**North Carolina Partnership to Address Adult Abuse**

**Triangle J Council of Government**

**9.18.2019**

**Present:** Rosalyn Pettyford, Heather Magill, Roxann Sizemore, Mary Edwards, Laura Schlabach, Pam Palmer, Shevel Mavins, Ann Elmore, Sandra Deutsch, John Maron, Camilla Ungaro, Joan Pellettier, Laura Jett, John Margolis, Kevin Robertson, Amanda Little, Richard Trottier, Stacy Ferrell, Lewis Fadely, Renee Minor, Betsy Crites, Jeanne Yocum, Kathryn Lanier, and Nancy Warren.

The meeting was called to order by Nancy Warren, Chair, at 9:30 a.m.

**Approval of the Minutes**: The minutes from the general meeting July 17th were presented by secretary, Laura Jett. Three corrections were noted: Roxann Sizmore’s name was misspelled with an “e” added to her first name. There was a reference to a “gif” department, which should be corrected to a “gis”. Nancy asked that Angela Ellis’s title be corrected to “co-chair of the Adult Services committee of the Director’s Association”. A motion to approve the minutes with these corrections was made by Kevin Robertson and seconded by John Maron. With no further discussion, the minutes were approved as presented.

**Treasurer’s Report**: Pam Palmer presented the treasurer’s report. The beginning balance was $11,630.61 as of July. We added four new organizational members, three individual members, and three students generating $305 in additional revenue. We had expenses totaling $340 for our website, P.O. Box, and a sponsorship. Our ending balance on this report is $8,585.61, with $3,000 of funds withheld from this balance for our reserve.

**Program**: Shevel introduced our presenter, Lewis Fadely, Attorney at Law. Mr. Fadely serves as a Guardian ad Litem for Adult Services Cases in Chatham County. His presentation was titled DSS vs. Non-DSS APS Guardianship cases from a GAL Perspective. He shared the following main points:

* Mr. Fadely is on the court appointed list with the public defender’s office just for Adult Protective Services. He is not on the child or criminal public defender list.
* 50% of the cases at his firm are guardianship or APS issues.
* The case starts with a notice of petition. The Guardian ad Litem is the eyes and ears of the court; must recommend what the person needs, not what he or she wants.
* When a case is initiated by DSS, the DSS provides documentation and facts from their investigations. Usually DSS has been working on a resolution six to nine months to avoid guardianship; this is the point of last resort.
* During the process, assets may be frozen for safe keeping; may have a motion for an MDE. These should be done within 30 days but can be hard to get.
* Sometimes the cases can be resolved without going to court and a dispositive motion is filed. If not, the case must go to trial and witnesses must be subpoenaed.
* Cases are heard in Civil District Court. Sometimes cases also require Special Proceedings initially. This is when a judge is hearing one side due to an emergent need for protection or emergency services. In this case, assets may be frozen and the individual removed from the environment until the case can be heard in civil court. An interim guardian may be appointed if there is reasonable evidence of possible harm.
* A fee application is submitted for GAL time involved. There is an income limit to determine if the individual is indigent. The basic rule is if the person cannot pay their bills they are considered indigent. If they are determined not to be indigent, then the fees could be taken from their assets.
* Cases that are not initiated by DSS start with an individual going to the clerk of court office to make the filing. It is helpful to attach medical records when filing.
* Non-DSS cases are usually scheduled for a hearing within two to three weeks.
* The GAL is appointed and will make a visit to the person. The GAL will tell the respondent what the recommendation to the court will likely be and that the respondent can have an attorney.
* The respondent has a right to go to the hearing but is not obligated to be present.
* The GAL will prepare a report with background, current condition, visit information, medical and financial situation. A copy of the report is given to all parties involved.
* The hearing is usually 15-20 minutes. GAL time involved is usually 3 hours, where as a DSS case is 15-20 hours of time.
* If the person is indigent, the GAL is paid by the Administrative Office of the Court. If the person is not indigent and it is not a DSS initiated case, there is usually more time involved because the client has money that is being fought over and there are extra attorneys, experts involved.
* If the case is determined to be frivolous, the court can require the petitioner to pay the cost. If those cost are not paid, the petitioner could be held in contempt.
* There are three types of guardian- guardian of person, guardian of estate, and general guardian.
* Usually if someone has a power of attorney, a guardian is not needed. If the POA is not acting ethically or in the best interest of the person, the court may need to be involved. Also, sometimes families have “dueling” power of attorney documents. Hospitals and banks may initiate a report.
* In terms of the weight of evidence to make a determination, incompetency has the second highest burden of proof in the standards of law. Criminal has the first with the measure of “beyond a reasonable doubt”. Incompetency determination standard is that the evidence must be “clear and convincing”.
* Last year in Chatham County there were 119 APS reports with 48 screened in.
* It takes four times the amount of GAL time for a DSS case than a non-DSS case with more special proceedings being filed, estates, and needing APS involvement in many cases.
* DSS needs more funding for APS workers as these cases are on the rise.

