



WINGS MN Newsletter
Vol. 3, No. 1, January 2019

WINGS MN

5th Annual **WINGS MN Summit**: May 17, 2019 Mark your Calendars! Space will fill up fast, so be sure to watch your email (remember to add WINGS to your contacts list) for official announcement and registration later this Winter/early Spring.

Introducing Jamie Majerus, MN Judicial Branch Audit Manager and now, WINGS MN co-convener! As of November, 2018, Jamie is sharing WINGS MN Convener duties with Anita Raymond.

Thank you to everyone who participated in the CESDM / WINGS on-line survey in the Fall. This is an important portion of the comprehensive evaluation, conducted by [Wilder Research](#), of the

Administration for Community Living's Elder Justice Grant awarded to Volunteers of America MN in 2016 and which continues to fund the work of CESDM and supports [WINGS MN](#).

Local News & Announcements

MN Judicial Branch News

Updated Annual Report of Guardian form. MN Judicial Branch has updated the [Personal Well-Being Report](#) as of November 2018. If you are serving as a guardian, remember to use the current version at your next annual reporting.

Conservator Account Review Program (CARP) - The newly launched CARP will provide regular review of accounts not subject to Conservator Account Auditing Program (CAAP) audits and provide public hearing preparation documents to district courts. CARP will review accounts under \$10,000 and older than one year, and larger conservator accounts in-between those accounts' fourth-year audits that are conducted by CAAP. Reviewers will follow a standard practices guide to ensure that conservator accounts are uniformly monitored.

Center for Excellence in Supported Decision Making VOA MN

CESDM was recently awarded a **mini-grant from the National Resource Center on Supported Decision Making**; primary activities include: 1) SDM educational presentations to communities in Greater Minnesota that have thus far been underserved hosting professional education sessions and 2) hearing from people directly impacted by guardianship, SDM and/or other decision-making options to ensure they have a seat at the table in promoting SDM in MN, through listening sessions, and personal contacts. Please contact araymond@voamn.org to introduce us to someone whose story we should hear, or to inquire about bringing a listening session or CEU presentation to your area.

CESDM's **Guardianship Information Line** is a statewide resource. Our Social Workers provide in-depth phone and email-based consultations with individuals, families, and

professionals about the full range of supportive and surrogate decision making options, including guardianship/conservatorship, supported decision-making, health care directives, powers of attorney, and more. We help professionals and families understand the benefits and risks associated with court interventions and discuss approaches to address the balance of choice / dignity of risk with safety and protection. Contact CESDM at 844-333-1748 (toll free), 952-945-4174 or CESDM@voamn.org

In a previous edition of the WINGS MN newsletter, we introduced a **Guardianship Complaint Advocate** pilot project, in partnership with the [MN Elder Justice Center](#). The formal project ended 9/30/18; however, MEJC's [Victim Services Advocate](#) continues to respond to such calls. Stand by for reports about the pilot project.

CESDM is on Facebook! Please check out the page, consider sharing, following and liking CESDM to help reach wider audiences.

[CESDM Facebook Page](#)

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

The National Resource Center for Supported Decision-Making (NRC-SDM) announced awards of funding and/or technical assistance for "projects designed to increase knowledge of and access to Supported Decision-Making by older adults and people with intellectual and developmental disabilities." One of these recipients is Volunteers of America MN's Center for Excellence in Supported Decision Making. Read more about the seven projects at [NRC-SDM](#). "We are excited to be awarding this third round of grants to promote pioneering advancements in Supported Decision-Making at the state and local level," said Tina M. Campanella, Chief Executive Officer of Quality Trust and the NRC-SDM Principle Investigator. "We believe that significant progress and innovation is occurring through these local projects."

The [University of Kansas](#) recently announced the publication of **Supported Decision Making: Theory, Research, and Practice to Enhance Self-Determination and Quality of Life**. Co-Authors Karrie Shogren, professor and senior scientist and director of the Kansas University Center on Developmental Disabilities; Michael Wehmeyer, Ross and Mariana Beach Distinguished Professor in Special Education and director of the Beach Center on Disability; and Jonathan Martinis and Peter Blanck of the Burton Blatt Institute at Syracuse University, New York examine supported decision making, along with policy and practical applications for people with intellectual and developmental disabilities. Shogren expertly encapsulates the subject: *The predominant model of legal guardianship is rooted in an antiquated understanding of disability. Supported decision-making is rooted in new ways of understanding disability that recognize the interaction of the person and the environment and focus on identifying and building the right system of supports to enable a person to fully participate in their lives and communities without artificially restricting their rights. We all need supports. People with disabilities may need more supports in some areas of life, but we just need to be creative in devising these supports while ensuring the person has agency over the decisions in their lives.*

Tools You Can Use: Many people are familiar with [The Stoplight Tool](#), also known as the MO Stoplight Tool. The American Civil Liberties Union has a [Supported Decision Making & the Problems of Guardianship](#) page which includes a resource library. In addition to other helpful tools and videos, they have published two documents similar to The Stoplight Tool called [When Do I Want Support](#) a tool for persons with disabilities and its corollary for others' use in determining someone's capacity to make decisions, [Beyond the Binary: Competence Evaluation Tool](#). Instead of typical capacity evaluations, these tools all approach the issue by focusing on daily life skills, and whether the person can perform these independently, with support, or not at all even with support.

