



WINGS MN NEWSLETTER
Vol. 4, No. 2, March, 2020

WINGS MN

Cancelled

**6th Annual WINGS MN Summit:
*April 16, 2020***

***Due to the COVID-19 (Coronavirus)
situation, the Summit has been
cancelled. We hope to reschedule this***

important gathering, and will alert as those plans develop.

Many WINGS members have been busy planning Summit for months: reach out and thank them if you get the chance: Jennifer Wright (retired elder law attorney), Jamie Majerus ([MN Judicial Branch](#)) and Anita Raymond ([CESDM](#)) have been leading the planning, with many others including Jaclynn Sparby ([Hennepin County Probate Court](#)), Kathleen Carlson ([CESDM](#)), Daniel Blakley ([LSS](#)), Jill Tilbury ([DHS Public Guardianship](#)), Barb Kleist ([Center for Community Integration](#)), Marit Peterson ([MN Elder Justice Center](#)), Anna Solowiej and Dalaine Remes ([Disability Law Center](#)), and John Kantke ([Estate & Elder Law Services](#)). WINGS is especially grateful for financial support from UofM's [Institute on Community Integration](#) for their generosity in paying for the event space; the [Elder Law Section](#) of the [MN State Bar Association](#) and [MN Association for Guardianship and Conservatorship \(MAGiC\)](#) for financial sponsorship to cover speaker and other WINGS expenses.



UNIVERSITY OF MINNESOTA



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 or araymond@voamn.org)

COVID-19 / Coronavirus Resources & Announcements

Agencies Remain Operational: Please remind your community and those you serve that many agencies have discontinued group events, trainings, and in-person meetings and visits, but remain operational, with most employees working remotely. WINGS members such as [MAARC](#), the [Guardianship Information Line](#), [MN Elder Justice Center](#), [The Arc MN](#), and so many more remain available through phone and email opportunities.

Urgent Action Request from the [MN Council on Disability](#) *Monday, March 16, the Minnesota legislature passed emergency funding for hospitals, nursing homes, and other health facilities to address the COVID-19/coronavirus public health crisis. Meanwhile, stakeholders were working together to pass language that would have offered some regulatory flexibility for disability service providers –*

*including Personal Care Assistance and Home & Community Based Services – to best support Minnesotans with disabilities during these chaotic and uncertain times. **Unfortunately, this critical legislation, Senate File 4200, was not included in the COVID-19 relief bill passed on Monday, March 16.** We urgently **NEED YOUR HELP** to get this passed. Contact your legislators **RIGHT NOW**, asking them to come back to the Capitol this week to pass SF 4200 to make sure people with disabilities have access to critical services and stay healthy in their homes. Click [here](#) for more information, including a helpful script and tips to find your legislators.*

[Minnesota Board on Aging](#) reminds Minnesotans that the [Senior LinkAge Line](#) will continue to be a resource for older adults and their families to call during this emergency situation. We can help people find resources and make connections with alternative services, if someone's provider or support network has changed or temporarily stopped providing services. If you are on Elderly Waiver, Alternative Care or Essential Community Supports, contact your case manager/care coordinator to discuss your needs. If you are not on one of these programs call the Senior LinkAge Line for help finding resources in your community including home delivered meals, grocery or prescription drug delivery, help in your home, transportation, caregiver consultants and respite services...[Providers:] If you are serving someone on [these programs], contact the person's case manager/care coordinator to discuss their situation. If you are helping someone who is not on one of these programs, contact the Senior LinkAge Line for help to identify alternative services. If you hear of shortages in your area where more volunteers or service providers are needed, please report it to the Senior LinkAge Line as we are in contact with the MBA and DHS.

Constant breaking news, updates on new outbreaks, social media posts, social isolation, quarantines for at risk or exposed groups, fears of virus exposure, worries about one's future or care of loved ones...these are challenging times for all of us, and even more so for those with limited ability to process all of this, or with existing anxiety or other mental health disorders. [NAMI](#) (National Alliance on Mental Illness) is a great place to turn for help, support, and tips, including their [Helpline Coronavirus Information and Resources Guide](#). Some of the tips include: "remember that knowledge is power" but "don't accept everything you read or

hear." "Get your emotional support system in place...take control and incorporate preventative measures." These resources are helpful to all of us, and the people we are supporting. Of course, wash your hands and socially isolate, but find [creative ways to stay connected](#).

