



## **Strategic Plan of Alabama WINGS**

As approved by the WINGS Task Force and Steering Committee  
August 15, 2018

This product is supported by grant No. 90EJIG0007-01-00 from the Administration for Community Living, U.S. Department of Health and Human Services (DHHS). 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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## INTRODUCTION

WINGS stands for “Working Interdisciplinary Networks of Guardianship Stakeholders.” The idea for WINGS groups arose out of the 3<sup>rd</sup> Annual National Guardianship Summit held in 2011 at which aging, disability, judicial, and legal groups attended. The thought was that social change is more likely to occur with more stakeholders involved. As a result, several WINGS groups have been established around the country to drive reform, curb abuse, and provide less restrictive options to full guardianship, among other goals.

### *Purposes of WINGS*

- (1) To establish, expand, and enhance multidisciplinary efforts to improve the State’s guardianship system;
- (2) To avoid unnecessary guardianship; and
- (3) To prevent and address abuse.

### *Alabama WINGS*

In June 2017, Alabama was one of seven states to receive funding from the American Bar Association (ABA) Commission on Law and Aging to start a WINGS group. The funding originated with the U.S. Department of Health and Human Services Administration for Community Living. The concept is that Alabama WINGS will become an ongoing problem-solving group.

### *WINGS Steering Committee (Co-chaired by Chief Justice Lyn Stuart and Judge John Paluzzi, Probate Judge, Pickens County)*

The Alabama WINGS Steering Committee was convened on June 26, 2017. In addition to the co-chairs, the WINGS Steering Committee is comprised of eight representatives from the Alabama Administrative Office of Courts, the Alabama Department of Human Resources, the probate court judges, the Alabama Department of Senior Services, Legal Services Alabama, AARP Alabama, the Alabama Disabilities Advocacy Program, and the Elder Law Clinic at Faulkner University – Jones School of Law. At its inaugural meeting, the Steering Committee heard from persons representing the ABA and the National Center for State Courts about the WINGS project and reviewed the problems and matters addressed in the grant application and discussed issues which needed prioritizing. Also, the WINGS Steering Committee chose which entities should be represented on the larger Alabama WINGS Task Force.

The Steering Committee identified three primary issues that need to be addressed in Alabama:

- (1) Data to track guardianships;
- (2) Training of judges, attorneys, and probate court officials; and
- (3) Training of guardians.

***WINGS Task Force (Chaired by Professor John Craft, Director, Elder Law Clinic, Faulkner University - Jones School of Law)***

The WINGS Task Force is a broader group of 28 persons representing the same entities as the WINGS Steering Committee but also includes a state legislator, two elder law attorneys, four probate judges, a probate court Mental Health Programs Coordinator and Legal Counsel, the State Ombudsman, a family guardian, a mental health services consumer, and representatives from the Governor's Office, the Alabama Department of Public Health, the Alabama Sheriff's Association, the Alabama Department of Mental Health, the North Central Alabama Regional Council of Governments, the Central Alabama Aging Consortium, the Social Security Administration, the Alabama Nursing Home Association, and Alabama Aging Resources, Inc.

The Task Force also reviewed issues and needs at its first meeting on September 21, 2017. The issues discussed and prioritized were: (1) lack of qualified guardians and/or conservators; (2) lack of information, training, and/or tools to assist serving guardians and conservators; (3) lack of knowledge among attorneys and other professionals about alternatives to guardianship and conservatorship and supportive decision making; and (4) lack of knowledge by the general public about the use of powers of attorney, healthcare directives, and other alternatives to guardianship and conservatorship.

***Needs Assessment Survey***

The WINGS Task Force developed and distributed an electronic survey to obtain further input and help prioritize issues related to guardianships and conservatorship. The survey was distributed to judges, attorneys, adult protective services workers, social workers, and other professionals involved with guardianships and conservatorships. A total of 129 responses were received on the survey. The top five issues identified were: 1) effectively addressing instances of abuse and/or exploitation; 2) identifying qualified guardians or conservators; 3) identifying abuse and/or exploitation by guardians or conservators; 4) providing public guardians or conservators; and 5) availability of less restrictive alternatives to guardianships or conservatorships.