**Durham Senior Hunger Awareness Week** – Joan Pellittier invited Betsy Crites, MPH, co-coordinator for End Hunger Durham and Jeanne Yocum from Durham Partnership for Seniors to discuss the first Durham Senior Hunger Awareness Week September 22 – 28. They shared that:

* 20% of the senior population are at risk for food insecurity. 45% are food insecure.
* One third of seniors surveyed indicated a lack of transportation as a barrier to getting healthy foods.
* Seniors are more likely to have chronic health conditions. They are fifty percent more likely to have diabetes, therefore, access to healthy foods is important.
* Meals on Wheels, SNAP, and Congregate Meal programs all work, however, all are underfunded to meet the need.
* End Hunger Durham has partnered with Durham Partnership for Seniors to reach out to the community, friends, neighbors, and public officials to make them aware of the need to fund programs for our seniors.
* Visit endhungerdurham.org for links and information on Durham Senior Hunger Awareness Week and how you can help. If you would like more materials, email bcrites@sonic.net.

**General Discussion**: Members were directed to visit the links provided on the agenda to review upcoming events and information.

<https://ncea.acl.gov/Resources/STEAP.aspx>; <https://www.nextavenue.org/elder-justice-act>;

<https://apstarc.acl.gov/APS-Blog.aspx>; <https://ncler.acl.gov/>

**Partner Updates**:

* The State Employees Credit Union offers Estate Planning assistance that includes power of attorney documents for $275 for an individual or $375 for a couple.
* The Senior Tarheel Legislature is elected officers on October 2nd. Roger Manus will remain as chair of the Governor’s Advisory Council.
* Buncombe County has an Adult Services Program manager position open.
* Kevin Robertson shared that the Department of Insurance sponsored the DSS conference in Hickory and disseminated NCP3A materials. NCP3A information was also shared at the Caring Transitions meeting and at Retired State employee meetings.
* This year we will need to elect new officers for NCP3A. Laura Cockman is the chair elect.
* Stephanie Bias will be out until November 1st on medical leave.
* Friends of Residents of Long Term Care is having a Fall Fiesta October 26th at 6:00 p.m. at Cantina 18.
* John Maron is participating in several SCAM JAMS in the northeastern part of the state. Oct 3rd will be in Swan Quarter, Oct. 4th in Edenton, and Oct 11th in Roxboro.
* Anne Elmore will attend the Oct 7th Annual Crimestoppers meeting in Charlotte.
* The quarterly meeting of the Senior Consumer Fraud Task force is October 31st.
* NCP3A’s annual conference is May 20, 2020. You must be a paid member by December 31st to take advantage of the early bird registration rate.
* Wake County has two new APS workers. They have screened in 64 of the 111 APS calls.
* Durham County has a new centralized intake for APS. APS numbers are up. CAP has been privatized. They have 8 full time APS workers currently.
* Kathryn Lanier shared that next week is Employ Older Workers Week. The State Aging Plan has been approved from the federal level and is posted on-line.
* Nancy Warren shared that the prosecution manual is still being developed through the Conference of District Attorneys. Rethinking Guardianship has two teams working to revise the 35A guardianship statute.
* Guilford County Justice Center shared that they had 7 participants for the MDT workshop with the UNC School of Government. The Elder Justice Committee has a Friends Against Fraud campaign. Funeral homes are seeing issues with fraud and are partnering with them.
* Legal Aid is now listed as a charitable service at SECU and can receive donations.
* November 1st there will be a joint conference by DAAS and Mental Health on Opioids and Older Adults at the McKimmon Center.
* If you would like APS brochures from DAAS, contact Charlene Wilson at 919-855-3466.

**Next Meeting**: November 20, 2019 9:30 a.m. at Triangle J Cog. Our speaker, Dr. Gregory Olley, PhD., is a psychologist at the Carolina Institute for Developmental Disabilities and Clinical Professor at the School of Medicine at UNC Chapel Hill. He will be speaking on "Interviewing Skills with Vulnerable Populations".

With no further business, the meeting was adjourned.

Respectfully submitted,

Laura Jett, Secretary