




Briefing Paper
Advancing Guardianship Reform
and Promoting Less Restrictive Options





Table of Contents

- I. Executive Summary 4**
 - a. **Conclusions5**
 - b. **Recommendations for Federal Policy6**
- II. Guardianship Reform: A Path to WINGS..... 6**
 - a. **Guardianship: A Last Resort6**
 - b. **History of Reform7**
 - c. **Reform Challenges.....9**
 - d. **Call for WINGS9**
- III. WINGS Project Findings and Conclusions 10**
 - a. **Overview10**
 - b. **Priority Setting and Strategic Planning11**
 - c. **Convening and Administering WINGS12**
 - d. **Structure and Membership13**
 - e. **WINGS Accomplishments.....14**
 - f. **Measuring Success.....16**
 - g. **“Collective Impact”16**
 - h. **Sustainability: Transitions17**
 - i. **Sustainability: Costs and Support18**
 - j. **Technical Assistance and Infrastructure Support.....19**
- IV. Exploratory Examination of Court Improvement Program Model for Adult Guardianship 19**
 - a. **The Model: Child Welfare Court Improvement Program.....20**
 - b. **Similarities and Differences Between Child Welfare and Adult Guardianship Reform21**
 - c. **Envisioning an Adult Guardianship Court Improvement Program23**
- V. Recommendations: Next Steps for Federal Policy 23**
 - a. **Support WINGS Through Systems Change Grants24**
 - b. **Take Steps Toward Establishment of a Guardianship Court Improvement Program25**
- VI. Conclusion..... 26**
- Appendices..... 27**
- Appendix 1 – Hallmarks of WINGS..... 28**
- Appendix 2 -- ACL State Project WINGS Accomplishments (updated through June 2020)..... 29**
- Appendix 3 -- WINGS Collective Impact; Synergy 34**



Appendix 4 -- Funding for Sustainable WINGS.....	37
Appendix 5 -- The WINGS-SSA Connection.....	40

I. Executive Summary

The Administration for Community Living (ACL) awarded a grant to the American Bar Association Commission on Law and Aging (ABA Commission)¹ to establish, expand or enhance state Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). The grant period was from September 30, 2016 through September 30, 2020 (including no-cost extensions). The grant was augmented by a supplemental award that allowed the ABA Commission to explore the application of the national child welfare State Court Improvement Program (CIP) model to WINGS and adult guardianship.

This briefing paper discusses the ABA Commission's WINGS Project, its results, and its potential for positive changes. Specifically, it (1) describes the challenges of adult guardianship reform and the rationale for creating WINGS; (2) presents project findings and conclusions about WINGS; (3) discusses the potential for applying the CIP model to the adult guardianship system; and (4) makes recommendations for next steps in federal policy.


The ACL funding was awarded with the goal of testing whether WINGS is an approach that can advance guardianship reform to:

- (a) avoid unnecessary and overbroad guardianship when less restrictive options are available, promoting self-determination; and
- (b) prevent, detect and address abuses in the guardianship system.

As highlighted throughout the briefing paper, this project supported seven state WINGS in making significant accomplishments, particularly in training and the production of resources for professionals and the public. The WINGS' initiatives increased communication among stakeholders, moving toward solutions for longstanding problems. They raised the visibility of guardianship and the need for state level reform and began a sustainable effort toward change.

While the project WINGS, and indeed all state WINGS, have advanced adult guardianship reform, their modestly funded efforts are not enough to significantly improve outcomes for adults subject to, or potentially subject to, guardianship. With this grant's funding and support, the project WINGS could begin to build a foundation of knowledge and best practices, prioritizing "low hanging fruit" changes they perceived as attainable within the scope of the project. However, they could not undertake more costly and intensive efforts such as court data management and monitoring of guardians to prevent and address financial exploitation and abuse. Moreover, while the WINGS engaged in short-term process and outcome evaluation, they were less adept at long-term impact evaluation to measure the

¹ Grant No. 90EJIG0007-02-00.



effects of their efforts on the lives of individuals. WINGS require ongoing support and technical assistance to realize their potential for creating long lasting systemic change.


Programs like WINGS should exist in every state under a national infrastructure with consistent, ongoing technical assistance and support. Such a model, called the State Court Improvement Program (CIP), has existed for child welfare cases since 1993, with marked advances in court processes for children and families.

In response to the project findings described below in the briefing paper, the Commission on Law and Aging offers the following Conclusions and Recommendations:

a. Conclusions

1. Priority setting and strategic planning. WINGS need continuing assistance with strategic planning. In the *WINGS Assessment Report*,² the National Center for State Courts (NCSC) recommended that “a more detailed WINGS-specific strategic planning guide should be prepared and distributed to enable WINGS to more easily develop, use and update strategic plans.”
2. Convening and administering WINGS. Whether the court administers WINGS may be less critical than whether there is strong court support – clear judicial buy-in, engagement, and often leadership.
3. Structure and membership. To make positive changes in the guardianship system, WINGS need consistent adherence to key programmatic requirements for structure and membership, and a strong emphasis on diversity, inclusivity, and engagement of stakeholders. Local or regional models of WINGS hold promise for ground-level practice improvements.
4. WINGS accomplishments. The WINGS accomplishments were substantial, yet time and resource limitations precluded greater achievements. WINGS need continuing financial and technical assistance support to generate systems change, especially in targeting guardianship abuse and financial exploitation through steps to improve monitoring.
5. Measuring success. WINGS need to move beyond process and short-term performance outcome evaluation toward measures of impact on the lives of adults subject to guardianship. As NCSC recommended in the *WINGS Assessment Report*, “an effort should be undertaken to develop a practical, meaningful, and valid set of measures regarding the impact [of WINGS].”

² Van Duizend, R., *Final WINGS Assessment Report*, National Center for State Courts, August 2019, https://www.americanbar.org/content/dam/aba/administrative/law_aging/2019-wings-final-assess-report.pdf.

- 
6. “Collective impact.” WINGS stakeholder engagement and synergy produces ripple effects in positive interactions that, taken together, can galvanize important changes in practice.
 7. Sustainability: transitions. State and federal government should recognize the importance of WINGS’ goals and protect them from leadership and budget changes with consistent, institutional support.
 8. Sustainability: costs and support. While a variety of funding approaches is important to reinforce the WINGS base and keep the group going in the short or medium term, in the longer-term a more sustainable, ongoing source is needed. The child welfare CIP offers a model.
 9. Technical assistance and infrastructure support. Ongoing technical assistance is essential to the success of WINGS. The NCSC *Final WINGS Assessment* recommended the provision of continued technical assistance, including assistance with evaluation.

b. Recommendations for Federal Policy


ACL, in coordination with other federal entities, should provide funding to support the following recommendations:

- i. Support WINGS Through Systems Change Grants
 - Administer a five-year WINGS systems change grant initiative.
 - Include programmatic requirements for monitoring guardians.
 - Create a WINGS capacity-building/technical assistance entity.
 - Support local or regional WINGS.
- ii. Take Steps Toward Establishment of a Guardianship Court Improvement Program
 - Plan for establishment and implementation of a Guardianship Court Improvement Program. Pilot the program and support a capacity-building center.
 - Secure federal legislation with appropriations to implement and sustain a Guardianship Court Improvement Program.

II. Guardianship Reform: A Path to WINGS

a. Guardianship: A Last Resort

The term “guardianship” is used generically to describe a relationship created by state law in which a court gives one person or entity the duty and power to make personal and/or property decisions for an adult whom the court finds lacks ability to make decisions for him or



herself.³ Guardians may be family members, friends, professionals, private nonprofit or for-profit agencies, or public agencies. Adults subject to guardianship may be older individuals with dementia, or adults of any age with intellectual disabilities, mental illness, substance use disorders, or traumatic brain injuries, and sometimes a combination of these conditions.

These populations may be at risk of harm, yet at the same time at risk of drastic loss of rights if the court appoints a guardian to prevent or address that harm. Guardianship removes fundamental rights – such as the right to make medical, financial and residential decisions, as well as to execute contracts or other legal documents, marry, vote, engage in personal relationships, and live independently. Guardianship virtually “unpersons” an adult, stripping him or her of self-determination and voice.⁴

Thus, state statutory provisions generally require that guardianship be used as a last resort after less restrictive decision-making options have been considered, that the authority of the guardian be limited if possible, and that the guardianship be monitored to detect and address abuse and ensure guardian accountability.

b. History of Reform

“Adult guardianship reform” generally includes the following components: (1) an emphasis on less restrictive options prior to the appointment of a guardian, allowing the individual to continue to make his or her own decisions and maintain autonomy; (2) procedural due process safeguards including the right to and appointment of counsel; (3) a functional determination of an adult’s abilities and need for support rather than a determination based primarily on diagnosis; (4) use of judicial orders of appointment that limit the guardian’s authority to only what is necessary; (5) solid court oversight and imposition of sanctions on guardians who violate the law and breach their fiduciary duties; (6) collection and maintenance of adult guardianship data; and (7) strong standards for guardian practice and training. These reform components can benefit adults subject to, or potentially subject to, guardianship, as well as professional and lay guardians, and the court.

A groundbreaking 1987 *Associated Press* (AP) series profiling guardianship as “an ailing system” triggered modern guardianship reform.⁵ Following the AP report, significant changes were driven by: three landmark multidisciplinary consensus conferences; model acts by the Uniform Law Commission (which state legislatures may choose to enact in whole or in part); standards established by the National College of Probate Judges and by the National Guardianship Association; and a rush of state legislation.⁶

³ State terminology varies. In this report, the generic term “guardianship” refers to guardians of the person as well as guardians of the property, frequently called “conservators,” unless otherwise indicated.

⁴ Bayles, F. & McCartney, S., “Guardianship of the Elderly: An Ailing System,” *Associated Press*, September 20, 1987.

