



WINGS MN NEWSLETTER  
Vol. 4, No. 1, January, 2020

**WINGS MN**

**SAVE THE DATE!**

**6th Annual WINGS MN Summit:**

***April 16, 2020***

**Mark your calendar to reserve the date,  
and watch your email later this winter for**

registration information. We're pleased to announce a new venue, the [New Brighton Community Center](#), which will allow for more participants and the possibility of vendor tables. We have heard your feedback, and we're working hard to plan another great summit.

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 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](mailto:jamie.majerus@courts.state.mn.us) or [araymond@voamn.org](mailto:araymond@voamn.org))

# Local News & Announcements

The University of Minnesota's [Institute on Community Integration](#) (represented in WINGSMN by Barb Kleist, CIC Coordinator) publishes *Impact*, a newsletter with specific focus areas related to persons with intellectual, developmental, and other disabilities, with practical information for professionals as well. The [most recent issue](#) features articles by national experts on self-determination and supported decision making. A great resource!

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Did you know that Minnesota is exploring revisions to its guardianship statute? Beginning with in-depth review of the Uniform Law Commission's Adult Guardianship and Protective Proceedings Jurisdiction Act with broad representation from the public and private sectors, led to proposed modernization of MN's existing statute. Leaders (and WINGS MN members) Robert Mcleod, Sean Burke, Alicia Munson, and Anita Raymond have developed this [summary document](#) describing the proposed changes. Watch for more news in this forum and at the WINGS Summit in April.

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In its article [Disability rights to take center stage as Minnesota Legislature sets to convene](#) the Star Tribune states that "legislators and disability rights advocates are gearing up for a major push to reform Minnesota's \$3 billion assistance program for people with disabilities and break down decades-old barriers to inclusion and independence." The article also mentions the work many WINGS MN members are engaged in regarding MN's guardianship statute: "Among its major priorities for the 2020 session, Arc Minnesota is working with other nonprofits to modernize Minnesota's guardianship law. Approximately 15,000 adults across the state live under the supervision of court-appointed guardians, who often gain broad powers over the people they are assigned to protect. Judges often grant this authority based on the assumption that people with disabilities are incapable of making major life decisions. At least a dozen states, including Nevada, Maine and Texas, now have laws that encourage a less-intrusive alternative to guardianship, known

as [supported decisionmaking](#) [sic], in which individuals with disabilities can designate their own teams to help guide them, as needed."

## Center for Excellence in Supported Decision Making

### ***Guardianship Information Line: Ask an Expert***

**Q:** *My adult daughter has been struggling with bi-polar disorder. She was doing ok, and even had an apartment, but stopped taking her medications. She started letting homeless strangers stay at her apartment as a delusion that she is helping Jesus, and has become aggressive with other tenants. She's at risk of being evicted. She's also been in jail a few times recently, but never charged with anything formal. She has been to 3 different hospitals and none of them have agreed to pursue commitment. I am so scared that she will end up losing her apartment and living on the streets. Someone at the hospital suggested I call and ask about getting Guardianship. Do you think that will help?*

**A:** This is such a hard and scary situation. When considering guardianship, we should acknowledge that it does remove a person's rights, and in a lot of cases even full powers of guardianship are not really able to solve the issues people hope it does. Guardianship won't allow you to force your daughter to accept treatment or take medications to stabilize her mental health. Even though you may obtain the power of "abode" and therefore be able to decide where she lives, it won't necessarily enable you stop her from allowing homeless individuals to stay at her apartment or address other behaviors putting her at risk of eviction.

You might try her community's police department and see if they are responsive to the fact that you're daughter is struggling with mental illness and they could consider having her taken to a hospital as opposed to put in jail the next time they are contacted.

The bottom line in a situation like this is that her mental health needs to be managed, stabilized, and then likely some of these issues will resolve; ideally, she'd agree to voluntary treatment or support when presented to her in a way that

helps her grasp that this could be a way to enable her to continue living in this apartment that she loves. Or, the situation may need to devolve to the point where she would qualify for involuntary treatment, such as a civil commitment. Once stabilized, an Psychiatric Health Care Directive may be a good option for her. A health care directive is a legal alternative to guardianship and allows her to choose who she wants to make decisions for her if a doctor determines she's not able to make those decisions, such as during a mental health crisis. The psychiatric clause is helpful because it allows her a chance to write down specific needs, wishes, and preferences as it pertains to her mental health symptoms.

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Have you read the [\*\*CESDM Guide to Supported Decision Making in Minnesota: A Resource for Families and Other Professionals\*\*](#)? This is an excellent resource for families and the professionals who are supporting people across the age and disability spectrum and their families. In it, readers will find recommendations for best practices in guardianship, stories of people using SDM and other alternatives, rights of people under guardianship, and more. The document is accessible on-line; for those who do not have easy access to the internet or a viewing platform, professionals can print copies for them; additionally, CESDM has a limited supply of bound copies available on request.

