

# NYSARC GUARDIANSHIP SYMPOSIUM WINGS PRESENTATION

November 20, 2013

Presented by:

Mental Hygiene Legal Service

Third Judicial Department

Sheila E. Shea, Esq.

Director

# WINGS

What is WINGS?

Working Interdisciplinary Network of  
Guardianship Stakeholders.

•

# WINGS

What is the driving force behind WINGS?

The National Guardianship Network (NGN).

The NGN, established in 2002, consists of 10 national organizations dedicated to effective adult guardianship law and practice, and includes the National Center for State Courts and the National College of Probate Judges.

.

# WINGS

- Why WINGS and why now?
- Looking Back:

Over the past two decades, guardians, advocates and the judiciary have been working at the national level to improve guardianship law and practice. This work was set in motion by a series of more than 200 AP wire stories about guardianship abuse that were published in the mid-1980s. The National Guardianship Association (NGA) was formed and adopted “standards of practice” for guardians, as one response to the crisis.

Source- Nack, Dessin, Swift, Creating and Sustaining Interdisciplinary Guardianship Committees, 2012 Utah L. Rev. 1667.

# WINGS

- Looking Back:
- In 1988, the guardianship reform movement gained impetus when the American Bar Association convened a National Guardianship Symposium. This symposium, known as “Wingspread” produced many influential recommendations for reforming the guardianship system, including the formation of Multidisciplinary Guardianship Committees at the state level.

# WINGS

- ▣ Looking back:
- ▣ In 2001, a follow-up National Guardianship Conference was convened which was known as “Wingspan.” Among the recommendations which emerged from this conference was that states have an interdisciplinary entity focused on guardianship implementation, evaluation, data collection, pilot projects, and funding. This entity would be charged with responsibility for monitoring the implementation of guardianship and surrogacy statutes.

# WINGS

- ▣ Looking back:
  - In 2004, the National Academy of Elder Law Attorneys, the National College of Probate Judges, and the National Guardianship Association convened and issued a resolution that the National Guardianship Network should collaborate with the National College of Probate Judges to obtain a resolution from the National Conference of Chief Judges that each state have an interdisciplinary guardianship committee.

# WINGS

- ▣ Why an interdisciplinary approach?
- ▣ Making progress on reform can be challenging and what is common among states is that courts, social service agencies, and advocates work independently, often “speak different languages,” and may not understand each other. This makes change even for difficult unless the parties involved are willing to develop common language and a dialogue. That dialogue is the goal of teams that adopt an “interdisciplinary” approach.



# WINGS

- ▣ Looking back:
- ▣ In 2012, the Conference of Chief Justices/Conference of State Court Administrators and its Elders and the Courts Committee passed a resolution encouraging each state court system to review and consider implementation of the 2011 Third National Guardianship Summit Standards and Recommendations, including the development of “Working Interdisciplinary Networks of Guardianship Stakeholders” (WINGS).

# WINGS

How did New York State join the WINGS initiative?

The New York State Office of Court Administration responded to a Request for Proposal from the National Guardianship Network and was awarded a competitive grant to create a working interdisciplinary network of guardianship stakeholders in New York.

# WINGS

- ▣ New York State was one of only four states which was awarded a NGN WINGS grant. The other states are Texas, Oregon and Utah.

# WINGS

- ▣ Looking forward:
- ▣ What is the goal of WINGS?
  - The goal of WINGS is to identify strengths and weaknesses of the State's current system of adult guardianship and less restrictive decision-making options, to address key policy and practice issues, engage in outreach, education and training and serve as an ongoing problem solving mechanism to enhance the quality of care and quality of life of adults potentially subject to guardianship in New York State.

# WINGS

- ▣ Focus of the WINGS initiative will be on Article 81 of the Mental Hygiene Law.

# WINGS

- ▣ Looking forward:
  - A steering committee has been formed to implement WINGS in New York. The steering committee consists of members of the private bar, the Vera Guardianship Institute, the Office of Court Administration and the Mental Hygiene Legal Service.

# What is the Mental Hygiene Legal Service?

- ▣ State agency assisting those receiving services provided by the Office of Mental Health (OMH) or the Office for People with Developmental Disabilities (OPWDD)
- ▣ Placed within the judicial branch of government (the Appellate Division of State Supreme Court), so that it can operate independently of OMH and OPWDD.
- ▣ Enabled by Mental Hygiene Law Art. 47
- ▣ Since there are four Appellate Divisions within the court system, there are four MHLS agencies.

# MHLS and Guardianship

- ▣ Since 1972, the Service has had a representational role in proceedings to determine the capacity of individuals and their need for guardianship. The Service may appear as counsel, court evaluator, guardian ad litem or in our agency capacity in guardianship proceedings. MHLS appears and participates in Article 81 and Article 17-A guardianships when our jurisdiction is invoked either by a court order appointing the agency in some capacity or by operation of law.



# WINGS Next Steps

- ▣ Looking Forward:
- ▣ A WINGS Summit will be held on February 11, 2014 in White Plains, New York at the Judicial Institute on the grounds of Pace University Law School.
- ▣ The keynote speaker will be Chief Administrative Judge A. Gail Prudenti.

# WINGS Next Steps

- ▣ The WINGS steering committee is identifying potential stakeholders to join the summit meeting.
- ▣ The list of potential stakeholders include federal and state agencies, the not-for-profit sector and self advocates, all of whom have an interest in safeguarding the rights and interests of individuals with disabilities.

# WINGS Next Step

- ▣ NYSARC, Inc. is a primary stakeholder.

# WINGS next steps

- ▣ Other potential stakeholders include:
- ▣ The Office of Mental Health;
- ▣ The Office for People with Developmental Disabilities;
- ▣ The Office for the Aging;
- ▣ The Department of Health;
- ▣ Local Departments of Social Services;
- ▣ Law Schools;
- ▣ Professional Associations.

# WINGS Next Steps

- ▣ A survey is being developed by the WINGS steering committee to determine the area of interest of the stakeholders.
- ▣ The potential areas of interest include, guardianship procedures, models of guardianship, education & training of guardians, monitoring of guardians, and resources and support for guardianship.

# CONCLUSION: KEY TENANTS OF WINGS

- ▣ WINGS is designed to be a sustainable organization to monitor and improve guardianship services in New York

# CONCLUSION: KEY TENANTS OF WINGS

- ▣ WINGS will focus not only on courts and court procedures, but on court-community collaboration.
- ▣ WINGS will look beyond legislative solutions and try to reform guardianship services where possible through dialogue and communication among stakeholders.
- ▣ WINGS will incorporate consideration not only of “person-centered planning,” but emerging concepts of “supported decision-making.”

# CONCLUSION: KEY TENANTS OF WINGS

- ▣ WINGS will focus on the rights of individuals subject to or potentially subject to guardianship.
- ▣ WINGS will identify less restrictive decision-support options for individuals who have lost or are at risk of losing decision-making capacity.
- ▣ WINGS will be transparent and seek public input.



# CONCLUSIONS: KEY TENANTS OF WINGS

- ▣ For questions about WINGS, the upcoming summit meeting or identification of potential stakeholders, do not hesitate to contact me:

Sheila E. Shea, Esq.

Mental Hygiene Legal Service

Phone: 518-451-8710

Email: [sshea@nycourts.gov](mailto:sshea@nycourts.gov)

By mail: 286 Washington Avenue Extension  
Albany, New York 12203