⁵ *Ibid.*

⁶ Hurme, S. & Wood, E., “Introduction,” Third National Guardianship Summit Issue, *Utah Law Review*, Vol. 2012, Number 3, pp. 1157 - 1190 (2012).

As a result, state guardianship laws have improved -- but implementation in practice has been uneven. The striking gap between law and practice has been daunting for advocates seeking to strengthen individual rights and ensure accountability.

At the same time, despite efforts to minimize unnecessary guardianship, its use has been fueled by demographic shifts. Between 2007 and 2017 the U.S. population age 60 and over increased 35% from 52.5 million to 70.8 million; and the 85 and over population is projected to more than double from 6.5 million in 2017 to 14.4 million in 2040.⁷ The percentage of people with Alzheimer's dementia increases with age. An estimated 5.8 million Americans age 65 and older are living with Alzheimer's disease in 2020, and the number is expected to increase to 13.8 million by 2050.⁸ People with disabilities – including cognitive and functional disabilities -- are living longer,⁹ and may require support.

The Conference of Chief Justices and Conference of State Court Administrators predicts that the growing demands for guardianship, with the rising population of adults with disabilities, including older people with dementia, will increase strains on courts.¹⁰ These strains in turn impede courts in ensuring due process, considering less restrictive options, and monitoring existing guardianships.

Meanwhile, accounts of inappropriate, overbroad, or abusive guardianship continue to appear in the media.¹¹ Exposés in a growing number of states have disclosed the experiences of individuals and families in a system that does not serve them well and may result in exploitation or harmful isolation – and that too casually removes rights without proper accountability. For example, in 2017 a multi-agency federal task force made indictments and arrests in an embezzlement scheme of a New Mexico non-profit guardianship company involving millions of dollars financed from the accounts of clients.¹² In Virginia, a 2019 year-long news investigation concluded that Richmond hospital systems have used the guardianship process to remove poor patients from acute care beds, sometimes against the wishes of family

⁷ Administration for Community Living, *2018 Profile of Older Americans*, <https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2018OlderAmericansProfile.pdf>.


⁸ Alzheimer's Association, *2020 Alzheimer's Disease Facts and Figures*, <https://www.alz.org/alzheimers-dementia/facts-figures#:~:text=More%20than%205%20million%20Americans%20of%20all%20ages%20have%20Alzheimer's,10%25%20has%20Alzheimer's%20dementia.>

⁹ Wilder, J., "Life Expectancy with Disability Continues to Rise," *Psychology Today*, posted August 12, 2019, <https://www.psychologytoday.com/us/blog/disability-in-motion/201908/life-expectancy-disability-continues-rise>.

¹⁰ Conference of Chief Justices & Conference of State Court Administrators, National Center for State Courts, *Adult Guardianship Court Data and Issues: Results from an Online Survey*, March 2010, [http://www.eldersandcourts.org/~media/Microsites/Files/cec/GuardianshipSurveyReport_FINAL.ashx](http://www.eldersandcourts.org/~/media/Microsites/Files/cec/GuardianshipSurveyReport_FINAL.ashx).

¹¹ Aviv, Rachel, "How the Elderly Lose Their Rights," *The New Yorker*, October 9, 2017, <https://www.newyorker.com/magazine/2017/10/09/how-the-elderly-lose-their-rights>; John Oliver, "Last Week Tonight," June 5, 2018, <https://www.youtube.com/watch?v=nG2pEffLEJo>; Susan Garland, "Calls for Court Reform as Legal Guardians Abuse Older Adults," *New York Times*, July 28, 2017, <https://www.nytimes.com/2017/07/28/business/calls-for-court-reform-as-legal-guardians-abuse-older-adults.html>.

¹² Heild, C., "Guardianship Firm Seized by Marshals," *Albuquerque Journal*, July 19, 2017, <https://www.abqjournal.com/1035480/guardianship-firm-seized-by-marshals.html>.



members, often placing them in poor quality nursing homes where they may be isolated and neglected.¹³

However, the prevalence of such malfeasance is unknown, as state court systems collect very little relevant data. In 2016 the U.S. Government Accountability Office (GAO), after previously identifying instances of abusive guardianship,¹⁴ issued a report highlighting the lack of data.¹⁵ In 2018 the U.S. Senate Special Committee on Aging identified “persistent and widespread challenges” in adult guardianship, and recommended focusing on the need for better data, as well as strengthening oversight and promoting “alternatives to guardianship and restoration of rights.”¹⁶

c. Reform Challenges

In addition to the strains on courts and the lack of relevant data, making permanent improvements in state guardianship systems is quite challenging because:¹⁷

- (1) Practices differ significantly by court and by state;
- (2) Cases are complex – often fraught with mental illness, medication, family conflict, undue influence, institutionalization, and service fragmentation;
- (3) Guardians and judges must constantly walk a fine line balancing risks, protections, and self-determination;
- (4) Funding for improvements and research is scarce;
- (5) Judges frequently have general jurisdiction caseloads without an intensive guardianship or probate focus, and judicial turnover is high;
- (6) Institutionalized biases against individuals alleged to be incapacitated can lead to unnecessary and overly restrictive guardianships; and
- (7) Guardianship is not consistently included in elder justice reform agendas.

d. Call for WINGS

These obstacles are substantial; neither courts, nor legislatures, nor guardianship practitioners alone can overcome them. Moreover, there has been no federal policy promoting adult guardianship reform. Thus, participants in the 2011 Third National Guardianship Summit

¹³ Balch, B., “Unguarded: A Three-Part Series on How Richmond’s Guardianship Process Leaves Vulnerable People Unprotected,” *Richmond Times Dispatch*, November-December 2019, https://www.richmond.com/news/local/unguarded-a-three-part-series-on-how-richmond-s-guardianship-process-leaves-vulnerable-people-unprotected/article_d39e242e-9213-5600-8150-da9566c143b7.html.

¹⁴ U.S. Government Accountability Office, *Guardianships: Cases of Financial Exploitation, Neglect, and Abuse of Seniors*, GAO-10-1046, September 2010, <https://www.gao.gov/new.items/d101046.pdf>.

¹⁵ U.S. Government Accountability Office, *Elder Abuse: The Extent of Abuse by Guardians Is Unknown, but Some Measures Exist to Help Protect Older Adults*, GAO 17-33 (2016), <https://www.gao.gov/assets/690/681088.pdf>.

¹⁶ U.S. Special Committee on Aging, *Ensuring Trust: Strengthening State Efforts to Overhaul the Guardianship Process and Protect Older Americans*, November 2018, <https://www.aging.senate.gov/hearings/ensuring-trust-strengthening-state-efforts-to-overhaul-the-guardianship-process-and-protect-older-americans>.

¹⁷ List derived from text in ABA Commission’s 2016 WINGS proposal to ACL.

concluded that real change in the guardianship system would require an ongoing collective effort by state courts and a range of community stakeholders.¹⁸

The Summit recommendations urged that states develop Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) to advance reform and promote less restrictive options.¹⁹ Since the Summit, thanks to ACL funding under the current project, earlier funding from the State Justice Institute (SJI), and state sources, a total of 27 states have convened WINGS or similar collaborative groups.²⁰ The question is: can WINGS make a difference?

III. WINGS Project Findings and Conclusions

a. Overview

Under the ACL grant, the ABA Commission developed a competitive national Request for Proposals (RFP) for the highest court in each state. The Commission awarded sub-grants to courts in seven states to establish, expand, or enhance state WINGS. The seven “Project WINGS” states were selected with input from the project’s expert panel. They included: Alabama, Alaska, Florida, Idaho, Indiana, Oregon, and Utah.


- Three states created new WINGS: Alabama, Alaska, Florida.
- Four states enhanced existing WINGS: Alabama, Alaska, Florida, Idaho.
- Four states received \$20,000 in grant funding: Alabama, Alaska, Florida, Idaho.
- Three Focus WINGS received \$30,000: Indiana, Oregon, Utah using \$10,000 of extra funds to address an intensive targeted effort in: (1) promotion of less restrictive options (Indiana, Oregon); or (2) court oversight practices to detect and address abuse, neglect and exploitation (Utah).
- Five WINGS received an additional \$9,000 from ACL supplemental award: Alabama, Alaska, Florida, Indiana, Oregon (Idaho and Utah declined).

Except for Utah, which ended its project (but not its WINGS group) early due to changes in personnel and priorities, each of the Project WINGS subgrants lasted for two years.

¹⁸ The Third National Guardianship Summit was convened by the National Guardianship Network in October 2011, at the University of Utah S.J. Quinney College of Law. The Summit approved recommendations for guardianship standards and other actions. See https://www.nationalguardianshipnetwork.org/NGN_PUBLIC/Summits/NGN_PUBLIC/Summits.aspx?hkey=7570bee-1b84-4e09-90c7-7146dada6a9a.

¹⁹ National Guardianship Network, “Third National Guardianship Summit Recommendations,” Recommendation #5, *Utah Law Review*, Vol. 2012: 3, 2012.

²⁰ Approximately 25 state WINGS are currently active. See ABA Commission on Law and Aging WINGS website on “WINGS – State Court-Stakeholder Partnerships,” https://www.americanbar.org/groups/law_aging/resources/wings-court-stakeholder-partnerships0/.



The ABA Commission provided technical assistance and an ongoing supportive infrastructure for the seven project WINGS. Through the ACL grant, and in collaboration with the NCSC as a subcontractor, the Commission helped the state WINGS with priority-setting, strategic planning and evaluation. The Commission produced a 2019 *WINGS Replication Guide* setting out ten distinguishing “hallmarks” of WINGS (see [Appendix 1](#)).²¹ The Commission, with NCSC, produced a 2019 *Final WINGS Assessment Report* that helped to inform the project findings described below.²²

In sum, the seven state project WINGS accomplished a striking amount in a very short time (see Section (e) below and [Appendix 2](#)). They all engaged in training and produced resources, particularly with a focus on less restrictive options. They began to make inroads on improving court oversight. Equally important, they opened paths of communication among stakeholders, moving toward policy and practice solutions. They drew attention to the need for reform at the state level.

