



WINGS MN NEWSLETTER

Vol. 2, No. 2: August 2018

YOUR INPUT NEEDED

Coming Soon from Wilder Research! In early September, you will receive a link to an online survey, which is part of a federal grant received by Volunteers of America-MN/WI to promote alternatives to unnecessary guardianship and conservatorship in Minnesota; this grant has funded the work of WINGS MN since 2016. Please take a few minutes to complete the survey so that we can learn more about the work and impact of WINGS MN. Contact Anita Raymond at VOA (araymond@voamn.org) or Christin Lindberg at Wilder Research (christin.lindberg@wilder.org) if you have further questions.

Time Sensitive: CEU Opportunities

Webinar: *Using Supported Decision-Making to Avoid Guardianship: Screening with the PRACTICAL Tool and Beyond*
Wednesday, September 12th, 2018 1 p.m.

Presented by *David Godfrey, Senior Staff Attorney, ABA Commission on Law and Aging* [This webcast](#) will highlight Supported Decision-Making (SDM) and the PRACTICAL Tool. The PRACTICAL Tool walks users through options and concerns in using SDM to determine a person's needs, existing and required supports, and options. The person-centered and person-driven decision-making model of SDM leverages the ability to empower adults to make decisions across the spectrum of capacity. SDM helps supporters understand the values of the person, enabling them to offer better advice and options for the person. Source: *National Center on Law & Elder Rights (NCLER) Listserv*

STAR Services: Foundations for Success Series:
Right to Take Risks vs. Right to Be Safe for People Under Guardianship & Supported Decision Making

Mankato (October 11); Fergus Falls (October 18); Brainerd (November 1); Duluth (November 6) 9 a.m. - 4 p.m. (all sessions)

Presented by *Anita Raymond (CESDM) and Lori Jasper (STAR Services)*

The morning session will discuss how far the responsibilities granted to a guardian or conservator extend into the daily lives of wards/protected persons. Conflict or confusion between persons and their guardians/conservators, and residential and care providers can quickly emerge as each entity may view the issues of right to self-determination, the dignity of risk, and the need for protection very differently. In the afternoon supported decision-making will be explored. Participants will be introduced to supported decision-making tools such as decision-making profiles and decision making agreements. Well thought out agreements can give the individual the positive control and choice they are seeking and address everyone's concern for risk and safety. [More Information](#). Source: www.starsvcs.com

Webinar: *An Introduction to ACES and Elder Abuse*
Friday, September 21, 2018, 1:00 p.m.

Gabriella Grant, Director of the California Center of Excellence for Trauma-Informed Care, will discuss the connection between early adverse experiences, often called "ACES," and the older adult population; how past victimization can relate to future victimization later in life, provide an overview of the definition of trauma, review keys to recovery and

stability, and discuss implications for law enforcement, prosecutors, and victim services. [More Information here](#) Source: NCEA ListServ

FINANCIAL EXPLOITATION: Training, Tools, and Other Resources

New MINNESOTA Statute for Brokers to Fight Financial Exploitation Effective August 1, 2018



by Robert McLeod

Minnesota has enacted a new statute Minn. Stat. [chapter 45A](#) to help fight financial exploitation of persons 65 or older and persons considered vulnerable under the vulnerable adult act (M.S. [626.5572, subd. 21](#)).

An important feature of this statute is that it allows the broker-dealer or investment adviser to take action under the statute without liability. The broker-dealer or adviser may notify third parties of the suspected financial abuse. The notice can be made to persons associated with the account holder and to elder abuse authorities and the commissioner of commerce, but they do not need to give notice to the person suspected of the abuse.

The broker-dealer and adviser may also delay the completion of the financial transaction requested. If the transaction is delayed, then within two days the broker-dealer or investment adviser must give written notice to all person associated with the account (except the alleged wrong-doer) of the hold on the account and the reason for the hold, notify the commissioner of commerce of the delay, and give notice to the common entry point for vulnerable adult financial exploitation (626.5572 subd. 5) and provide documentation and updates of any internal review.

The delayed transaction terminates 15 days after the transaction was first delayed but may be extended another 10 days to a total of 25 days in some cases. Source: [Death and Taxes Law blog](#)

The Wisconsin Department of Justice released a training video to help [bank] tellers identify and report financial elder abuse. The 10-minute [video](#) identifies common red flags that banking professionals can watch for to prevent and safeguard our communities from elder financial abuse. The video was produced by the DOJ in partnership with the Wisconsin Bankers Association and the Wisconsin Credit Union League. Source: NCEA Listserv



The FrameWorks Institute and the National Center on Elder Abuse (NCEA) have launched a new **free** online video lecture series on how to effectively reframe the way we talk about elder abuse with the public. These videos are a professional training product on how to communicate more powerfully about elder abuse as a social policy issue.



You can access the [video lecture series here](#): Please make sure to follow prompts to add to cart, register and enter the **discount code: WEAAD2018** to allow the course to be **100% free**. *This course will be free until June 15, 2019.* Source: NCEA Listserv

The BBB has just released a [new study on lottery/sweepstakes fraud](#). It not only explains how they work and common variations, such as now prevalent on Facebook, it also provide some age breakdowns. For example 2/3 of victims are over 60, and 3/4 of the money lost to Jamaica is from people over 70. ~ C. Steve Baker, International Investigations Specialist, BBB, on NCEA Listserv

The Director of Bank Community Engagement at the American Banking Association has a new resource they are distributing to their financial services membership. If you are involved in financial exploitation prevention, this may be useful to you. [Protecting Seniors: A Bank Resource Guide for Partnering with Law Enforcement and Adult Protective Services](#) Source: NCEA Listserv by San Mateo County Aging and Adult Services