Social Security Administration News Release: *Effective March 17, 2020, Social Security Offices Will Only Offer Phone Service ** Online Services Remain Available ** All local Social Security offices will be closed to the public for in-person service...This decision protects the population we serve—older Americans and people with underlying medical conditions—and our employees during the Coronavirus (COVID-19) pandemic. However, we are still able to provide critical services. 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. See [SSA's Coronavirus page](#) for more information.*

The [Administration for Community Living](#), in partnership with the [National Center on Law & Elder Rights](#) (NCLER) has created [Legal Assistance for Older Americans and COVID-19](#) for legal assistance, and others, to use "while adjusting their policies and procedures to ensure the safety of their staff and their older adult clients." The NCLER is available to provide technical assistance and consultations on issues involving COVID-19 and service delivery to older adults. Contact ConsultNCLER@acl.hhs.gov to request assistance.

[APS TARC](#) (Technical Assistance and Resource Center) and the Administration for Community Living, has published a helpful [tip sheet](#) with recommendations for personal safety, and program response. Though it's aimed at APS units, there's excellent information that all of us could use, including ways to engage with clients even when visits are not possible.

Business responses: To help reduce exposure, and to allow employees to restock shelves, many grocery and department stores are limiting their hours. Some, such as [Lunds & Byerlys](#), [Target](#), and [Kowalskis](#), are asking customers to refrain from shopping for the first 1-2 hours each morning, reserving this time for shopping by those who are at higher health risk,

such as older adults and those with compromised immune systems, and health care providers and first responders. Encourage other stores in your area to do the same.

Guidance and tips for guardians from [Paul Jeddloh](#) on behalf of [MN Association for Guardianship and Conservatorship](#), MAGiC:

The COVID-19 virus is impacting everyone of late. The Board of MAGiC has discussed the issue with regard to contacts with persons under guardianship/conservatorship and would like to provide some guidance: (1) While the standards recommend visits once a month, under these unusual circumstances, other timing and/or other methods of staying in communication are appropriate. This can be via telephone, Skype or other method of having a “meaningful contact.” (2) While the concern over this virus is real and serious, we still have a responsibility as guardians, perhaps with some additional urgency in this climate of heightened concern. Checking with facilities, staff, family regarding the health of clients is very important when in-person contacts are not available. (3) Think creatively about how to maintain contact using the telephone, email, facility staff as a temporary proxy, calling ahead before every visit to determine risks. (4) This is a time to confirm your backup system if you become sick and need a substitute. With the illness being relative mild, however, the solution for a guardian who is sick may be to revert to 100% remote communication while recovering. Please remember to ask yourself, every time you will be seeing a client, how am I feeling? If you have any symptoms of illness, please reschedule the visit to keep whatever it is away from your client and the facility in which they reside.

Modernizing MN Guardianship Statute



Modernizing Minnesota's Guardianship Statute

From [Rep. Kelly Moller's 3.4.20 newsletter](#) (article and photos): *I am proud to be the chief author a bill that modernizes Minnesota's guardianship and conservatorship statutes. This legislation, which is the result of stakeholders meeting over the past two years, will reduce unnecessary guardianships and conservatorships, promote less restrictive alternatives such as supported decision making, update the guardianship bill of rights, and protect the privacy interests of those subject to guardianship. In the House Judiciary Committee, we heard from a young woman whose family utilizes supported decision making instead of guardianship; she testified that this option makes her feel empowered. Her mother testified that not only does supported decision making benefit her daughter, it also benefits her elderly mother with dementia because her mother needs support – not someone else determining how she should live her life. The committee approved the bill with bipartisan support.*

Full text and status of [HF 3391](#) and companion [SF 3258](#) are available here. Though WINGS MN is unable to take a formal position on this legislation, many WINGS individuals have been actively involved in drafting the proposed language, lead by Robert McLeod for the past two years. Active partnerships among individuals and organizations, including Bob, The Arc MN, MN Elder Justice Center, MN Disability Law Center, and CESDM have been diligently meeting with

members from both sides of the political aisle in the MN House and Senate. The Bills were heard in Judiciary Committees in the House and Senate in February, and successfully passed to the next levels. At this time, we do not know how the COVID-19 situation will impact the progression for this session, but the group will continue advocating where possible, and plan to carry this through to the 2021 session if necessary.



Local News & Announcements

Minnesota World Elder Abuse Awareness Day Conference

The 2020 MN WEAAD Conference, scheduled for June 10th at Earle Brown Heritage Center in Brooklyn Park, MN is being rescheduled due to the COVID-19 outbreak. The goal of World Elder Abuse Awareness Day Conference is to elevate the issue of elder abuse, neglect and financial exploitation and provide education on best practices for prevention and effective response.