During the grant period, the top focus of all the WINGS was less restrictive options. Several WINGS grappled with finding the right balance between addressing guardianship procedural improvements and promoting non-judicial decisional options. Another difficult balance was between short-term readily achievable accomplishments and long-term, more challenging systemic efforts. Two project WINGS (Idaho and Indiana) had state legislative appropriations in addition to ACL monies, and thus were more readily able to accomplish objectives, produce products, and move toward longer term systems change.


Without long term, reliable funding and technical assistance, it is a continuing challenge for state WINGS to make changes along the full range of reform objectives. In particular, WINGS need financial and technical assistance support in targeting guardianship abuse through improved court monitoring practices – for instance, establishment of databases and auditing systems, use of investigators, imposition of sanctions, and structured protocols for review of egregious cases to identify ways to prevent similar outcomes. Thus, the initial, solid and innovative accomplishments of the project WINGS are a prelude to longer-term systems change.

b. Priority Setting and Strategic Planning

Recognizing the crucial need for priority setting and strategic planning for sustainable, meaningful action, the ABA Commission directed NCSC to provide required guidance to each of the state WINGS. To identify priorities, WINGS elicited responses from stakeholders through various channels: preliminary meetings with selected stakeholders, public forums and

²¹ American Bar Association Commission on Law and Aging, *Working Interdisciplinary Networks of Guardianship Stakeholders, WINGS State Replication Guide*, 2019, https://www.americanbar.org/content/dam/aba/administrative/law_aging/2019-wings-replication-guide.pdf.

²² Van Duizend, R., *Final WINGS Assessment Report*, National Center for State Courts, August 2019, https://www.americanbar.org/content/dam/aba/administrative/law_aging/2019-wings-final-assess-report.pdf.



hearings, and statewide surveys of lay and professional stakeholders. WINGS leaders used this information in a stakeholder planning process, resulting in the development of strategic plans.

NCSC examined how state WINGS used the strategic planning process for setting and acting on priorities. It found that the plans varied considerably in detail. Although some states had difficulty with the planning process, it proved an important exercise in guiding each WINGS' actions. NCSC found having a plan allowed WINGS to “more easily shift focus when initial goals have been accomplished. This is particularly important for the states that do not yet have continued funding for their WINGS. The set of priorities not yet accomplished provides a strong incentive to keep going using available member resources.”²³

NCSC studied the initial WINGS priorities, how these priorities changed over time, and whether they resulted in action. By comparing a baseline survey of state WINGS early in the project with a survey of WINGS 20 months into the grant period, NCSC found that the issues initially identified differed to some extent from those identified in the second survey. NCSC concluded that the differences were “a positive result of the extensive fact-gathering, consultation, and prioritization conducted by each of the WINGS.”²⁴ NCSC found the WINGS used the identified priorities as the basis for actions taken:

- All state WINGS rated training and information for various stakeholders highly. All sponsored training on less restrictive options, and several sponsored training on various aspects of guardianship as well
- All but one state WINGS rated highly the availability or use of less restrictive options and decision supports. Four WINGS took steps specifically to enhance the use of one model of less restrictive options -- supported decision-making.
- Four state WINGS rated public information on guardianship and less restrictive options as important and developed public materials and/or websites
- Four state WINGS rated court oversight of guardians as important. Two took major steps to strengthen oversight, and others engaged in more limited efforts to boost guardian accountability. It is notable that the two states with key oversight initiatives (Idaho and Utah) were previously existing WINGS with longer-term support that enabled them to take these actions.


Conclusion: WINGS need continuing assistance with strategic planning. NCSC recommended that “a more detailed WINGS-specific strategic planning guide should be prepared and distributed to enable WINGS to more easily develop use, and update strategic plans”²⁵ – and that assistance with strategic planning and evaluation would help them to establish and engage in a continuous quality improvement process.

c. Convening and Administering WINGS

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*



Throughout the ACL grant, the ABA Commission grappled with tension between: (1) requiring uniformity in convening and administering state WINGS through the judicial system, and (2) allowing for or encouraging flexibility according to state dynamics and needs.

In its Request for Proposals to states, the Commission required the state’s highest court to have the primary role and responsibility for project administration, and set out specified conditions for administration. Thus all of the project WINGS were judicially administered, yet differed in important aspects. Several active non-project WINGS or similar groups are convened by stakeholders outside the judicial system (for example North Carolina, West Virginia, Massachusetts, Missouri).

We analyzed the advantages and disadvantages of these approaches among WINGS. Our observations are set out in the 2019 *State WINGS Replication Guide*. The *Guide* advises states to “aim for the WINGS model that will maximize stakeholder synergy and engagement, and best reinforces the potential for action.”²⁶

Conclusion: Whether the court administers WINGS may be less critical than whether there is strong court support – clear judicial buy-in, engagement and often leadership.

d. Structure and Membership

Structure and Leadership. The ABA Commission imposed three important requirements for the structure and leadership of project WINGS: (1) a paid court staff coordinator; (2) a working steering committee for planning meetings and moving the group forward; and (3) inclusion on the steering committee of representatives of the state unit on aging, the state protection and advocacy agency or state developmental disabilities council, and the state adult protective services agency. These key requirements proved essential to WINGS’ accomplishments.

Membership. Additionally, we required that WINGS leadership identify and reach out to all populations with a stake in guardianship reform, including non-English speakers, individuals with disabilities, organizations representing tribal interests, self-advocates, family guardians, and individuals who are or were subject to guardianship. Stakeholder feedback demonstrated that ensuring inclusivity takes pro-active planning by coordinators, as well as financial support.

However, it is not only the diversity and inclusion of the group that matters, but the fundamental engagement of the members. The 2019 *WINGS Replication Guide* lists methods for cultivating stakeholder engagement.

²⁶ *State WINGS State Replication Guide*, note 20, 2019.

The size of the project WINGS stakeholder groups ranged from 19 to 45. We found that size is not as important as engagement of stakeholders, with a commitment to regular meetings and the development of active workgroups to accomplish specific objectives.

Potential of Local or Regional WINGS. Finally, while the ACL project WINGS were at the state level, stakeholders recognized and we acknowledge the potential of local or regional WINGS, which could have a more direct, ground-level impact on stakeholder connections and collaboration.

Conclusion: To make positive changes in the guardianship system, WINGS need consistent adherence to key programmatic requirements for structure and membership, and a strong emphasis on diversity, inclusivity, and engagement of stakeholders. Local or regional models of WINGS hold promise for ground-level practice improvements.

e. WINGS Accomplishments

The project WINGS were funded for just over two years, and thus could only begin broad-based systems change. Nonetheless, they accomplished a striking amount, including written products, trainings, policies, rules, and legislation. See Appendix 2 for a full state by state table of accomplishments.

(1) Improving the Guardianship Process. WINGS sought more uniformity in procedures throughout the state by training judges and court staff, conducting surveys on current practices, assessing the need for better data, and improving the usability of court forms. For example:

- Florida WINGS produced an on-line guardianship training curriculum for judges and attorneys.²⁷
- Alaska WINGS produced a guardian accounting app to help lay guardians record income and expenses.²⁸
- Idaho WINGS produced and disseminated a set of concise, laminated bench cards for judges on guardianship procedures and less restrictive options. WINGS discussion also prompted the Idaho court to issue a rule requiring professional guardians to be certified.
- Utah WINGS held judicial education classes.
- Alabama and Idaho WINGS adapted a plain-language guide for guardians of property that aimed to improve financial management and prevent exploitation.²⁹

²⁷ Florida WINGS, with Stetson University Center for Excellence in Elder Law and the National Judicial College, On-Line Guardianship Curriculum, <https://www.stetson.edu/law/wings/media/online-guardianship-courses.pdf>.

²⁸ Wawrzonek, L. & Marz, S., "The WINGS Initiative: Supporting and Improving Alaska's Guardianship System, *Generations*, Vol. 43:4, p. 107, Winter 2019-20.

²⁹ U.S. Consumer Financial Protection Bureau, *Managing Someone Else's Money: Help for Court-Appointed Guardians of Property and Conservators*, <https://www.consumerfinance.gov/consumer-tools/managing-someone-elses-money/>.

- Alabama WINGS identified barriers to needed data through a survey of probate judges; and Utah WINGS worked with court staff on the need for collecting information on limited orders.

(2) Promoting Less Restrictive Options. All of the project WINGS sought to promote a range of less restrictive options for decision-making, avoiding unnecessary or overbroad guardianships, either through stakeholder training or the production of resources:

- Oregon WINGS undertook an extensive “mapping project” assessing availability and use of less restrictive options throughout the state, which identified gaps in services as a basis for further action.
- Alabama WINGS conducted judicial and legal training on “How to Avoid and Limit Guardianship.”
- Florida WINGS developed a plain language guide on “Exploring My Decision-Making Options.”³⁰
- Indiana WINGS conducted training and implemented a pilot program on supported decision-making.

(3) Addressing Guardianship Abuse. We found WINGS were less likely to address the need for stronger court monitoring of cases in which the guardians abuse, neglect or exploit individuals under their care. Cost, logistics, and in some cases resistance from the private bar or private professional fiduciaries all posed obstacles. Nonetheless, some project WINGS took important steps:

- Alaska WINGS piloted a local compliance manager position within the state’s largest court to review annual guardian reports.
- Idaho created and won legislative funding for a system of regional guardianship monitors (in part prior to the grant period).
- Utah secured funding for additional volunteer court visitors in its statewide visitor program.

