

Collaborating in Guardianship Reform & Addressing Abuse Through WINGS:

“Working Interdisciplinary Networks of Guardianship Stakeholders”



What is Adult Guardianship Reform?

“Adult guardianship reform” generally includes several related components:

- ✓ Initial consideration of less restrictive options prior to guardianship;
- ✓ Procedural due process safeguards, since guardianship removes basic rights;
- ✓ A functional determination of an adult’s abilities and needs for support;
- ✓ Use of limited orders to preserve rights where possible;
- ✓ Procedures to recognize and promote restoration of rights where possible;
- ✓ Solid court oversight, with case tracking, investigative resources and sanctions;
- ✓ Collection and maintenance of data; and
- ✓ Good guardian standards and training for both family and professional guardians.

In the past 30 years, states have markedly strengthened their adult guardianship statutes, but putting reforms into practice has been uneven. We know practices range from the heroic to the sufficient to the abusive, but we don’t know the proportions. While many guardians are dedicated—and while courts have begun to develop training and monitoring resources—accounts of inappropriate, overbroad or abusive guardianships still surface. A 2016 [Government Accountability Office \[GAO\] report](#) found the extent of abuse in guardianship unknown due to lack of data.

Where Do We Stand?

A groundbreaking 1987 *Associated Press* (AP) series triggered modern guardianship reform, contending that “overworked and understaffed court systems frequently break down, abandoning those incapable of caring for themselves” [Bayles & McCartney 1987]. Following the AP report, three landmark multidisciplinary consensus conferences (“Wingspread” in 1988, “Wingspan” in 2001, and the [Third National Guardianship Summit](#) in 2011,) served as an engine driving needed reform.

Other substantial efforts were occurring at the same time –revisions of the [Uniform Law Commission’s](#) model guardianship act in 1997 and 2017; a 2013 revision of the National Guardianship Association [Standards of Practice](#); a 2013 update to the [National Probate Court Standards](#); and creation by the National Center for State Courts (NCSC) of a Center for Elders and the Courts. Guardianship reform is an uphill battle because:

1. Practices differ significantly by state and by court;
2. Cases are complex—often fraught with issues of mental illness, medication, family discord, undue influence, abuse and exploitation, service provider fragmentation, and lack of resources;
3. Guardians constantly walk a fine line negotiating risks, protections, and self-determination, generally with little guidance; and
4. Funds, data, and research are scarce.

What is WINGS?

Adult guardianship is not a state “system” but a web of widely varying practices of multiple stakeholders that are frequently disconnected from each other. An important reform approach is to have stakeholders work together consistently and collaboratively in an ongoing court-community problem-solving group. This growing initiative is known as “Working Interdisciplinary Networks of Guardianship Stakeholders” (WINGS).

WINGS brings together judicial, legal, aging, disability and mental health networks to identify strengths and weaknesses in a state’s guardianship law and practice, and pursue common objectives for change through an ongoing consensus-building partnership.

What is “Collective Impact”?

A trailblazing article on social change entitled “**Collective Impact**” stated that “large-scale social change comes from better cross-sector coordination rather than from the isolated intervention of individual organizations [Kania & Kramer 2011].

WINGS is based on the “collective impact” concept, bringing together a group of key actors from various sectors to a common agenda – to break down silos, open doorways of communication, and jointly work to effect change.

What Do WINGS Do?

When key stakeholders work together under court leadership, they can:

- ✓ Improve court processes, bringing more uniformity and sound procedural protections;
- ✓ Ensure services for people who are or may be subject to guardianship;
- ✓ Encourage other decision-making options so guardianship is a last resort;
- ✓ Encourage better individualized, functional assessments of a person’s abilities, including need for supports, and promote limited orders;
- ✓ Better protect individual rights;
- ✓ Address abuse, neglect and exploitation through court monitoring and accountability of guardians;
- ✓ Work toward high guardian standards of practice; and
- ✓ Strengthen court oversight, including tracking and auditing of cases.

How Did WINGS Originate?