[Visit the conference webpage for updates](#) or contact katie.behrens@elderjustice.mn.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. Join MAGiC to ensure you recieve 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: As a staff member in a facility, I have a couple I am concerned about. The husband is in memory care due to dementia and is almost nonverbal at this point. His wife is his attorney-in-fact and health-care-agent, however she is controlling, is described as being verbally abusive to her husband, and at times interferes with cares. She is also "mean" to the staff. They have a couple children, but the family dynamics are complicated, and the children aren't very involved. Can we get a professional Guardian appointed to manage this situation better?

Answer: These situations can be difficult to work through, especially with many people involved. Always, if there are concerns of abuse or neglect, you should make a report to the Minnesota Adult Abuse Reporting Center. The Ombudsman Office may be another entity to call and see what they can do to alleviate this situation. It is also recommended that you have a copy of the Health Care Directive and Power of Attorney forms; now would be a good time to review it again.

Communication is key given the complexities. Have sufficient attempts been made to communicate with the wife? Is it possible she is in denial or lacks understanding of her husband's deteriorating condition? Could she benefit from support or resources? Does she understand the facility's responsibility and the scope of their practice? Is there another reason why she appears "difficult" to work with? Could she be stressed about finances, cares, guilt that she cannot take care of her husband, or maybe is having health issues herself? Maybe she is so overwhelmed and would like help or would like to delegate some responsibility, but is unable due to pride to ask for help. It may be beneficial to try an empathetic approach with her and see if you can get to the root of her concerning behaviors. It may be appropriate to have conversations with the children; are they listed as agents? Do they want to be involved more? A care conference could be important to schedule now instead of waiting for the next quarter. Some things to consider about the guardianship question: as appointed health care agent, the wife would have first priority to be appointed as the guardian (unless it can be proven with clear and convincing evidence that this would not be in his best interest); additionally, as a legal less restrictive alternative (being the named health care agent), the wife may successfully contest the appointment of a guardian. If she is appointed as guardian, then you are still "stuck" working with her and the situation would be no better. It may be difficult to find a professional, or independent, guardian willing to work with the complicated family dynamics, and even having an independent guardian would not guarantee that it would address the problems the wife is presenting, unless the guardian made the drastic and undesirable decision to ban

her from visiting him. These situations are never easy, and may be better resolved with mediation; referrals for psychologist involvement for her; empathetic understanding of the wife's position/problems; developing a point person to develop a more trusting relationship with the wife; sorting out what is behind her being "mean" to the staff; and other approaches other than guardianship. Above all, the care team must take steps (with or without an independent guardian) to ensure the husband is safe and is not being maltreated by his wife, which could mean the Administrator or physician placing visitation restrictions, ensuring for example, that she is not visiting behind closed doors where she could abuse him (if abuse is what is actually happening).

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

The [Center for Public Representation](#), a "national legal advocacy center for people with disabilities" is a great online resource on supported decision making, and is involved with the international fight for supported decision making. For example: *In the last two years both [Colombia](#) (2019) and [Peru](#) (2018) have passed laws that abolish guardianship and guarantee the legal capacity of all people with disabilities. These laws encourage the use of Supported Decision-Making and other supports as an alternative to guardianship. Conversation centered around the Colombian and Peruvian laws, challenges with implementation, and lessons learned internationally around Supported Decision-Making. *The new Colombian law is now being challenged in the Colombian Constitutional Court. In January 2020, CPR, together with other leading U.S. Supported Decision-Making allies, filed an amicus curiae brief in support of the law. The brief argues that Supported Decision-Making can be an effective way of providing support to people with disabilities and discusses successful strategies used in the United States.**

Guardianship in the News

In 2018, Minnesota piloted a guardianship complaint advocacy program (through a collaboration between VOA MN's Center for Excellence in Supported Decision Making and the MN Elder Justice Center, funded by CESDM's ACL grant; we continue to explore opportunities to establish something similar as a permanent, sustainable option. Nevada has now done that: as announced in December in the [Las Vegas Review-Journal](#), Nevada's legislature established the Guardianship Compliance Office to "help administer the stronger guardianship rules, help the family courts provide qualified guardians and legal assistance for seniors when needed, and work as a liaison with the courts to protect seniors from fraud or any other kinds of abuse." The office has a hotline for the public to ask questions or register complaints about guardianship.

The [American Bar Association Commission on Law and Aging](#) has published the [2019 Adult Guardianship Legislation Summary](#), reviewing 58 new enactments from 33 states. [Dari Pogach](#), Staff Attorney at ABA COLA requests any additional 2019 Legislation updates be sent to her.