For a broader picture of WINGS accomplishments, it is important to look as well at the accomplishments of non-project state WINGS (for which the ABA Commission was providing general technical assistance but no funding). For example:

- Maryland’s Guardianship Workgroup in the Administrative Office of the Courts developed, advocated for, and implemented new court rules for guardianship proceedings, including training for all guardians.
- Minnesota and Wisconsin WINGS sponsored large guardianship summits for a diverse group of stakeholders to move the field forward.
- Virginia WINGS, coordinated by the Supreme Court, created an online curriculum for family members on steps involved in becoming a guardian.

³⁰ Florida WINGS, *Exploring My Decision-Making Options*, 2019, <https://www.stetson.edu/law/wings/media/decision-making-options-toolkit.pdf>.

- West Virginia WINGS, convened by Legal Aid, worked with the court to update guardianship forms and participated in the training of mental hygiene commissioners and courts on financial exploitation issues in guardianship.

Conclusion: The WINGS accomplishments were substantial, yet time and resource limitations precluded greater achievements. WINGS need continuing financial and technical assistance support to generate systems change, especially in targeting guardianship abuse and financial exploitation through steps to improve monitoring.

f. Measuring Success

Evaluation can demonstrate the value of WINGS and may result in important changes in direction. The ABA Commission required that project WINGS develop and implement an evaluation strategy. NCSC suggested three types of evaluation for WINGS: (1) process evaluation — “have we done what was promised?” (2) outcome evaluation — “what have been the short-term results?” (as in numbers trained or publications distributed); and (3) impact evaluation — “what difference has WINGS made in the lives of individuals?”³¹

NCSC found that the project WINGS relied heavily on process and outcome measures but were not able to address the more challenging impact measures. Developing and using impact measures is essential to the long-term success of WINGS. NCSC suggested some promising practical approaches to impact evaluation.

Conclusion: WINGS need to move beyond process and short-term performance outcome evaluation toward measures of impact on the lives of adults subject to guardianship. As NCSC recommended in the *WINGS Assessment Report*, “an effort should be undertaken to develop a practical, meaningful, and valid set of measures regarding the impact [of WINGS].”³²

g. “Collective Impact”


WINGS is grounded in the social change theory of “collective impact” -- in which a wide spectrum of stakeholders pursue common objectives collectively and engage in activities that reinforce each other. Collective impact is defined as “the commitment of a group of important actors from different sectors to a common agenda for solving specific social problems.”³³

Collective impact led to stakeholders increasingly communicating with each other, both during and outside of WINGS meetings. This communication breaks down silos between

³¹ Van Duizend, R., “Evaluation – Why, What, How,” National Center for State Courts, slides for the Second WINGS Coordinators’ Forum, April 2019, https://www.americanbar.org/content/dam/aba/administrative/law_aging/van-duizend-slide-presentation-on-evaluation.pdf.

³² Van Duizend, R., *Final WINGS Assessment Report*.

³³ Kania, J. & Kramer, M., “Collective Impact,” *Stanford Social Innovation Review*, Winter 2011.



different interest groups. When stakeholders work together, their interactions can produce a greater effect than any one stakeholder and can boost the work of WINGS as a coordinated whole. WINGS promotes more referrals amongst stakeholders, more support for individual stakeholder actions to enhance the group’s goals, more cross-training, and better coordination in advocacy. As one stakeholder described, WINGS enables the group to:

“get the big picture. Everyone knows a little bit about guardianship and other ways of making decisions, and everyone’s little bit is different. In the beginning, everyone had their own little piece and now it’s coming together as one piece.”

We call this informal process of change-making “synergy.” The ABA Commission sought to identify and measure the effect of WINGS synergy through a national web-based survey of WINGS stakeholder members in both the seven project states and other non-project states. We received 187 responses from 19 states.

The survey asked about specific effects of WINGS participation on stakeholder member actions that might improve guardianship and promote less restrictive options. It also asked about effects of WINGS on the stakeholder organizations, as well as the larger systemic effects of WINGS in the state.

The scores for all the survey questions were remarkably high, showing that WINGS synergy is about learning and sharing information as a basis for action. Notably, almost all the scores for the ACL funded WINGS states were higher than for the other WINGS states. This suggests that the Commission’s support reinforced positive interactions among stakeholders. See [Appendix 3](#) for the full survey results on WINGS synergy.

Conclusion: WINGS stakeholder engagement and synergy produces ripple effects in positive interactions that, taken together, can galvanize important changes in practice.


h. Sustainability: Transitions

The project WINGS faced various transitions and budgetary changes during the grant period. Their experiences can be instructive for other states.

For example, in Alabama, upon the election of a new chief justice, WINGS leadership sought to ensure the group’s continuation by initiating a legislative resolution in support of WINGS.³⁴ At the end of Florida’s grant, the Office of the State Court Administrator was no longer able to coordinate WINGS, and worked with a university law school to assume sponsorship, with the court continuing in a liaison role.³⁵ In Utah, changes in court budget and staff led to a reassessment of the court’s priorities and loss of an experienced WINGS coordinator, but ultimately to continued funding for part of a coordinator position. (And of course, recently all the WINGS faced strains on the court, as well as transitions to remote

³⁴ Alabama HJR 254, Approved by Governor as Act #2018-575, April 2018.

³⁵ Supreme Court of Florida, Office of the State Courts Administrator, “Stetson’s Center for Excellence in Elder Law Now Hosts WINGS Guardianship Collaboration,” Press Release, October 1, 2019.



communications, during the COVID-19 pandemic. Most appear to have weathered it well.) Currently all the state project WINGS have plans for continuation.

An encouraging sign of sustainability occurred recently, in September 2020, when the Supreme Court of Alabama granted the WINGS's petition to establish the "Alabama Supreme Court Commission on Adult Guardianships and Conservatorships," an integral part of the WINGS' strategic plan in 2018 to establish, expand, and enhance multidisciplinary efforts to improve the State's guardianship and conservatorship systems.

Lessons learned from such judicial and budgetary vacillations include:

1. WINGS should continually look to the future, always seeking to heighten awareness of leadership in all three branches of state government about the value of WINGS.
2. Evaluations – especially impact evaluations – can be a key factor in helping state leaders to understand the positive changes WINGS has brought about. In some instances, this could include saving state dollars as well as improving the lives of at-risk adults.
3. WINGS in which stakeholder representatives have become more cohesive and interactive over time may more likely find ways to continue, despite fluctuations in court support and funding, because the members find value in the ongoing meetings. In other words, the greater the stakeholder synergy, the greater the sustainability.


Conclusion: State and federal government should recognize the importance of WINGS' goals and protect them from leadership and budget changes with consistent, institutional support. See Section IV on the Court Improvement Program for a discussion of sustainable funding.

i. Sustainability: Costs and Support

The WINGS concept leverages action by multiple stakeholders. Thus, a small amount of funding can generate a big wave of change. WINGS is not high-cost and gives a big payback. However, it does require some funding support. Funding is needed primarily for coordinator time, as well as administrative and website support, member travel, printing, food for meetings, speaker reimbursement, and accommodations for individuals with disabilities.

The project WINGS were originally funded at either \$20,000 or \$30,000; later five states received an additional \$9,000. This funding enabled courts to launch or enhance WINGS and designate part of a court staff person's hours to serve as a WINGS coordinator. But it did not realistically cover the true amount of needed time for WINGS stakeholder engagement, outreach, project development, fundraising, strategic planning, and evaluation.

Funding for WINGS has come primarily from ACL and SJI. However, state WINGS and similar entities also have a variety of other funding sources (as described in [Appendix 4](#)). This piecemeal approach may provide needed monies but creates an administrative burden and may ultimately prove inadequate for sustainability. (In addition to direct funding sources for



WINGS, the contributed volunteer time of WINGS stakeholder representatives is a huge investment.)

See **Section IV on the Court Improvement Program** for a discussion of sustainable funding.

Conclusion: While a variety of funding approaches is important to reinforce the WINGS base and keep the group going in the short or medium term, in the longer-term a more sustainable, ongoing source is needed. The child welfare CIP offers a model.

j. Technical Assistance and Infrastructure Support

The ABA Commission provided technical assistance and infrastructure support through bimonthly calls, two WINGS coordinators forums, the WINGS website, the WINGS discussion list, WINGS action tools and background materials, as well as specific responses to a range of individual requests.

As determined by NCSC, most of the WINGS coordinators rated ABA Commission technical assistance highly, particularly the bimonthly calls and the coordinators forums. The coordinators indicated that additional support on strategic planning would have been useful. Also, it would have been useful to bring the coordinators together earlier in the grant period, so they could begin learning from each other sooner.


During the grant period, the ABA Commission staff spent substantial time on administrative challenges. These included contracting, budgeting, and reviewing state financial and program reports for the seven grantees, set against a backdrop of federal and ABA administrative and budgetary demands. Thus, our attention for providing WINGS technical assistance had to compete with necessary administrative pressures. Technical assistance and capacity-building for WINGS could have greater impact if the entity providing the assistance is not also responsible for contract or grant administration.

Conclusion: Ongoing technical assistance is essential to the success of WINGS. The NCSC *Final WINGS Assessment* recommended the provision of continued technical assistance, including assistance with evaluation.³⁶

The question, then, is how to strengthen future WINGS accomplishments and the provision of technical assistance/capacity building through additional state or federal funding, and with guidelines that encourage uniformity yet leave room for flexibility. The child welfare Court Improvement Program offers a model, as described in Section IV below.

IV. Exploratory Examination of Court Improvement Program Model for Adult Guardianship

³⁶ Van Duizend, R., *Final WINGS Assessment Report*.