Over the past 25 years, adult guardianship reform recommendations repeatedly urged creation of court-community partnerships. In 2011, the **Third National Guardianship Summit**, sponsored by the National Guardianship Network, called for exactly such partnerships, dubbed “Working Interdisciplinary Networks of Guardianship Stakeholders,” or WINGS. The vision was that such groups could drive changes in the ways courts and guardians practice, and improve the lives of people who are or may be subject to guardianship.

In the child welfare system, the **Court Improvement Program** [CIP] provides a permanent structure for federal funding to states to convene stakeholders, formulate priorities and strategic plans, and coordinate improvements with outcome measures. The CIP could offer a viable long-term model for adult guardianship/ decision-making reform, and WINGS may begin to move toward that model.

How Many States Have WINGS?

As of Fall 2017, a **total of 25 states** have some form of WINGS or similar guardianship reform stakeholder groups. Of these, eight are currently funded through federal grants to state courts, and the remaining 17 are previously funded court partnerships or ongoing collaborative groups that have developed in other ways.

Which States Currently Have WINGS Funded Through Federal Grants?

Supported by the U.S. Administration for Community Living Elder Justice Innovation Grant Program, the ABA Commission on Law and Aging, in collaboration with the National Center for State Courts, has a 2016-2018 demonstration grant to “establish, enhance, or expand state WINGS.” This project aims to promote comprehensive adult guardianship reform, target less restrictive options, and address abuse.

Under the ACL grant, the ABA Commission in June 2017 made eight awards of funding and technical assistance to state courts to establish or expand WINGS. Five states received \$20,000 to establish new WINGS partnerships, in some cases building on existing stakeholder groups:

- ✓ Alabama Administrative Office of the Courts
- ✓ Alaska Court System
- ✓ Florida Office of the State Courts Administrator
- ✓ Idaho Supreme Court
- ✓ New Mexico Administrative Office of the Courts

Three states with existing WINGS received \$30,000 as “Focus WINGS” to enhance their stakeholder groups, and also to make an intensive targeted effort in: [1] promotion of less restrictive options to avoid guardianship; or [2] court oversight practices to address abuse, neglect and exploitation:

- ✓ Indiana Supreme Court, to focus on less restrictive options
- ✓ Oregon Judicial Department, to focus on less restrictive options
- ✓ Utah Administrative Office of the Courts, to focus on court oversight.

What Other States Have WINGS?

In 2013 and again in 2015, the National Guardianship Network (comprised of 11 national organizations dedicated to effective guardianship law and practice) received support from the State Justice Institute and other sources to pilot WINGS through selected state courts. This included four states (New York, Oregon, Texas, Utah) named to receive WINGS start-up funds and technical assistance in 2013; and five jurisdictions (the District of Columbia, Indiana, Minnesota, Mississippi and Washington) in 2015.

Additional states have created similar collaborative entities. These include court-based entities in Guam, Montana (where WINGS has been created legislatively), Ohio, Pennsylvania, Virginia and Wisconsin; and similar guardianship reform groups not initiated by the court in Georgia, Massachusetts, Missouri, North Carolina, and West Virginia. The groups vary in the level of consistent activity, but each has convened consensus-driven, cross-disciplinary meetings and aimed to pursue common objectives.

An initial assessment by the National Center for State Courts found WINGS to be “a feasible and effective means for addressing the current shortcomings of the guardianship system” (NCSC, “Assessment of the Impact and Efficacy of WINGS, 2015”), but there is a need for objective outcome measurement to evaluate the WINGS approach in accomplishing needed change.

Where Can I Learn More About WINGS?

See the WINGS website of the ABA Commission on Law and Aging at: <http://ambar.org/wings>.

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This WINGS Fact Sheet was developed by the American Bar Association Commission on Law and Aging, for the National Center on Elder Abuse [grant No. 90AB0003-01-01 from the Administration on Aging, U.S. Department of Health and Human Services (DHHS) in 2017]. It builds on materials supported by grant No. 90EJIG0007-01-00 from the Administration for Community Living, U.S. Department of Health and Human Services. 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.