This Strategic Plan is in response to the needs identified by the Steering Committee, Task Force, and survey. It will be reviewed at least annually.

## **VISION, MISSION, AND GOALS of Alabama WINGS**

### **VISION STATEMENT**

Improving Guardianship and Conservatorship Practices in Alabama.

### **MISSION STATEMENT**

To deliver information, resources, and tools throughout the legal system and to the public as a means of providing appropriate decision-making supports and protective services to individuals.

### **LONG-TERM GOALS**

Provide Qualified and Trained Guardians/Conservators for Adults in Need of Protective Services or Decision-Making Support.

Educate Attorneys and Courts on Best Practices in Guardianship and Conservatorship Proceedings.

Educate Professionals and the Public on Alternatives to Guardianship and Conservatorship.

Increase Data Collection for Better Monitoring of Guardianships and Conservatorships.

Identify and Address Abuse and Financial Exploitation by Guardians or Conservators.

## THE STRATEGIC PLAN

### Provide Qualified and Trained Guardians/Conservators for Adults in Need of Protective Services or Decision-Making Support

#### A. Objectives

1. Provide statewide resources for training, certifying, and monitoring of guardians and conservators.
2. Develop a strategy to provide public or other qualified guardians and conservators in every county.

#### B. Strategies for Achieving Objectives

1. Provide statewide resources for training, certifying, and monitoring of guardians and conservators.
  - a. Create an Alabama Supreme Court Commission on Guardianships and Conservatorships (“Commission”) by October 1, 2019.
    - i. Determine the responsibilities of the Commission, which may include: training, certifying, and monitoring guardians and conservators; training, certifying, and monitoring court-appointed guardians ad litem and court representatives; developing and delivering educational materials and programs for judges and attorneys; developing and delivering educational materials and programs for the public; and, collecting data on guardianships and conservatorships in Alabama.
    - ii. Draft petition and proposed court order to establish the Commission.
  - b. Create an Alabama Center for Guardianships and Conservatorships (“Center”) by October 1, 2020, to assist in carrying out the responsibilities of the Commission.
    - i. Determine the executive functions of the Center. The Commission will oversee the operations of the Center.
    - ii. Explore and secure funding for the Center.
2. Develop a strategy to provide public or other qualified guardians and conservators in every county.
  - a. By October 1, 2021, the Commission should recommend a strategy to provide a public guardian and conservator in every county though the strategy may be different in different counties.
    - i. Collect Alabama data on available resources and current practices.
    - ii. Research and evaluate strategies used in other states.

- b. Explore the expansion of guardianship and conservatorship services by private for-profit and not-for-profit corporations and organizations.
  - i. Research and evaluate strategies used in other states.
  - ii. Review current statute(s), and recommend and draft proposed legislation.
  - iii. For any expansion, consider and recommend training and certification requirements for private for-profit and not-for-profit corporations and organizations.

### **C. Outcome Measures and Data Collection Strategies**

1. Ascertain whether the Alabama Supreme Court Commission on Guardianships and Conservatorships has been established by October 1, 2019.
2. Ascertain whether the Alabama Center for Guardianships and Conservatorships has been established by October 1, 2020.
3. Ascertain whether the Alabama Supreme Court Commission on Guardianships and Conservatorships has developed a strategy to provide public guardians and conservators in every county by October 1, 2021.

## **Educate Attorneys and Courts on Best Practices in Guardianship and Conservatorship Proceedings**

### **A. Objectives**

1. Increase the knowledge and use of less restrictive alternatives to guardianship and conservatorship, and limited guardianships, among judges and practicing attorneys.
2. Increase the knowledge of probate law and practice, including guardianships and conservatorships, among law students and new attorneys in the State of Alabama.