While state WINGS have advanced adult guardianship reform, their modestly funded efforts are not enough to significantly improve outcomes for adults subject to, or potentially subject to, guardianship. To make a real difference, programs similar to WINGS should exist in every state under a national infrastructure with consistent, ongoing technical assistance and support. Such a model, called the State Court Improvement Program (CIP), has existed for child welfare cases since 1993, with marked advances in court processes for children and families.

a. The Model: Child Welfare Court Improvement Program

In 1993, Congress designated funds for a State Court Improvement Program (CIP). The CIP provided grants to state court systems to conduct assessments of their foster care and adoption laws and judicial processes, and to develop and implement a plan for system improvement.³⁷ Congressional goals in creating the CIP were to: (1) support state courts in improving the legal process in the child welfare system; (2) improve outcomes for children and families; and (3) enhance collaboration among courts, child welfare agencies and tribes. The CIP is administered by the U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.³⁸

In the early years of the CIP, each state court engaged in a self-assessment and had wide discretion to determine priority areas for improvement.³⁹ Due to the success of the program, in 2006 Congress authorized additional CIP grants to support data collection and analysis, as well as training and education. The CIP aims to promote continuous quality improvement (CQI). State courts are required to create and submit a five-year strategic plan, updated as needed to reflect self-assessment results and CQI efforts.⁴⁰

For the last several years, Congress has funded a total of \$30 million annually for distribution among all state courts, Puerto Rico, and tribal courts.⁴¹ The highest state court may apply for funding for three kinds of grants:

(1) A basic grant that enables state courts to conduct assessments of their role, responsibilities, and effectiveness in carrying out state child welfare laws, as well as allowing courts to make improvements for the safety, well-being, and permanence of children in foster care;

(2) A data grant that supports court data collection and analysis, and promotes data sharing among state courts, child welfare agencies, and tribes;⁴² and

³⁷ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, "Court Improvement Program," <https://www.acf.hhs.gov/cb/resource/court-improvement-program>. Also see American Bar Association Center on Children and the Law, "Fact Sheet on the State Court Improvement Program."

³⁸ <https://www.acf.hhs.gov/sites/default/files/cb/pi1605.pdf>.

³⁹ The history of the State Court Improvement Program is based on ABA Commission staff's oral interviews with past and present Children and the Law staff and other stakeholders, and in particular, former Center staff Mark Hardin.

⁴⁰ Also in 2006, the CIP authority was transferred to a new section 438 of the Social Security Act, 42 U.S.C. §629h.

⁴¹ ABA Center on Children and the Law *Fact Sheet for the State Court Improvement Program*.

⁴² In 2012, the Children's Bureau started a new reporting requirement for state courts, initiating a major improvement in states' collection of data. The collection of data was critical to continuous quality improvement and

(3) A training grant to increase child welfare expertise within the legal community and facilitate cross-training opportunities among agencies, tribes, courts and other key stakeholders.⁴³

The U.S. Administration for Children and Families “Instructions for State Courts Applying for Court Improvement Program (CIP) Funds”⁴⁴ describes programmatic requirements for state courts in: meaningful and ongoing collaboration; CIP projects and activities; and continuous quality improvement and change management. In addition, state courts must create and submit a five-year strategic plan that identifies the outcomes sought and the activities to address them. The plans must be updated as needed to reflect self-assessment results and CQI efforts. The Instruction requires a state cost share at the rate of 25 percent of the total budget.

Since its inception, the CIP has achieved significant results, including: developing court projects that have improved court processes, playing a leadership role in broad child welfare system improvement efforts throughout the country, establishing close collaboration and data sharing between courts and child welfare agencies, and increasing collaboration with tribes.⁴⁵ While every state program sets its own unique priorities, typical state CIP activities include development of mediation programs, joint agency-court training, automated docketing and case tracking, linked agency-court data systems, one judge/one family models, time-specific docketing, formalized relationships of the court with the child welfare agency, improvement of representation for children and families, and legislative changes.⁴⁶

Prior to and after the founding of the CIP, the American Bar Association Center on Children and the Law has played an instrumental role in its success.⁴⁷ As a partner in the Capacity Building Center for the Courts, the Center engages State Court Improvement Programs in system improvement work. This includes developing continuous quality improvement processes, providing direct support to state programs, and creating learning opportunities and resources to elevate legal and judicial practices.⁴⁸

b. Similarities and Differences Between Child Welfare and Adult Guardianship Reform

demonstrating progress or areas in need of improvement. “Monitoring these data will provide courts a point to begin identifying strengths and areas in need of improvement.” Child Welfare Capacity Building Center for Courts, “Outcome Measures and Continuous Quality Improvement for Children in Foster Care: Analysis of 2014 CIP Timeliness Measure Submissions,” citing program instruction, <https://www.acf.hhs.gov/sites/default/files/cb/pi1202.pdf>.

⁴³ U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, “Program Instruction for State Courts Applying for Court Improvement Program Funds for Fiscal Years 2017-2021,” October 27, 2016


⁴⁴ *Ibid.*

⁴⁵ ABA Center on Children and the Law, *Fact Sheet for the State Court Improvement Program*.

⁴⁶ Children’s Bureau, Administration for Children and Families, U.S. Dept. of Health and Human Services, “Court Improvement Program,” <https://www.acf.hhs.gov/cb/resource/court-improvement-program>.

⁴⁷ See note 40 on interviews concerning the history of the CIP program and the role of the ABA Center on Children and the Law.

⁴⁸ For more information about the Capacity Building Center for the Courts and the work of the Center on Children and the Law, see Child Welfare Capacity Building Collaborative, <https://capacity.childwelfare.gov/courts/about-courts/>; Center on Children and the Law website, “National Court Projects,” https://www.americanbar.org/groups/public_interest/child_law/project-areas/national-court-projects/.



The concept of using the CIP as a viable model for adult guardianship reform has been gaining momentum with the increasing urgency of guardianship issues. The Conference of Chief Justices/Conference of State Court Administrators documented supported for a guardianship CIP in a 2013 Resolution and a 2016 Committee Action Plan. In 2018, a National Council on Disability report recommended the formation of a CIP.⁴⁹

In April 2019 the ABA Commission convened an “Exploratory Meeting on the Applicability of the Court Improvement Program Model for Adult Guardianship,” funded by the ACL WINGS grant supplement. In the facilitated discussion, participants described striking parallels between adult guardianship reform and child welfare reform.


Similarities. Both fields are highly specialized and call for interdisciplinary expertise and input beyond the legal and judicial realms. Both seek to improve individual circumstances and quality of life. Both involve vulnerable populations and families. Both require ongoing judicial oversight. Both are framed by procedural due process issues and concern fundamental rights. In both cases, innovations have been “driven by tragedy.” Both fields are characterized by a tension between safety and autonomy.

Because both fields are complex, there is a lack of public understanding of rights and procedures. Improvement in both arenas requires education of judges, lawyers, the public, and other stakeholders. The judge is the fact finder in both kinds of cases. A priority in both contexts is the availability and quality of legal representation. In both cases, reform efforts could be improved through better data collection. Both fields need culture/systems change that requires collaboration. And finally, in both instances, time matters, and delays directly affect people’s lives.

Differences. The parallels suggest the ready applicability of the CIP model to the adult guardianship context, building on the base begun by WINGS. Yet while the similarities are compelling, the Commission’s meeting participants also recognized critical differences:

- Legal Capacity and Support. While minors are presumed to lack legal capacity, adults are presumed under state guardianship law to be capable. A court determines whether an adult lacks the capacity and support to care for him or herself.
- Identified Population. Child welfare reform targets all children age 0-18, whereas adult guardianship reform potentially affects several distinct adult populations -- including individuals with dementia or other cognitive impairment, developmental or intellectual disabilities, mental illness, head injury, and substance use disorders. Thus, for adult guardianship a state funding formula based on demographics may be more complex.
- Identified State Agency. Under the Social Security Act, each state has a designated child welfare agency. A major purpose of the CIP is to bridge the child welfare agency and the

⁴⁹ National Council on Disability, *Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination for People with Disabilities*, <https://ncd.gov/publications/2018/beyond-guardianship-toward-alternatives>.



court in a working partnership. With adult guardianship, the connections are broader and more diffuse, as shown by the breadth of the WINGS stakeholders. Rather than a bridge, an adult guardianship CIP could support a network between the court and stakeholders, fostering a broad-based interdisciplinary collaboration.

c. Envisioning an Adult Guardianship Court Improvement Program

Based on the ABA Commission's four-year WINGS grant project, as well as the project's CIP exploratory forum, a tentative or "visionary" plan for how an adult guardianship CIP ("GCIP") might work is as follows:

- The GCIP would aim to enable state courts, in collaboration with guardianship stakeholders, to conduct assessments and make improvements that enhance the rights and well-being of adults subject to, or potentially subject to, guardianship.
- Authorizing legislation could place responsibility for a national GCIP program in ACL or another federal agency and could appropriate funds.
- The appropriation could allot a set amount for each state, with an additional amount determined by formula. The initial grants would be for a five-year period, renewable each year, allowing for a long-term systems change outlook.
- While the child welfare CIP added objectives on training and data collection after many years, these two broad categories could be built into the GCIP initially.
- The GCIP model would be administered by the state court, with directives to work with any existing WINGS, whether administered by judicial or non-judicial stakeholders. Basing the GCIP in the states' highest court affords a strong parallel with the successful CIP model, and an opportunity to optimize impact.
- GCIP requirements would specify collaboration with mandated WINGS stakeholders and promote engagement of a wide range of others. Guidance would provide for proactive planning for inclusivity.
- Participating courts would conduct a baseline self-assessment to determine priorities -- including a balance of court procedures and promotion of less restrictive options. States would have wide discretion to select key issues.
- Each court would commit to conduct strategic planning, collect data, engage in a CQI process, and establish impact measures to evaluate the effect of their actions.
- A court capacity-building center, separate from the grant administration responsibilities, would provide guidance as well as identify, collect and disseminate best practices, information and research.

