Center

Among other helpful resources, APS-TARC publishes [blogs](#) of interest to Adult Protective Services professionals, applicable also to allied professionals. Examples of recent posts: [Managing a Mobile Workforce](#), [What](#)

[APS Workers Should Know About LGBT Older Adults](#), and [Adapting to a Pandemic the APS Way](#).

Odds & Ends

The Social Security Administration is an important partner with WINGS and WINGS MN. The agency recently announced "the first of several steps the agency is taking to improve the public's experience on its website. The newly redesigned retirement benefits portal, at www.socialsecurity.gov/benefits/retirement, will help millions of people prepare for and apply for retirement...The redesigned portal will make it easier for people to find and read about Social Security retirement benefits, with fewer pages and condensed, rewritten, and clearer information. The portal also is optimized for mobile devices so people can learn and do what they want from wherever they want, and the portal now includes the ability to subscribe to receive retirement information and updates." (SSA List, 6/18/20)



Would you take a moment to let us know what you think? Do you find this newsletter valuable? Even just a brief [email](#) message would help us know if time spent preparing this is a helpful resource to you!

The [Center for Excellence in Supported Decision Making](#) was established through an Elder Justice Grant from the Administration for Community Living to bring significant systems change to MN's practices regarding how guardianship is used, and sometimes overused, with vulnerable adults with cognitive and intellectual challenges through individual case work and through convening WINGS MN along with the MN Judicial Branch.

Through the statewide [Guardianship Information Line](#), CESDM provides information, consultation, advice, referrals and assessments regarding adults with questionable-decisional capacity to find the most appropriate intervention to ensure well-being, supports formal and informal decision-makers so they'll be engaged, effective and person-centered, as well as guardianship complaint advocacy. CESDM also provides in-person case work around these issues in the Metropolitan region, as well as statewide outreach, community and professional presentations on topics related to supported decision making and guardianship.

WINGS Minnesota is a collaborative which is dedicated to supporting elders, persons with disabilities, family members and helpers, service providers, guardians and conservators through education; building a system that prioritizes supportive decision making and less restrictive alternatives to guardianship, and that maximizes autonomy for persons under guardianship; and sustaining a cooperative conversation where all guardianship stakeholders work to improve outcomes and increase self-determination for people who may need assistance making legal or medical choices.



The work of CESDM and WINGS MN was supported in part by a grant (No. 90EJIG0002-01-00) from the [Administration for Community Living](#), U.S. Department of Health and Human Services (HHS) from 10/2016 - 6/2020. Grantees carrying out projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration for Community Living or DHHS policy.



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