### **B. Strategies for Achieving Objectives**

1. Increase the knowledge and use of less restrictive alternatives to guardianship and conservatorship, and limited guardianships, among judges and practicing attorneys.
  - a. By December 31, 2019, implement uniform training for judges on less restrictive alternatives to guardianship and conservatorship and limited guardianships.
    - i. Approach the Alabama Probate Judges Association about hosting the training programs.
    - ii. Approach the Alabama Circuit Judges Association about hosting the training programs.
    - iii. Develop procedures and responsibilities for arranging and presenting training programs.
  - b. By December 31, 2019, implement uniform training for practicing attorneys on less restrictive alternatives to guardianship and conservatorship and limited guardianships.
    - i. Identify potential hosts for training programs, including the Alabama State Bar Association and its various sections, CLE Alabama, Cumberland School of Law CLE, local bar associations, and volunteer lawyer programs.
    - ii. Develop procedures and responsibilities for arranging and presenting training programs.
  - c. By December 31, 2019, develop and make available standardized forms to assist judges and attorneys in considering less restrictive alternatives to guardianship and conservatorship and limited guardianships.
    - i. Research and compile existing national, state, and local forms, including those currently being used in Alabama.
    - ii. Identify which forms, petitions, and court orders to develop.

- iii. Identify specific information to be included in petitions for guardianship and/or conservatorship.
    - iv. Develop criteria for standard court orders, including limited guardianship orders.
- 2. Increase the knowledge of probate law and practice, including guardianships and conservatorships, among law students and new attorneys in the State of Alabama.
  - a. By December 31, 2019, add courses in Alabama Probate Law and Practice to the elective curriculums at Alabama's state-accredited law schools.
    - i. Obtain a resolution from the Alabama Probate Judges Association in support of a law school course in Alabama Probate Law and Practice.
    - ii. Approach the Academic Dean and/or curriculum committee at each of the state-accredited law schools about including the course in its elective curriculum.
  - b. By December 31, 2019, develop a lecture series on Alabama Guardianships and Conservatorships to be given at Alabama's state-accredited law schools.
    - i. Determine content of lectures.
    - ii. Approach the Academic Dean at each of the state-accredited law schools about a lecture series on Alabama Guardianships and Conservatorships.
  - c. Add a section covering Alabama Probate Law to the online Course on Alabama Law component of the Alabama Bar Examination.
    - i. Approach the Board of Bar Examiners about including Alabama Probate Law in the online Course on Alabama Law.
  - d. Promote law school externships and field placements with probate courts as a way to introduce law students to probate law and practice.
    - i. Contact Alabama's state-accredited law schools about including probate courts in their externship and field placement programs.

### **C. Outcome Measures and Data Collection Strategies**

- 1. Increase the use of less-restrictive alternatives to guardianships and conservatorships by judges and attorneys.
  - a. Conduct baseline survey of judges and attorneys by December 31, 2018.
  - b. Conduct follow-up survey of judges and attorneys by December 31, 2020.
  - c. Analyze results and determine next steps.
- 2. Increase the knowledge of guardianships and conservatorships among law students and new attorneys in the state of Alabama.

- a. Survey participating law schools and the state bar to determine how many students and new attorneys completed the courses.
- b. Survey students and new attorneys who completed the courses.
- c. Analyze results and determine next steps.

## **Educate Professionals and the Public on Alternatives to Guardianship and Conservatorship**

### **A. Objectives**

1. Increase awareness of Alabama WINGS and its purposes.
2. Improve public and professional understanding of guardianships and conservatorships and their less-restrictive alternatives.