V. Recommendations: Next Steps for Federal Policy

The purpose of ACL's funding to establish, expand or enhance state WINGS was to test whether WINGS is an approach that can advance guardianship reform to avoid unnecessary or overbroad orders, and to prevent, detect and address abuses in the guardianship system. Based on the project findings, the ABA Commission makes the following recommendations for federal policy, including continued allocation of ACL funding:

a. Support WINGS Through Systems Change Grants


Continued support for state WINGS should be perceived as a *systems change initiative*. Grants to state courts for five years, renewable annually, would allow WINGS to focus on longer-term, more challenging objectives, and to move toward meaningful impact evaluation. ACL, in coordination with other federal entities, should support these recommendations with funding to:

- 1. Administer a five-year WINGS systems change grant initiative.** A five-year WINGS grant initiative should set out and ensure adherence to key WINGS requirements. These requirements should build on the perspectives gained during the ABA Commission's project, and the "hallmarks" set out in the *WINGS Replication Guide*. Such a federal systems change initiative should feature consistent evaluation, including impact evaluation, and a continuous quality improvement process. The initiative could position WINGS to implement significant reform -- and if the opportunity arises, to transition to an adult guardianship court improvement program model.
- 2. Include programmatic requirements for monitoring guardians.** Because the project WINGS were constrained by limited resources and limited time, most could not undertake costly, intensive and long-term monitoring improvements to address financial exploitation and abuse. The WINGS systems change grants should highlight implementation of new court monitoring practices including systems for enhanced guardian reporting and court auditing of reports, consistent data collection, technological advancements in court databases, stronger roles for court visitors and investigators, and guardianship complaint processes. The grants could also include development of processes for structured, interdisciplinary case review of egregious exploitation and abuse by guardians, to prevent similar outcomes in the future.⁵⁰
- 3. Create a WINGS capacity-building/technical assistance entity.** For WINGS to make real change, they need a supportive infrastructure and technical assistance. The NCSC Final WINGS Assessment recommended the provision of "continued technical assistance, training, network, informational, and advocacy support to state WINGS."⁵¹ This should include "a WINGS-specific strategic planning guide" and a "practical, meaningful, and valid set of measures regarding the [WINGS] impact."⁵² ACL federal funding, in coordination with other federal entities, for a WINGS

⁵⁰ Such a case review process could build on relevant models such as the ABA Commission's Elder Abuse Fatality Review Team model. Stiegel, L., ABA Commission on Law and Aging, *Elder Abuse Fatality Review Teams: A Replication Manual*, https://www.americanbar.org/groups/law_aging/resources/elder_abuse/elder-abuse-fatality-review-team-projects-and-resources/.

⁵¹ Van Duizend, R., *Final WINGS Assessment Report*.

⁵² *Ibid.*



capacity-building/technical assistance entity should be separate from administration of WINGS grants.


- 4. Support local or regional WINGS.** ACL should examine the potential of local or regional WINGS and fund selected projects deriving from the state model. This approach may be especially effective in large states. In local or regional WINGS, stakeholders are closer to the ground than at the state level. The immediate benefits of their interaction and collaboration could be more visible, and more measurable. Local or regional WINGS also offer a more viable opportunity for impact evaluation.

Local or regional WINGS could be established in states with existing WINGS. The state WINGS could initiate the local groups, or at least maintain consistent connection. Local or regional WINGS also could be established in states without existing WINGS – for example where state dynamics have not been as open to the WINGS concept.

- b. Take Steps Toward Establishment of a Guardianship Court Improvement Program**

Building on WINGS advancements of guardianship reform, federal law and policy should provide for a national infrastructure of support, based on the child welfare Court Improvement Program model, with modifications. ACL, in coordination with other federal entities, should support these recommendations with funding to:

- 1. Plan for establishment and implementation of a guardianship court improvement program.** ACL, in coordination with other federal agencies, should engage in steps to plan for a federally supported Guardianship Court Improvement Program, based on the work of the ABA Commission under the WINGS project. This effort could be undertaken either by federal agency staff or through a planning grant, or some combination; and should consider questions such as the following:
 - What data, evidence and cost figures will be needed to support the rationale for federal funding?
 - What state funding formula should be used, based on demographic information?
 - What state coalitions will be needed to support the launch of a national guardianship court improvement program at the state level?
 - How will the program be administered?
 - What should be the criteria for establishment of state court programs, state self-assessments, strategic planning, and continuous quality improvement cycles?
 - What data should states be required to collect, and how should it be managed and used?
 - What capacity-building and technical assistance activities are needed?
- 2. Pilot a Guardianship Court Improvement Program and capacity-building center.** Using the above planning steps and the WINGS experience as a basis, ACL, in



coordination with other federal agencies, should pilot a Guardianship Court Improvement Program in selected states through a competitive grant process. ACL should develop a request for proposals, select state grantees, administer the pilot grants over a five-year period as a systems change grant, and continuously evaluate the results. Finally, ACL should establish an independent capacity-building/technical assistance entity separate from the grant administration.

- 3. Secure federal legislation with appropriations to implement and sustain a Guardianship Court Improvement Program.** While a Guardianship Court Improvement Program pilot could be initiated and conducted administratively, ultimately, following the model of the child welfare court improvement program, federal legislative authority is needed to sustain and build the system. The legislation could provide for a state funding formula for grants to the highest court in each state. Many of these courts are well positioned to take on a Guardianship Court Improvement Program, as they already are administering the child welfare Court Improvement Program, and some are administering WINGS.

VI. Conclusion

The ABA Commission's grant demonstrates that WINGS can make meaningful improvements in state adult guardianship systems -- especially in education and training, public awareness, procedural advancements, and promotion of less restrictive options. Moreover, WINGS have heightened stakeholder interaction, prompting improved communication and practices. State WINGS put in place a sustainable effort toward positive change.

Yet the ACL-funded project WINGS were limited in time and resources, and generally were not able to undertake some of the more costly and intensive efforts, especially those focused on court oversight to prevent and address abuse and exploitation.

Federal policy should support WINGS through systems change grants, with an emphasis on guardianship monitoring, and should take steps toward establishment of a national Guardianship Court Improvement Program. These policies will invigorate guardianship reform and promote less restrictive options – directly affecting the lives and self-determination of individuals throughout the nation in the guardianship system.

Appendices

<u>Appendix 1 – Hallmarks of WINGS</u>	28
<u>Appendix 2 -- ACL State Project WINGS Accomplishments (updated through June 2020)</u>	29
<u>Appendix 3 -- WINGS Collective Impact; Synergy</u>	34
<u>Appendix 4 -- Funding for Sustainable WINGS</u>	37
<u>Appendix 5 -- The WINGS-SSA Connection</u>	40



Appendix 1 – Hallmarks of WINGS

(ABA Commission on Law and Aging, *WINGS State Replication Guide*, 2019)

1. A WINGS has strong court support
2. A WINGS has interdisciplinary stakeholders whose engagement creates synergy
3. A WINGS requires proactive planning for engagement and inclusivity
4. A WINGS is ongoing
5. A WINGS is problem-solving in nature
6. WINGS groups focus primarily on changes in practice but could prompt legislation as well
7. A WINGS seeks a balanced focus on improving court processes, programs, and procedures and promoting self-determination
8. A WINGS seeks public input
9. A WINGS sets goals and evaluates success
10. WINGS groups see themselves as part of a national network

Appendix 2 -- ACL State Project WINGS Accomplishments (updated through June 2020)

State	Improving the Guardianship Process	Promoting Less Restrictive Options	Addressing Guardianship Abuse
Alabama	<p>-LAY FIDUCIARY GUIDES: Developed, printed and disseminated Alabama-specific versions of the CFPB lay fiduciary guides for conservators and agents under powers of attorney</p> <p>-DATA: Collected guardianship data/barriers to data through survey of all 68 probate court judges</p> <p>-WEBSITE DEVELOPMENT: Added WINGS page to state court website to provide resources to judges, attorneys, public</p>	<p>-TRAINING: Conducted training for attorneys and judges at the Alabama Bar Association’s 2018 Annual Meeting and a local bar association on “How to Avoid or Limit Guardianship”</p> <p>-JUDICIAL EDUCATION: Educated circuit, district and probate court judges on less restrictive alternatives</p> <p>-PUBLIC EDUCATION: Held statewide town hall meetings and seminars to provide information about using advance planning documents to avoid guardianship</p>	
Alaska	<p>-COURT RULE: New administrative rule that increased number of certified orders for new guardianships</p> <p>-COURT FORMS: New court forms for court visitors, orders to transfer guardianships in</p>	<p>-LEGISLATION: Facilitated communications for passage of supported decision-making law</p>	<p>-REPORT REVIEW: Piloted Guardianship Compliance Officer position within state’s largest court; position is now full-time and statewide, for more efficient review of annual reports</p> <p>-REPORT FORMS: Modifications to guardian annual report form</p>