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Looking for more training and information about supported decision making and guardianship? CESDM team members will be presenting four sessions at the [\*\*MSSA Conference\*\*](#) in Minneapolis in March: *How to Decide if Your Client (Still) Needs a Guardian*; *Supported Decision-Making: How Do We Even Do It?*; *Guardianship & Supported Decision Making: What Every Social Worker Should Know*; and *Best Practices of Person-Centered Guardianship: Advocating for Client Rights*. We hope to see you there; please stop by one of our sessions to say hi and introduce yourself!

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***Have a question about guardianship, supported decision making, or related topic? Contact the [Guardianship Information Line](mailto:cesdm@voamn.org) at [cesdm@voamn.org](mailto:cesdm@voamn.org) or 952-945-4174 or 1-844-333-1748***  
***This state-wide resource is available to any professional, family, or individual***

*who has questions or concerns about decision-making, guardianship, balancing safety and quality of life, and more!*

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

WINGS MN is one of 31 states/districts (including D.C. and Guam) which have WINGS or similar stakeholder groups; [Commission on Law and Aging's WINGS](#) page maintains information about these. Like [WINGS MN](#), many state projects also have websites

: [Alabama](#); [Alaska](#); [Florida](#); [Indiana](#); [Kentucky](#); [Massachusetts](#); [Montana](#); [Nebraska](#); [Nevada](#); [North Carolina](#); [Oregon](#); and [Pennsylvania](#).

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The ABA Commission on Law and Aging has published an updated [WINGS Replication Guide](#), a resource for states seeking to establish WINGS, and for states who already have them, the guide includes tips for strengthening, sustaining, and evaluating WINGS.

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Erica Wood, whose name is synonymous with WINGS, recently sent this note to WINGS Leaders: *As many of you know, after many years I will be leaving the ABA Commission on Law and Aging on January 2, 2020. It has been wonderful to work with you on WINGS over the past three or more years. I firmly believe that WINGS can make a real difference in guardianship reform and use of less restrictive options. I hope to stay connected to the elder law/guardianship world and that our paths will cross again. As you know, Dari Pogach and Lori Stiegel will continue to work on the ABA Commission's ACL WINGS grant through June 30, 2020. We thank Erica for her years dedicated work promoting improvements in, and alternatives to, guardianship, and congratulate her on her well-earned retirement!*

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Anyone who has delved at all into Supported Decision Making has surely encountered the name Jenny Hatch and her attorney Jonathan Martinis; as the first to make national headlines about utilizing supported decision and successfully terminating her guardianship, her story is a powerful and informative one. Our favorite quote of hers? "I don't need a guardian, I just need a little help." Now, Jenny's story is captured in an e-book by Johnathan Martinis: [Supported Decision Making: From Justice for Jenny to Justice for All!](#) The Washington Post's [article](#) details more Jenny's story and her current life.

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Supported Decision Making is also an international trend. Mexico ratified the UN [Convention on the Rights of Persons with Disabilities](#) (CRPD) in 2007; recently Mexico's Supreme Court issued a ruling terminating the guardianship of "Ernesto" and cited the CRPD in stating that guardianship is discriminatory in removing the autonomy of the person with a disability. Human Rights Watch describes the issue and Ernesto's story: [On the Road to Freedom from Guardianship in Mexico](#).

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## Guardianship in the News

Media coverage of guardianship horror stories sometimes feature situations taken out of context, and only tell part of very complicated stories, are painful to hear about. But, this coverage can also serve as a wakeup call, or an important reminder of how badly things can go in guardianship and demonstrate the need for never-ceasing efforts to improve guardianship systems, and seek to avoid unnecessary guardianships in the first place.

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[\*\*\*Unguarded: A three-part series on how Richmond's guardianship process leaves vulnerable people unprotected.\*\*\*](#) describes experiences from the family and person's perspective.

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[Guardian Rebecca Fierle's \\$4 million relationship with AdventHealth unheard of, experts say](#) is a story about a Florida guardianship and health system.

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Complaints about guardians can be frustrating for people under guardianship, their advocates, and families. The ABA has compiled a list of [states who have a statutory complaint process](#). In 2019, Minnesota's Center for Excellence in Supported Decision Making and MN Elder Justice Center piloted a project wherein an MEJC advocate responded to complaints about guardians. This project has sunsetted, but concerns about guardians can still be brought to the appointing court if the concerns are about actions related to the powers and duties and/or to [MN Adult Abuse Reporting Center](#) if the concerns are about suspected maltreatment by the guardian. Concerns that do not rise to these levels can still be discussed with a CESDM [Guardianship Information Line](#) social worker or an [MEJC advocate](#).