### **B. Strategies for Achieving Objectives**

1. Increase awareness of Alabama WINGS and its purposes.
  - a. Conduct at least four Town Hall meetings and/or Focus Groups (persons with disabilities, elderly) in different parts of the state by June 30, 2018.
    - i. Solicit and engage outreach partners.
    - ii. Identify and select speakers, presenters, panelists.
    - iii. Secure locations.
    - iv. Schedule dates and times.
    - v. Define targeted audience. Potential audiences:
      1. Persons with disabilities.
      2. Elderly persons.
      3. Caregivers.
      4. Persons serving as guardian or conservator.
      5. Persons subject to guardianship or conservatorship.
      6. Individuals on state waiver programs.
      7. Pro bono legal services organizations.
    - vi. Develop program agendas.
    - vii. Advertise events.
    - viii. Prepare and distribute materials at each event about the basics of guardianship/conservatorship, alternatives to guardianship, and available state/local community supports.
  - b. Create an Alabama WINGS website by April 30, 2018.
    - i. Research and select host for website.
    - ii. Work with the host to develop website.
    - iii. Provide content to the host for initial launch of website.
    - iv. Make website live.
    - v. Determine how ongoing updates to the website will be handled.
2. Improve public and professional understanding of guardianships and conservatorships and their less-restrictive alternatives.
  - a. By December 31, 2019, produce educational materials, both written and web-based, to be made available to the public and professionals.

- i. Select educational topics. Potential topics:
  - 1. What is a guardianship? A conservatorship? What is the difference between guardianship and conservatorship?
  - 2. What is the court process for appointing a guardian or conservator?
  - 3. What are the alternatives to guardianship?
  - 4. What are the responsibilities of a guardian or conservator?
  - 5. When is someone in need of a guardian or conservator?
  - 6. What community supports are available to persons who might need a guardian or conservator?
- ii. Select methods for conveying the information, including videos, webinars, and written materials.
- iii. Produce videos and/or written materials.
- iv. Obtain funding for any printed materials.
- b. By December 31, 2019, conduct targeted face-to-face outreach to professional organizations and state agencies involved with guardianships and conservatorships to determine their educational needs and potential for partnership.
  - i. By July 31, 2019, select six outreach targets. Potential targets:
    - 1. Mental health advocates/services
    - 2. State agencies
    - 3. Healthcare providers (hospitals, nursing homes)
    - 4. Federal agencies
    - 5. AARP
    - 6. Alabama Family Trust
    - 7. Law enforcement entities
    - 8. Pro bono legal services
    - 9. Area Agencies on Aging
    - 10. Aging and Disability Resource Centers
  - ii. Schedule meetings with outreach targets to introduce Alabama WINGS, solicit input on guardianship and conservatorship issues in Alabama, identify educational needs, and discuss partnerships.

### **C. Outcome Measures and Data Collection Strategies**

- 1. Increase the number of persons who have been made aware of Alabama WINGS and its purposes.
  - a. Determine the number of individuals who attended Town Hall and other meetings.
  - b. Determine the number of times the Alabama WINGS website was viewed or refreshed.

2. Increase the number of persons who have been educated on guardianships and conservatorships and their less-restrictive alternatives.
  - a. Determine the number of individuals who attended Town Hall meetings and other educational programs.
  - b. Determine the number of times the Alabama WINGS website was viewed or refreshed.
  - c. Determine the number of educational materials distributed to the public and professionals.
  - d. Determine the number of face-to-face outreach events or meetings with professional organizations or state agencies.

## **Increase Data Collection for Better Monitoring of Guardianships and Conservatorships**

### **A. Objectives**

1. Increase data collection on the numbers and types of guardianships and conservatorships in Alabama.
2. Increase data collection on the use of less-restrictive alternatives to guardianships and conservatorships in Alabama.

### **B. Strategies for Achieving Objectives**

1. Increase data collection on the numbers and types of guardianships and conservatorships in Alabama.
  - a. Research and contact other WINGS states about their data collection projects.
  - b. Survey Alabama probate courts on current data collection practices and availability of data by December 31, 2018.
  - c. Assess the current capabilities of the State Judicial Information System to collect and categorize guardianship and conservatorship data by December 31, 2018.
  - d. State purpose of ongoing data collection effort and identify data points needed to satisfy the purpose.
  - e. By October 1, 2019, make recommendation to the Alabama Supreme Court for statewide collection of guardianship and conservatorship data as a responsibility of the Alabama Supreme Court Commission on Guardianships and Conservatorships.
2. Increase data collection on the use of less-restrictive alternatives to guardianships and conservatorships in Alabama.
  - a. Conduct a literature survey on less-restrictive alternatives and ways their use or impact has been measured.
  - b. Define what would be considered a “less-restrictive alternative” or avoidance to guardianship or conservatorship.
  - c. State purpose of ongoing data collection effort and identify data points needed to satisfy the purpose.
  - d. By October 1, 2019, make recommendation to the Alabama Supreme Court for statewide collection of data on the use of less-restrictive alternatives as a responsibility of the Alabama Supreme Court Commission on Guardianships and Conservatorships.