	<p>and out of state; amended other forms to make them more user friendly and useful for judicial officers</p> <p>-PROBATE RULES: Completed a draft of Probate Rules for review</p> <p>-GUARDIAN ACCOUNTING APP: Guardian income and expense tracker app</p>		
<p>Florida</p>	<p>-CAPACITY DETERMINATION: Drafted plan with recommendations and recruitment strategies for boosting number of physicians on examining committees</p> <p>-TRAINING: With Stetson University's Center for Excellence in Elder Law and the National Judicial College, produced four e-learning modules for judges and attorneys on guardianship and less restrictive options</p> <p>-WEBSITE DEVELOPMENT: Created and updated Florida WINGS web page on Stetson College of Law website</p>	<p>-GUIDE FOR PUBLIC: Created informational guide and toolkit for public on decision-making options</p> <p>-TRAINING: With Stetson University's Center for Excellence in Elder Law and the National Judicial College, produced four e-learning modules for judges and attorneys on guardianship and less restrictive options</p>	<p>-ABUSE IDENTIFICATION TOOL: Developed tool to assist law enforcement officers and first responders in identifying and reporting abuse, neglect or exploitation</p>

<p>Idaho</p>	<p>-BENCH CARDS: Produced bench cards on guardianship for judges</p> <p>-LAY FIDUCIARY GUIDE: Adapted to Idaho law and practice, printed and disseminated CFPB lay fiduciary guide for conservators</p> <p>DISPUTE RESOLUTION: Trained mediators on elder/guardianship mediation; trained magistrate judges on guardianship mediation and eldercaring coordination.</p> <p>-CERTIFICATION: Implemented requirement for all professional guardians to be certified by the Center for Guardian Certification</p>	<p>-TRAINING: Sponsored training on supported decision-making and less restrictive options for attorneys and other professionals</p> <p>-PUBLIC INFORMATION: Produced handout for families and individuals with developmental disabilities on supported decision-making.</p>	<p>-REGIONAL MONITORS: Secured legislative approval and funding for regional guardianship coordinator/monitors in each judicial district (underway prior to ABA grant)</p> <p>-CASE MANAGEMENT TOOL: Implemented and evaluated use of “differentiated case management” tool to identify cases at risk of abuse, neglect or mismanagement and provide additional court monitoring.</p>
<p>Indiana</p>	<p>-STATEWIDE CONFERENCES: Contributed toward two statewide adult guardianship conferences</p>	<p>-LEGISLATION: Secured passage of legislation on supported decision-making</p> <p>-TRAINING: Trained stakeholders on supported decision-making</p> <p>-PILOT ON SUPPORTED DECISION-MAKING: Initiated pilot on supported decision-making in one court and expanded to other courts and Communities</p> <p>-FORMS: Developed forms for supported decision-making agreement, guardian ad</p>	<p>-COURT OVERSIGHT TOOL. Developed and piloted use of a model court oversight tool to identify guardianship cases at risk of financial exploitation and/or mismanagement of funds.</p>



		<p>litem reports and oath/acceptance</p> <p>-COURT ORDER: Developed sample court order form appointing guardian ad litem and providing for consideration of less restrictive options</p> <p>-MEDICAL REPORT: Developed uniform medical report form for Wayne County & other courts to promote use of less restrictive options</p> <p>-STUDY ON LESS RESTRICTIVE OPTIONS: With Indiana University-Bloomington, conducted study on supported decision-making and other less restrictive options, with survey of family and professional guardians</p>	
<p>Oregon</p>	<p>- REGIONAL CONFERENCE: Facilitated support for regional guardianship summit</p> <p>-DATA: Worked with court staff to improve guardianship data collection</p>	<p>-ASSESSMENT OF USE OF LESS RESTRICTIVE OPTIONS: Developed “mapping project” to assess availability and use of less restrictive options throughout state; identified gaps in services</p> <p>-CURRICULUM FOR PROFESSIONALS: Produced train-the-trainer curriculum for professionals on less restrictive options</p> <p>-PUBLIC OUTREACH: Continued work on outreach video and website for public on importance of planning ahead, and links to resources</p>	<p>-GUARDIAN EDUCATION & COURT VISITOR PROGRAM: Collaborated with Guardian Partners program providing guardian education, and training for court visitors</p>



Utah	<p>-JUDICIAL EDUCATION: Held judicial education classes in seven of eight judicial districts on guardianship basics</p> <p>-BENCH BOOK: Updated bench book for judges; created bench card</p> <p>-COUNSEL: Improved process for recruiting new attorneys to (pro bono) Guardianship Signature Program</p> <p>-WEBSITE: Updated websites for WINGS and related court guardianship pages</p>	<p>-DATA: Worked with court database staff toward plans for tracking limited guardianships</p>	<p>-FUNDING FOR COURT VISITORS: Secured passage of legislative appropriations for court visitor program; assisted in recruiting court visitors</p> <p>-ANNUAL REPORTS: Created checklist for review of reports; working on new review process</p> <p>-JUDICIAL REFERRAL PROCESS RE ABUSE: Produced checklist and flowchart for judges on abuse, neglect and exploitation referral process</p> <p>-COURT/APS AGREEMENT: Developed Memorandum of Agreement between courts and APS</p>
-------------	--	--	---



Appendix 3 -- WINGS Collective Impact; Synergy

WINGS is grounded in the social change theory of “collective impact” -- in which a wide spectrum of stakeholders pursue common objectives collectively and engage in activities that reinforce each other. Collective impact is defined as “the commitment of a group of important actors from different sectors to a common agenda for solving specific social problems.”ⁱ

One effect of collective impact is that the stakeholders increasingly communicate with each other, including outside the formal aegis of the WINGS project. This helps to break down silos and spark connections. The combined effect of stakeholder interactions can produce a greater effect than any one stakeholder group and can boost the work of WINGS as a coordinated whole. WINGS promotes more referrals amongst stakeholders, more support for individual stakeholder actions, more cross-training, and better coordination in advocacy. As one stakeholder described, WINGS enables the group to:

“get the big picture. Everyone knows a little but about guardianship and other ways of making decisions, and everyone’s little bit is different. In the beginning, everyone had their own little piece and now it’s coming together as one piece.”

We have called this informal process of change-making “synergy.” The ABA Commission sought to identify and measure the effect of WINGS synergy in two ways.

WINGS Lightbulb Surveys in Project States

When stakeholders come together in a WINGS meeting, new learning occurs – members have “lightbulb moments” when their understanding jumps and they see the big picture of guardianship more clearly. The ABA Commission sought to capture this new learning. We sent a brief three-question survey to each participant directly following a WINGS meeting.

While the survey results were difficult to quantify, members said they learned about other stakeholder organizations – for example, “the need for training for medical professionals from the state hospital,” “that the court system has many parts that need to work together,” “that there are barriers to family members serving as guardian,” and “how the public guardianship office works.” Members also said they learned more about the guardianship process – for instance, the role and use of guardians ad litem,” “the widespread need for training,” “the process of drafting guardianship plans,” and “that the process varies greatly around the state.” These perceptions help to lay a groundwork for action.

National Web-Based Survey of WINGS Stakeholder Members

The ABA Commission evaluated WINGS collective impact and synergy through a national web-based survey of WINGS stakeholder members from both project and non-project states (a total of 24 states in which WINGS groups were currently active). We received 187 responses from 19 states. Respondents included 34 judges or court staff, 26 representatives of the legal system, 25 from the aging network, 24 from the disability network, 16 guardians or conservators, 13 from the mental health/health/long-term care systems, and others. A majority had

participated in WINGS for over four years. A substantial majority had attended 75% to 100% of the WINGS meetings. The table below shows the synergy that was reported, both for all responding states and specifically for the seven WINGS project states.

Survey Question	Percent Positive Response for All Responding States	Percent Positive Response for Seven ACL Project WINGS States
Since joining WINGS . . .		
Knowledge about guardianship increased	85	91
Knowledge about alternatives increased	83	91
Knowledge about other organizations involved in guardianship increased	91	99
More often initiate collaboration with organizations in cases involving guardianship	79	86
Knowledge about guardianship problems increased	82	89
Ability to take action in response to guardianship problems increased	77	84
More confident in making referrals or collaborating	85	93
Because of my participation in WINGS . . .		
Informally shared information learned at WINGS with colleagues	96	94
Trained or set up training for others in my organization about alternatives	57	67
Trained or set up training about guardianship	59	59
Trained or set up training about guardianship problems	53	54
Trained or set up training about organizations involved in guardianship	51	55
My organization has changed its policies and practices about guardianship or alternatives	37	38
My organization has changed its policies or practices about collaboration with other organizations to encourage use of alternatives or to improve guardianship	51	59
My organization has increased its advocacy for funding for use of alternatives and improved guardianship practices	42	55
My organization has increased its advocacy for improvements in state laws concerning guardianship and alternatives	70	71
The existence of WINGS has . . .		
Led to identification of risk indicators for guardianship problems	75	78
Led to development of checklists or other tools to improve guardianship practices	69	78

Led to improvements in outreach/education, investigation or other initiatives	82	89
Led to identification of barriers to improving guardianship or using alternatives	86	86
Led to improvements in court rules or administrative policies about guardianship or alternatives	64	74
Led to enactment of or improvements in state laws about guardianship or alternatives	58	70

The findings of the stakeholder survey were striking. First, all the “synergy” scores were remarkably high. If 96% of respondents share information from WINGS discussions with others, there is a real ripple effect in advancing the level of professional knowledge about guardianship and less restrictive options. If 86% said WINGS has led to identification of barriers to guardianship improvements and use of less restrictive options, solid groundwork is underway for real change.

Second, the two highest scores were in increased knowledge about other organizations and sharing of information gained at WINGS with colleagues – that is, WINGS synergy is about learning and sharing information as a basis for action.

Third, the scores for the ACL-funded project WINGS states were generally higher than the scores for the states as a whole (including both project and non-project WINGS) -- suggesting that the funding and support for the project WINGS reinforced positive interactions among stakeholders.

ⁱ Kania, J. & Kramer, M., “Collective Impact,” *Stanford Social Innovation Review* (Winter 2011).

Appendix 4 -- Funding for Sustainable WINGS

Funding Needs. The WINGS concept leverages action by multiple stakeholders, and thus a small amount of funding can generate a big wave of change. WINGS is not high-cost and gives a big payback -- but it does require some funding support, primarily for coordinator time.