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From National Guardianship Association Board Member Sally Hurme: *The National Guardianship Association (NGA) has a set of ten key **Ethical Principles** printed on small cards and aimed at newly appointed guardians. The cards are free (and available in bulk) to anyone who sends a request to [info@guardianship.org](mailto:info@guardianship.org). WINGS may wish to consider asking judges to hand out the cards upon appointment, or using the cards in guardian training. These are also available for [download](#).*

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

American Bar Association Foundation resources:

- [Protecting Seniors: A Bank Resource Guide for Partnering with Law Enforcement and Adult Protective Services](#), developed by the American Bankers Association



Foundation is a resource to banks in developing relationships and collaborating with local law enforcement jurisdictions and Adult Protective Services offices related to elder financial exploitation.

- The ABA Foundation offers a [Safe Banking for Seniors](#) program: organizations and community members can request a free presentation led by bankers to provide information regarding "avoiding scams, preventing identity theft, and financial caregiving."

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From a recent post on the National Center on Elder Abuse (NCEA) [Listserv](#) (consider subscribing for up to date notifications about tools, resources, and trainings): *Financial exploitation often starts with impaired financial decision-making. New on-line assessments are now available to help you determine the decision-making abilities, psychological vulnerability and susceptibility of your older adult client. You can use these tools to determine a baseline or immediately after suspected exploitation. Created by [Dr. Peter Lichtenberg](#), the director of the [Institute of Gerontology at Wayne State University](#) and a board certified clinical geropsychologist, the assessments include brief, narrated trainings to insure proper administration. Computerized scoring gives you clear risk ratings and recommended next steps. [Older Adult Nest Egg Tools](#) include: a brief, 10-item screening called the Financial Decision Tracker, suitable for use by anyone who works with older adults; an in-depth questionnaire called the Financial Vulnerability Assessment used primarily by mental health professionals; The Family & Friends Interview, in which a trusted friend or relative provides their perspective on the older adult's financial decision-making. These tools and trainings are free to registered account holders.*

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[NCEA](#) has countless resources. For example, NCEA and [National Asian Pacific Center on Aging \(NAPCA\)](#) and developed **three NEW factsheets** available in **Chinese, Japanese, Korean, Samoan, Tagalog, Vietnamese**, and **English: [Six Ways to Care for Yourself When Caring for Someone with Dementia](#), (2) [Emotional Abuse](#) and (3) [Neglect](#).**

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The [Consumer Financial Protection Bureau](#) published [Suspicious Activity Reports on Elder Financial Exploitation: Issues and Trends](#) in 2019. According to Naomi Karp, Senior Policy Analyst at the Office for Older Americans: *Financial institutions are seeing vast numbers of their older customers fall prey to financial exploitation by perpetrators ranging from offshore scammers to close family members-and they're filing hundreds of thousands of reports with the federal government about these suspicions...[the report describes] key facts, trends, and patterns revealed in these Suspicious Activity Reports-or SARs-filed by banks, credit unions, casinos, and other financial services providers. We analyzed 180,000 elder financial exploitation SARs filed with the Financial Crimes Enforcement Network (FinCEN) from 2013 to 2017, involving more than \$6 billion. This first-ever public analysis provides a chance to better understand elder fraud and to find ways to improve prevention and response.*

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From the Social Security Administration's [Office of Public Affairs - Minnesota](#), Brian Rudolph and Rhonda Whitenack: *The Social Security Administration needs YOUR help raising public awareness regarding how to fight the pervasive phone scam problem.* Visit [SSA](#) to read more about scams and resources such as a fliers that can be posted in senior centers, libraries, etc. SSA wants scams or attempted scams to be reported to [Social Security's law enforcement team](#)

## Odds & Ends

From a WINGS posting earlier in 2019 by Erica Wood, ABA: *Senators Casey and Collins have reintroduced the federal [Guardianship Accountability Act, S 591](#). The bill has been referred to the Senate Judiciary Committee.* This bill requires the Elder Justice Coordinating Council to create a National Online Resource Center on Guardianship for the publication of guardianship resources and data, and requires the Department of Health and Human Services to award grant funds for state programs related to overseeing the administration of guardianships.

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Most of us spend a great deal of time thinking about our clients' safety, but personal safety for human services professionals cannot be overlooked. Fortunately, [APS TARC](#) (Adult Protective Services Technical Assistance Resource Center) has organized a [Personal Safety Toolkit](#). Aimed at adult protective services teams, the toolkit has excellent resources and tips for all professionals who conduct home visits. *APS casework can create a threat to personal safety for staff conducting investigations, assessments, and home visits. The safety of personnel can have a noticeable impact on the ability of APS programs to provide services to the adults who need them most. Commitment to worker safety includes maintaining a safe work environment with a focus on prevention, mental health training, and emergency preparedness planning. The purpose of this toolkit is to provide a resource to administrators and front-line staff to increase the safety of APS staff. It includes helpful information such as a presentation slide template for basic training, smart technology tips, and sample*

policies and procedures. APS programs are encouraged to add program logos, emergency contact numbers, etc., to customize the templates to fit their needs.

Did you find this newsletter in your spam folder? Please remember to mark us a safe sender so we don't get lost in the junkbox!



*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](#) 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.

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.

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.



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