Social Security Administration Blog: Five Ways to Fight Elder Abuse, Neglect, and Financial Exploitation



Posted on **June 14, 2018** by [Lance Robertson, Assistant Secretary for Aging and Administrator, Administration for Community Living, HHS](#) As Americans, we believe that people of all ages and abilities deserve to be treated fairly and equally and to live free from abuse, neglect, or financial exploitation. [Here are five ways you can join this fight.](#)

National Scope: WINGS and Supported Decision Making News

[June 13, 2018] was a historic day for the WINGS-Indiana grant project! We had our first guardianship case terminated in favor of supported decision-making. Please see below for news links to this remarkable achievement

[Indiana Lawyer](#) [Pal news](#) [WFYI News](#) Source: Erica Costello, WINGS Listserv

Quality Trust for Individuals with Disabilities in Washington DC recently won an important case terminating a guardianship and restoring rights. This was the first time in DC that a

guardianship of an older adult was terminated in favor of supported decision-making. See a [Washington Post article](#) about the case or the [Quality Trust press release](#) Source: Erica Wood, WINGS Listserv

"Tennessee, like several other states, recently enacted legislation to advance an emerging best practice in the field of disability: **Supported Decision Making**. (Read more about it [on our website](#) and in this [previous TennesseeWorks blog from last spring](#)). Supported Decision Making is about helping people with disabilities make as many decisions about their own lives as possible." Lauren Percy, Public Policy Director, TN Council on Developmental Disabilities: [What the law does \(and doesn't\) mean for Tennesseans.](#)

The Right to Make Choices: New Resource on Supported Decision Making

"[This guide](#) helps people with disabilities understand decision-making laws. You will learn about different kinds of support you can use to make choices. You will also learn about how people in different countries have changed their laws to help people with disabilities make our own choices. Freedom to make our own choices is a human right. The toolkit comes in two forms, with each form tailored to a different audience" Source: [Autistic Self Advocacy Network](#) website

Guardianship Tools, News, Guardianship In The News, & Related News

The American Bar Association's Commission on Law and Aging has published a new legislative fact sheet, [Guardianship and the Right to Visitation, Communication, and Interaction](#), which offers assistance to lawyers, bar associations, allied professionals, legislative staff, and advocates to make policy recommendations, improve practice, and raise professional awareness about visitation and guardianship. Source: Dari Pogach, WINGS Listserv

The Uniform Guardianship, Conservatorship and Other Protective Arrangements Act was approved by the Uniform Law Commission in July 2017 [which includes supported decision making provisions]. The [Act and Comments](#) are now complete and available for

review. Source: Erica Wood, WINGS Listserv

NOTE: Led by Robert McLeod of Briggs and Morgan, a group of interested individuals has been meeting to explore areas recommended modifications to Minnesota's guardianship/conservatorship statute, beginning with a comparison of the UGCOPAA. Stand by for updates.

Advance Psychiatric Directive: A viable alternative to commitment and

guardianship: Most states have laws which allow competent persons to write down instructions as to the health care they wish to receive (or not receive) if they later become incapable of making such decisions. In Minnesota, the advance psychiatric directive and the health care directive enable a person to spell out his or her health care choices or desires and to outline the actions that may be taken by those acting on his or her behalf. The advance psychiatric directive, applies only to treatment with neuroleptic medications such as Haldol or Clozaril, and ECT (electroconvulsive therapy). It does not apply to other mental health medications or other types of therapy. The health care directive is much broader in scope, allowing a person to set out instructions about mental and physical health care, including decisions about the end of life. For [more information and forms](#), visit MN Disability Law Center (member of WINGS MN)

Earlier this month, CNN featured a story portraying the experiences of a young woman and her family at Mayo Clinic which received a lot of national coverage from multiple media outlets. Obviously media coverage of these kinds of stories will most often err toward sensationalizing, and many nuances and the perspectives of all involved are left out, so we all need to be careful in our conclusions and judgments of actions and intentions of the various players in this drama. However, there is a lot to be considered with this story framing the issue, about the way health systems' policies and practices may lead to an over, and unnecessary, reliance on guardianship, rather than the person-centered approach of supporting a persons with disabilities and their families and communities, utilizing professional best practices, including Ethics Committees, and supporting family when a patient with no legal decision maker is unable to participate in decision making. Read the original story from CNN ([Part 1](#) and [Part 2](#)), [MPR's coverage of Mayo's Response](#) and the [Star Tribune](#) coverage for just a few of the many articles on this topic.

Center for Excellence in Supported Decision Making News and Activities

Guardianship & Supported Decision Making Educational Sessions in Minnesota

WINGS MN Convener and CESDM Project Director Anita Raymond and other WINGS MN stakeholders have been traveling the state to provide guardianship and less restrictive alternatives with a focus on introducing Supported Decision Making as a philosophical perspective as well as an emerging alternative to guardianship for people who need support, but not guardianship in making decisions. We have reached more than 4000 professionals and community members around Minnesota since the beginning of the ACL grant period in October 2016. Want to discuss hosting a training in your area? Contact araymond@voamn.org to discuss options

Guardianship Information Line

Don't forget this valuable resource: Since it was established in late 2016 with funding from our ACL grant, more than 1000 professionals, family and community members, older adults and adults with disabilities have benefitted from in-depth consultation, information, advice, referrals or in-person assessments by our Center for Excellence in Supported Decision Making social workers Amanda Hudson & Kathleen Carlson, with Estate and Elder Law Services attorney John Kantke, led by Project Director Anita



Raymond.

Guardianship Information Line

Local: **952-945-4174** Toll free: **844-333-1748** Email: **CESDM@voamn.org**

The [Center for Excellence in Supported Decision Making](#) is funded in part by 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.

The Center 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.

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 is 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). 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.