Project WINGS coordinators listed the following WINGS costs:

- Coordinator time. Several stated that a part-time or half-time coordinator is needed – including both salary and fringe benefits.
- Administrative and website support. Some WINGS coordinators noted the need for a small amount of administrative time.
- Member travel. This is especially high in large rural states in which stakeholders may need to stay overnight.
- Printing of materials. WINGS may develop, print and distribute guides, pamphlets or curricula.
- Food for meetings. Sometimes stakeholders may be able to cover all or part of food costs.
- Speaker reimbursements or special consultants.
- Accommodations for individuals with disabilities.


The project WINGS originally were funded at either \$20,000 or \$30,000 for the project period, with \$9,000 added during the last phase for six of the seven projects. The courts were required to contribute a 25% match, but in some cases the actual match value was higher. This amount enabled the courts to launch WINGS and designate part of a staff position as WINGS coordinator. However, the grant funding did not cover the amount of time actually needed for WINGS stakeholder engagement, outreach, project development, fundraising, strategic planning, and evaluation. On ABA Commission site visits, the coordinators and selected judicial leaders estimated the minimum dollar amount needed to be in the range of \$100,000 to \$120,000 per year.

Funding Sources. Funding for WINGS has come primarily from the projects supported by the Administration for Community Living (ACL) and the State Justice Institute (SJI). State WINGS and similar stakeholder entities also have a variety of other funding sources, including state legislative appropriations – often adding up to a piecemeal approach that is helpful but may not be sustaining:

Type of Funding Source	Funding Examples of State WINGS or Similar Entities
Federal grants	<ul style="list-style-type: none"> • Early WINGS in 2013 & 2015 received grants from SJI,ⁱ through NGN. The 2017-2019 project WINGS received grants from ACL through the ABA Commission.

Legislative appropriation	<ul style="list-style-type: none"> The Indiana legislature appropriated funds for Supreme Court Office of Adult Guardianship, which received ACL WINGS grant.
Court filing fees	<ul style="list-style-type: none"> Idaho WINGS is sustained by court filing fees.
Community trust funds	<ul style="list-style-type: none"> The Massachusetts Guardianship Policy Institute is supported by the Massachusetts Guardian Community Trust, a non-profit organization that operates the largest pooled trust program in the state.ⁱⁱ
Bar foundations and associations, legal aid, law firms	<ul style="list-style-type: none"> Alabama WINGS received a grant from the Alabama Law Foundation for public and professional outreach. Florida WINGS used supplementary funding from the Florida Bar for travel expenses. West Virginia WINGS is coordinated by Legal Aid staff. The Indiana Adult Guardianship Task Force used meeting space donated by a local law firm.
National, state or local foundations	<ul style="list-style-type: none"> Utah WINGS received funds from ASPIRE to provide training for families on advance life planning and guardianship. Early WINGS created in 2013 and 2015 received supplemental funds from the Borchard Foundation Center on Law and Aging.
Universities	<ul style="list-style-type: none"> North Carolina WINGS is based in the University of North Carolina School of Social Work. Utah WINGS received support from Utah State University to organize a roundtable on guardianship and involuntary commitment. Florida WINGS is now based in the Stetson University's Center for Excellence in Elder Law.
State disability/aging sources	<ul style="list-style-type: none"> North Carolina WINGS has received funds from the Council on Developmental Disabilities and the Department of Aging and Adult Services. Missouri WINGS meetings are staffed by the Missouri Developmental Disabilities Council.
In-kind contributions from stakeholders	<ul style="list-style-type: none"> AARP state offices serving as WINGS stakeholders have provided space, lunch or reception costs for several WINGS.

Stakeholder Collaboration. WINGS is a collaborative court-stakeholder partnership, not a discrete, time-limited project seeking funding. Efforts by WINGS to help secure funding for individual stakeholders to pursue common objectives can be as important as securing funding



directly for the entity. Funders should perceive advantages in giving monies to a stakeholder, knowing that its activities are part of a larger WINGS undertaking, and that the group as a whole will be supportive.

For example, when the National Resource Center for Supported Decision-Making requested mini-grant proposals from disability organizations, applications in several states were supported by WINGS. Successful funding could in turn bolster WINGS objectives. A 2019 ACL request for proposals on long-term supports and services referenced the importance of WINGS support for this reason.

Contributed Stakeholder Time. The contributed volunteer time of WINGS stakeholder members represents a huge investment. Because WINGS stakeholder members often are high-level professionals, the total value of their donated time can be impressive to funders, as well as court and legislative leaders. Moreover, some grants require a match contribution, and volunteer time can be an important component to fulfill the necessary match amount.

The ABA Commission required the seven ACL project WINGS to track stakeholder time. The number of hours reported and the value of the time were substantial. For instance, one of the project WINGS reported that from June 1, 2017 through June 30, 2019, a total of 762.87 volunteer hours were devoted to WINGS with a total value of \$84,770.38.

ⁱ State Justice Institute, <http://www.sji.gov> .

ⁱⁱ <Http://www.guardiancommunitytrust.org/Index.html>

Appendix 5 -- The WINGS-SSA Connection


Since 2004, national studies have recognized that state courts with guardianship jurisdiction and the Social Security Administration (SSA) representative payee program serve largely the same population, yet there is very little coordination or information sharing between them. GAO has highlighted these information gaps in four reports (2004, 2010, 2011, 2016);ⁱ and the Senate Committee on Aging has made recommendations for increased coordination in two reports (2007, 2018).ⁱⁱ In 2018, the *Strengthening Protections for Social Security Beneficiaries Act* directed SSA to contract with the Administrative Conference of the U.S. (ACUS) to study opportunities for information sharing between SSA and state courts as well as relevant agencies such as APS.ⁱⁱⁱ

The SSA-WINGS Connection. To begin making connections between state court guardianship systems and the SSA representative payee program, in approximately 2013 SSA designated regional liaisons with the then-existing state WINGS, and since that time has expanded to include all existing state WINGS or similar collaborative guardianship reform groups. The regional liaisons are SSA Regional Communications Directors (RCDs). One RCD might be assigned to four or five state WINGS in the region.

SSA also arranged for periodic phone conference calls for the RCDs and the WINGS coordinators to share information. During the ABA Commission's ACL grant period, SSA hosted and facilitated five conference calls. The calls offered an opportunity for WINGS coordinators to ask questions about Social Security benefits in general and the representative payee program in particular. The WINGS coordinators also could summarize their objectives and accomplishments and note how they related to representative payees. Partly as a result of the calls, SSA developed and later updated a set of training slides for judges on the basics of the representative payee program.^{iv}

Results and Challenges of the SSA-WINGS Connection. In a several states, the RCD liaison has participated in WINGS meetings or events. The RCD for the Minnesota/Wisconsin/Indiana region gave presentations at WINGS-sponsored conferences. The RCDs for Virginia, West Virginia, Alabama, Alaska, and Florida have participated in WINGS meetings by phone, and the RCD for Utah participated in person. In Oregon, a local SSA staff member participated in person in a WINGS meeting. In 2020, the RCD for federal Region III presented and answered questions on the bimonthly WINGS call.

Overall, though, the SSA-WINGS connection has shown few results. On the SSA side, because the liaisons are regional, they appear to be too far removed from state priorities and needs. Moreover, they are pressed with other SSA regional communications priorities. A local



SSA contact closer to the stakeholder group may be more useful. Also, while not specifically tracked, it appears there has been little use of the SSA judicial training slides to raise awareness of payee issues at WINGS or to encourage the statewide training of judges.

On the WINGS side, the coordinators have not consistently reached out to the RCD liaisons to invite them to WINGS meetings or make plans for outreach – although Alaska had plans for a special WINGS meeting to feature SSA and VA contacts. The WINGS coordinators seemed to perceive the RCDs as a distant player on the margins of project objectives.

The SSA-WINGS conference calls sought to build relationships. The calls were tasked with a huge challenge in a limited time, with no prior in-person relationships. The Florida WINGS coordinator reported that “the calls with SSA were helpful in building relationships among Florida stakeholders and the administration which led to multiple issues being directly resolved.” Other WINGS coordinators did not report similar findings.


In sum, the WINGS-SSA connection both prior to the ACL project and during the grant period aligned with WINGS goals for better communication and collaborative action. However, the need for federal-state coordination and information sharing is a massive issue outside the project’s scope. The results of the federal study mandated by the 2018 legislation could jumpstart court-SSA collaboration that bears on WINGS.

ⁱ Government Accountability Office, *Collaboration Needed to Protect Incapacitated Elderly People*, GAO-04-655 (2004). Also see statements in related GAO reports – GAO-10-1046, GAO-11-678, GAO-17-33 Appendix.

ⁱⁱ U.S. Senate Committee on Aging, *Guardianship for the Elderly: Protecting the Rights and Welfare of Seniors with Reduced Capacity* (2007); *Ensuring Trust: Strengthening State Efforts to Overhaul the Guardianship Process and Protect Older Americans* (2018).

ⁱⁱⁱ HR 4547, Public Law No: 115-165, Strengthening Protections for Social Security Beneficiaries Act of 2018, Sec. 103 (c). The Congressionally mandated study by the Administrative Conference of the U.S, *Social Security Administration’s Representative Payee Program: Information Sharing with States*, was released June 29, 2020. See <https://www.acus.gov/newsroom/news/acus-publishes-congressionally-mandated-report-social-security-administration%E2%80%99s>.

^{iv} The SSA representative payee judicial training slides are at: https://www.ssa.gov/payee/rp_training2.html.



This briefing paper is supported by grant No. 90EJIG0007-02-00 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.

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and should not be construed as representing the policy of the American Bar Association.