[Alaska passes Supported Decision Making Legislation](#) in September, which permits an adult to create a supported decision making agreement. Alaska joins Texas, Delaware, Wisconsin, D.C. who have also legislated SDM in statute. Additionally, New Mexico, Maine, Maryland, and Kansas legislation mentions SDM.

Guardianship in the News

In November, the **United States Senate Special Committee on Aging** heard from four guardianship experts, including Minnesota's own **Cate Boyko**, Senior Court Research Assistant at the National Center for State Courts and WINGS MN member, who "explained that the state court data it collected revealed that none of the states was able to fully report all the information on guardianships they requested. They found that the most serious issues involved local court authority, lack of standardized reporting, and limited technology." Senators Susan Collins and Bob Casey released the Committee's report, "Ensuring Trust: Strengthening State Efforts to Overhaul the Guardianship Process and Protect Older Americans" at the hearing. Read more about the [hearing](#), including links to testimony and the Guardianship Accountability Act introduction.

Legislation in [California](#) (passed) and [Washington](#) state (introduced) attempts to address challenges of homelessness, treatment, and safety for people with severe mental illness through guardianship (conservatorship) powers. It will be interesting to see how effective the power to hospitalize or determine placement will be for people who resist these interventions.

The **Center for Elders and the Courts**, a project of the National Center for State Courts, just released [Financial Exploitation by Conservators - A Series of Eight Background Briefs](#). According to the Center, these briefs are "... intended to bring about greater public awareness and understanding of the issue. The briefs are aimed at a broad audience including practitioners, advocates, and policymakers, as well as courts and judicial staff."

Sadly, problem guardianships happen, and make exciting headlines. AARP's October/November 2018 The Magazine published [What Happens When A Guardianship Gets Contentious](#). In December, the New York Times published ["I'm Petitioning... For The Return Of My Life"](#) Recognizing that these stories can become sensationalized, be biased, and leave out nuance and context, it cannot be denied that this intervention, though necessary in some cases, can be

still an overly blunt instrument with significant, often negative and permanent, impacts on the life and happiness of the person that guardianship is seeking to protect. The benefits of safety and protection have to be weighed against losses to the person and potential impact of the person's quality of life.

Elder Justice and Maltreatment of Vulnerable Adults: Trainings, News, Briefs, Resources

The 2019 MN **World Elder Abuse Awareness Day Conference**, hosted by the Minnesota Elder Justice Center, will be held on June 5 in Brooklyn Park, Minnesota. Mark your calendar and visit [MEJC website](#) to learn more.

The [National Center on Elder Abuse](#) (NCEA) is a "national resource center dedicated to the prevention of elder mistreatment." Readers are encouraged to subscribe to their newsletter and join their Listserv. Here are just a few of their resources:

- Issue Brief: [Sexual Abuse in Nursing Homes](#): What You Need to Know, including "physical and social indicators of sexual abuse as well as resources..."
- A reference guide of elder abuse publications in 2018: [Elder Abuse Annual Research Compilation](#).
- Issue Briefs: Understanding and Working with Adult Protection. "The goal of this resource is to provide information for understanding and collaborating with Adult Protective Services in order to benefit older adults and adults with disabilities who are subjected to abuse, neglect, or exploitation..." Part I is an [Overview of APS](#); Part II is [Reporting and Investigations of Alleged Abuse](#); and Part III is [Intervention](#).

In a recent Listserv post, the NCEA announced that the U.S. Department of Justice released its [Elder Justice Issue of Journal of Federal Law and Practice](#). Content includes articles such as "Elder Financial Fraud Schemes: the Case for Federal Investigation and Prosecution" and "Using Fraud and Scam Reports to Fight Fraud Affecting Older Consumers" and "Investigating and Prosecuting Transnational Telefraud Schemes: The India Based Call Center Scam and Costa Rica Telemarketing Fraud Cases"

The [National Indigenous Elder Justice Initiative \(NIEJI\)](#) released a new [Healthcare Module](#) as part of their **Online Interactive Elder Justice Curriculum**. The training's objectives include: "identifying factors that place Native American elderly at higher risk for abuse or neglect by their caregivers" and "assuring culturally appropriate practices with Native American Elderly."

Odds & Ends

Social Security Administration (SSA) announcements

*Individual representative payees can now submit their **annual representative payee accounting report** through the [my Social Security portal](#). The tool follows the format of the paper-accounting form that payees are accustomed to, making it easy to use and understand. Built-in edits of beneficiary data ensure that the form is complete, and the data is in the correct format, ultimately reducing the chance for human error. Please note that organizational payees should continue to submit their annual representative payee accounting forms online through the legacy system, [Internet Representative Payee Accounting Report](#). Bob Patterson, Acting Associate Commissioner, External Affairs*

SSA has received reports of fraudulent telephone calls from people claiming to represent SSA. In them, unknown callers are using threatening language to warn unknowing victims that they will be arrested or face other legal action if they fail to call a provided phone number or press the number indicated in the message to address the issue. In some

instances, these unknown callers switch tactics and communicate that they want to help...with activating a suspended Social Security number.... We encourage you to inform your members and extended networks not to engage with such callers, and to report any suspicious calls to Social Security's Office of the Inspector General by calling 1-800-269-0271 or submitting a report on the [OIG website](#). Doug Nguyen, Regional Communication Director, WINGS MN member

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.