## **C. Outcome Measures and Data Collection Strategies**

1. Increase data collection on the numbers and types of guardianships and conservatorships in Alabama.
  - a. Compile and analyze results of statewide survey of probate courts on current data collection practices and capabilities.
  - b. Compile list of data points currently captured on the State Judicial Information System.
  - c. Determine if purpose and data points related to guardianships and conservatorships have been defined.
  - d. Determine if recommendation on collection of statewide guardianship and conservatorship data has been made to the Alabama Supreme Court by October 1, 2019.
2. Increase data collection on the use of less-restrictive alternatives to guardianships and conservatorships in Alabama.
  - a. Determine if purpose and data points related to the use of less-restrictive alternatives have been defined.
  - b. Determine if recommendation on collection of data on the use of less-restrictive alternatives has been made to the Alabama Supreme Court by October 1, 2019.

## **Identify and Address Abuse and Financial Exploitation by Guardians or Conservators**

### **A. Objectives**

1. Improve an individual court's and the court system's ability to identify abuse and financial exploitation by guardians or conservators.
2. Reduce the potential for abuse and financial exploitation by guardians and conservators whether intentional or unintentional.

### **B. Strategies for Achieving Objectives**

1. Improve an individual court's and the court system's ability to identify abuse and financial exploitation by guardians or conservators.
  - a. Implement systematic methods of identifying potential abuse and financial exploitation by guardians or conservators.
    - i. Assess all existing statewide data resources to determine which may provide indicators of adult abuse or financial exploitation.
    - ii. Research the National Adult Maltreatment Reporting System (NAMRS), its uses, and potential for providing indicators of suspected guardianship or conservatorship abuse to courts.
  - b. Support and develop systematic processes to improve timely filing of conservatorship inventories and accountings.
    - i. Assess current use of electronic filing of conservatorship inventories and accountings in Alabama.
    - ii. Research county-based systems currently being used in Alabama to monitor timely filing of conservatorship inventories and accountings.
    - iii. Research electronic filing systems being implemented in other states for guardianship and conservatorship filings.
  - c. Educate judges and court clerks about indicators ("red flags") of adult abuse and financial exploitation.
    - i. Research national studies, resources, and materials on indicators of adult abuse and financial exploitation to base education on.
2. Reduce the potential for abuse and financial exploitation by guardians and conservators whether intentional or unintentional.
  - a. Educate guardians and conservators about their roles and responsibilities.
    - i. Create written materials for courts to provide to guardians and conservators at the time of appointment.

- ii. Create online video training and other online education resources directed to prospective and appointed guardians and conservators.
- iii. Implement Alabama WINGS website to post training and educational materials for guardians and conservators.
- iv. Encourage courts to use and direct prospective and appointed guardians and conservators to the Alabama WINGS website for training and educational resources.

### **C. Outcome Measures and Data Collection Strategies**

1. Increased identification by judges and court personnel of abuse and financial exploitation by guardians and conservators.
  - a. Utilize existing statewide data resources to track the number of guardian and conservator abuse and financial exploitation reports.
  - b. Survey judges and court personnel on identification of guardian and conservator abuse and financial exploitation.
2. Reduced abuse and financial exploitation by guardians and conservators.
  - a. Ascertain the number of guardians and conservators educated about their roles and responsibilities.
  - b. Survey professionals and other stakeholders to ascertain if guardian and conservator abuse and financial exploitation has been reduced.
  - c. Utilize existing statewide data resources to track the number of guardian and conservator abuse and financial exploitation cases (criminal and civil).