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

In February, the [National Center on Law & Elder Rights](#) (NCLER) hosted a webcast, *Senior Legal Helplines - Recognizing and Addressing Legal Capacity Issues on Helplines*, presented by David Godfrey from the ABA's Commission on Law and Aging. NCLER generously posts such webinars on their website,

including the [recording](#) and [slides](#), An especially helpful tool provided was Legal Helplines [Tip Sheet](#) which is an excellent resource for any professional grappling with decisions a person is making and pondering whether the person is capacitated.

From the NCEA Listserv (1.27.20): The [FrameWorks Institute](#) and the [National Center on Elder Abuse \(NCEA\)](#) have **renewed** free access to the online video lecture series on how to effectively reframe public communications about elder abuse. These videos are a professional training product on how to communicate more powerfully about elder abuse as a social policy issue. **This course will now be free until June 30, 2020! Register today!** You can access the video lecture series here: bit.ly/ElderAbuseFWA. Please make sure to follow prompts to add to cart, register and enter the **new discount code: WEAAD2020** to allow the course to be **100% free**.

Lance Robertson, Administrator and Assistant Secretary for Aging, [Administration for Community Living](#) is asking for our help in reminding people about the sneaky and pervasive attempts to scam citizens: "Scammers are increasingly using phone calls, emails, and even text messages to impersonate government officials in an attempt to steal money and personal information...One of the best protections against....scams is knowledge...That is why ACL is working with our federal partners in the [Elder Justice Coordinating Council](#) to raise awareness about these scams and to stop the scammers and the harm they cause." He further stresses: "Victims of any scam should file a [Federal Trade Commission \(FTC\) Complaint](#). In addition, SSA has a [reporting form](#) specifically for social security imposter scams. I'm asking everyone in our aging and disability network to help people take these steps." Read the [full bulletin](#) for more info. and helpful links.

APS TARC ([Adult Protective Services Technical Assistance Resource Center](#)) recently announced the availability of guidance and resources for training supervisors in APS: "supervisors are vital to the success of APS programs and their role is fundamental in assuring the safety and well-being of APS clients. They perform both clinical and administrative functions, approve casework decisions at key junctures, and guide and support

staff in case planning and management, among other duties and responsibilities. APS supervisors often come to their position with little or no training on effective supervision and frequently assume the role without an understanding of the wide array of responsibilities the position entails. This brief details guidance and resources for for training APS supervisors." Click to read the [full brief](#).

[Now Available: National Elder Fraud Hotline](#)

On Tuesday, March 3, 2020, Attorney General William P. Barr addressed attendees of the Keeping Seniors Safe summit and announced the launch of the [National Elder Fraud Hotline](#). This toll free call center helps combat fraud against older Americans and provides support for victims who have been robbed of their hard-earned savings.

The National Elder Fraud Hotline is staffed by caring professionals who can provide personalized support to callers. Use this call center to—

- report incidences of fraud;
- obtain a case manager who will help you through the reporting process at the federal, state, and local levels; and
- connect with other helpful resources on a case-by-case basis.

Call **833-FRAUD-11 (833-372-8311)** to receive help from a hotline case manager.

Visit the [National Elder Fraud Hotline](#) website for more information.

Odds & Ends

Press Release: Social Security Modernizing its Disability Program Decades Old Rule Updated to Reflect Today's Workforce

Social Security Commissioner Andrew Saul announced a new final rule today, modernizing an agency disability rule that was introduced in 1978 and has remained unchanged. The new

regulation, “Removing the Inability to Communicate in English as an Education Category,” updates a disability rule that was more than 40 years old and did not reflect work in the modern economy. This final rule has been in the works for a number of years and updates an antiquated policy that makes the inability to communicate in English a factor in awarding disability benefits.

“It is important that we have an up-to-date disability program,” Commissioner Saul said. “The workforce and work opportunities have changed and outdated regulations need to be revised to reflect today’s world.”

A successful disability system must evolve and support the right decision as early in the process as possible. Social Security’s disability rules must continue to reflect current medicine and the evolution of work.

Social Security is required to consider education to determine if someone’s medical condition prevents work, but research shows the inability to communicate in English is no longer a good measure of educational attainment or the ability to engage in work. This rule is another important step in the agency’s efforts to modernize its disability programs.

In 2015, Social Security’s Inspector General recommended that the agency evaluate the appropriateness of this policy. Social Security owes it to the American public to ensure that its disability programs continue to reflect the realities of the modern workplace. This rule also supports the Administration’s longstanding focus of recognizing that individuals with disabilities can remain in the workforce. The rule will be effective on April 27, 2020.

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.



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.



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