

To: Steering Committee Members
 From: Peter M. Macy
 Re: Summary of Meeting on April 15, 2016
 Date: April 25, 2016

Present: **Sarah Boonin** (Suffolk Law School and Mass. Guardianship Association (MGA)), **John Ford** (Northeast Justice Center), **Wynn Gerhard** (Greater Boston Legal Services), **Hon. Edward Ginsberg** (Mass. Probate Court, Retired), **Alec Graham** (Dir. of Protective Services at EOE), **Hon. Scott Harshbarger** (Casner & Edwards), **Peter Macy** (Guardian Community Trust), **Sarah Peterson** (MGA and Zalkin Law Firm) (via speakerphone), **Hon. Susan Ricci** (Mass. Probate Court, Retired), **David Sontag** (Beth Israel Deaconess Hospital and Boston Bar Association, Health Law Section)

Member Group Activities

1. The Institute —

- Family Guardian Advisory Group (John Ford, Chair) will meet for a second time this month, attended by Paul Lanzikos, Randi Lehman, Jim Downes, Merlin Southwicke, Wynn Gerhard and several others. Projects include better outreach to encourage use of health care proxies and durable powers of attorney; presentation and distribution of the video, “Stepping In When Help Is Needed;” updating the Guardianship Handbook (first written by John in 2004) to reflect the UPC; publishing revised Handbook with video.
- Statutory Review Advisory Group (Wynn Gerhard, Chair) has met four times and has compared approaches to Public Guardianship and Default Surrogate Consent statutes. Public policy implications for of various types of provisions were analyzed and summarized for further review.
- Court Process Advisory Committee (Peter Macy, Chair) has had two meetings, both held in the Probate Court Administrative Office and attended by Evelyn Patsos and Jocelyne Welsh on behalf of the Court, and co-participants Sarah Peterson, Dianne Glennon, Miriam Ruttenberg and Barbara Jackins. Issues addressed included the following:

	ACTION/OBJECTIVE	PRIMARY CLINICAL & ETHICAL EFFECT		
		More Protection & Safety	More Autonomy & Self-Determination	Both More Protection & More Autonomy
1	Secure more guardians			
2	Enact a Surrogate Consent Statute			
3	Increase the use of limited guardianship			
4	Offer Supported Decision-Making in place of guardianship			
5	Require periodic reviews of need for guardianship			
6	Improve compliance with Guardian Reports			
7	Improve training and support for guardians			
8	Improve guardian evaluation procedures			

* A COLLABORATION OF:

2. Guardianship Subcommittee of the Massachusetts Chapter of the National Academy of Elder Law Attorneys (MassNAELA, which presently has about 500 members who practice or are interested in elder law) —
 - Will propose a program at a MassNAELA Dinner Meeting next fall to showcase advocacy for a public guardianship agency. Sarah Peterson offered to assist through her work on the Program Committee for MassNAELA.
 - Will explore options to offer a program at the NAELA National Convention, to be held in Boston in the spring of 2017.
3. Research Projects —
 - Peter Macy distributed copies of the 47-page Final Report of Phase 1 of the Needs Assessment performed by the Boston VA Research Institute (BVARI), Jennifer Moye, Ph.D., Principal Investigator, which details the hurdles faced by incapacitated persons who lack family or friends for decisional help. This study estimates that there are roughly 3,500-4,500 such persons in Massachusetts. Copies are available from Guardian Community Trust.
 - Phase 2 of the Needs Assessment is in development at BVARI and will begin this summer. Phase 2 will survey and interviews 50 to 100 front-line caseworkers, service professionals and employees who encounter guardianship needs on a daily basis, to find out their views of problems with the system.
 - A cost-benefit study also is being organized for 2016 that will examine whether the state would accrue savings in outlays for public safety, medical care, housing and other social services if there were a public guardian-of-last-resort, and whether such savings would meet or exceed the costs of providing the agency. David Sontag offered to see whether hospitals could provide data on delays in discharges of patients who cannot find suitable guardians.
4. MGA (Sarah Boonin and Sarah Peterson) —
 - Responding to needs and new members in Western Massachusetts is a current priority, which includes increased focus on services for family and volunteer guardians in rural areas.
 - MGA will co-sponsor another guardianship conference in October, 2016, following its highly successful two-day conference last fall. There was discussion of the Institute joining with MGA for this event in lieu of a fall Colloquium.
 - MGA will meet with Justice Ricci and the Guardianship Committee of the Probate Court this spring to discuss interests and concerns.
 - Other projects for MGA include a listserv for its members, or possibly a message board center on the Institute website; and developing computer interview software, in collaboration with Access to Justice Commission, to enable *pro se* petitioners to complete Guardianship Petitions and other filings in conformity with Probate Court standards, so as to reduce delay for petitioners and demands upon Court personnel to review and fix problems.

5. Reports of the Access to Justice Commission (Hon. Susan Ricci) and Senior Partners for Justice (Hon. Edward Ginsberg) —
 - Justice Ricci reported that Atty. Nan Elder has received the Access to Justice Fellowship for 2016/17, and will be looking for ways to engage with advocates for guardianship reform.
 - Justice Ricci also has finished her review of MUPC forms and submitted comment to the Probate Court. The Medical Certificate form may be next.
 - Justice Ginsberg spoke of continued backlogs reviewing the Reports, even as the Court increasingly is concerned about non-compliance with the reporting requirements.
6. Protective Services/EOEA (Alec Graham) —
 - The agency remains interested in a proposed volunteer guardian component to augment the reach of Protective Services' existing adult guardianship programs, although progress has slowed in response to indications that other agencies within the Executive Office of Health and Human Services are becoming interested in guardianship issues. Protective Services remains interested in the Colloquium that the Institute is sponsoring this May or June, which will feature Jean Krahn, Director of the Kansas Guardianship Program, one of the largest and most successful volunteer-based programs in the country.
 - Funding increases proposed by Gov. Baker have been substantially adopted into the proposed House budget, and if enacted, will add about \$5M to the overall EOEA budget for prevention of, and protection from, elder abuse.
 - Alec reported that judges in Middlesex County suddenly won't recognize the suitability of non-profit social service agencies to serve as guardians under contract with Protective Services, even though they have been doing this work for decades. Justice Ginsberg offered to see if he can find out what has happened to cause this policy change.
7. Beth Israel Deaconess Hospital/BBA Health Law Section (David Sontag) —
 - Hospitals and the BBA are waiting to see what else may develop with public agencies in order to refocus their efforts, especially with respect to a volunteer guardianship approach.
 - David informed us that the Massachusetts Coalition for Serious Illness Care is holding a summit meeting on May 12, 2016, to hear ideas about health care delivery from Atul Gawande, M.D., author of the New York Times best-seller, *Being Mortal*. This event will be held in Smith Hall at the JFK Library in Columbia Point, from 10:00 to 2:00, and is open to the public.

PROGRAM NOTE: The next meeting of the steering committee will be during the last week of May, to be followed a week or two later by the colloquium on volunteer guardianship with Jean Krahn, Director of the Kansas Guardianship Program. Final scheduling will be sent around when we have a firm date for the colloquium.