



# Putting People First: Changing Paradigms for 21st Century Guardianship

View Our Session List May 3rd-5th, 2023

All sessions are included in the registration fee. There will be plenty of opportunities for you to increase your professional knowledge and skills. Review the session list and start planning your conference experience today.

Early Registration before 4/8/23: general admission \$365.00, family member or volunteer \$315.00. After 4/8/23: general admission \$390.00, family member or volunteer \$340.00. The hotel charges separate fees for rooms.

## Session List

Wednesday, May 3

10:00 -12:00 Mediation Intensive Workshop (MIW)  
Jay Bryan (*attendance is limited*) (50)

A successful guardianship involves numerous players including the adult respondent/person subject to guardianship, the guardian(s), court officials, family members and others in the community. Questions and conflicts often arise around how a guardianship is managed, how reporting to the court should occur, when and what community resources should be accessed, and differences between the expressed wishes of an adult subject to guardianships and how the best interests of the individual are determined by the court or guardian.

Participants will learn mediation and conflict resolution skills and then apply them in role-playing exercises with the goal of improving their ability to address conflicts that arise in guardianships no matter what real-world role they have as part of guardianship proceedings.

12:00-1:00 Lunch for MIW participants

1:00-1:15 Welcome-Opening Remarks [Carol Kelly](#)

1:15-2:15 Rethinking Guardianship NC: What's Been Accomplished & What Comes Next? [Linda Kendell Fields](#)

Rethinking Guardianship is a collective impact initiative that has been promoting less restrictive alternatives to guardianship and advocating for improvements to the NC guardianship system since 2015. During this session, participants will discuss the impact of the initiative as it wraps up its "Making Alternatives to Guardianship a Reality in NC" grant from the North Carolina Council on Developmental Disabilities at the end of June. The group will then explore ideas and learn about future plans for Rethinking Guardianship as it continues to facilitate systems change and broader use of supported decision-making across North Carolina."

2:30-3:30 Introduction to Supportive Decision Making: From Jenny to Justice for All [Jonathan Martinis](#)

This session will cover nationwide trends, theory and research (court cases), as well as concepts of self-determination and independence in the context of current and proposed state legislation.

3:45- 5:00 Restoration Panel

[Ronna Caras](#), [Tameka Lee](#), [Mark Kleinschmidt](#), & [Johanna Finkelstein](#)

Participants will hear about individual case studies where rights have been restored. Common myths around restoration will be discussed: an individual has to be in full recovery from substance use, an individual has to not be utilizing inpatient psychiatric stabilization, and an individual has to be managing all life domains perfectly to be considered for restoration. Q & A to follow with the clerks.

5:30-7:30 Poolside Welcome Party

Thursday, May 4

- 8:30-9:30 Updated National Standards and Rights of Adults under Guardianship  
Sally Balch Hurme
- In light of the recent advances in practices and recommendations of the 4<sup>th</sup> National Guardianship Summit, The National Guardianship Association updated the Standards of Practice at its October 2022 annual meeting. Sally Hurme, a member of the drafting committee, will highlight what is new. She will also focus on the new NGA Bill of Rights for Adults with a Guardian.
- 9:45 -10:45 Making it Happen: Coordinating Support for Supportive Decision-Making  
Jonathan Martinis
- An overview will be provided for how to go from theory to the actual practice of coordinating support for clients to maximize self-determination and independence.
- 9:45 -10:45 The How and Why of National Certification  
Sally Balch Hurme
- For 25 years the Center for Guardianship Certification has been certifying guardians who have demonstrated that they can apply to the National Guardianship Association Ethical Principals and Standards of Practice. Find out why you should become certified, what it takes to become an NCG, and how to go about it. Discussion will be included about the next step, becoming a National Master Guardian.
- 11:00-12:15 Prudent Investment Principles- Managing Gains and Losses  
Jared Ong
- Are you aware of the impact that realized gains can have on a trust or guardianship? Learn the strategies available to mitigate a potential tax hit (e.g., tax loss harvesting) and discuss practice tips to help you effectively manage gains and losses. Lastly, practice your acquired knowledge through case studies based on real life fiduciary investment scenarios.
- 11:00-12:15 Court Guardianship Diversion Programs: A Myth or a Reality  
Meredith Smith
- This session will examine the idea of guardianship diversion programs after a petition for incompetency is filed. What could it look like? What are other states doing? What legal and other hurdles exist to implementing such a change in North Carolina?

- 12:30- 1:45 Annual Membership Luncheon
- 2:15- 3:30 Understanding the State Criminal Justice System  
Robert L. Ward & Kristin A. Parker
- This session will cover what guardians and others need to know about the criminal justice system and how they can successfully advocate on behalf of their clients.
- 2:15-3:30 Achieving A Better Life with an Able Accounts  
Cheryl Walfall-Flagg
- This session will provide guardians and representative payees with a primer on ABLÉ Accounts and guidance on their role in supporting an ABLÉ eligible person with a disability in achieving a higher level of self-determination while making decisions and improving their financial wellbeing.
- 3:45- 5:00 My Voice My Choice-But then What?  
Betsy MacMichael
- In this session participants will learn about specific ideas and tools of supported decision-making for adults with disabilities: how it works, how it helps, and why it is crucial to a self-determined life for anyone, though not always easy. Based upon years of use with her own daughter, and anecdotal stories from many North Carolinians assisted by First in Families of NC, the presenter will include examples, challenges, and current information in the NC context.
- 3:45-5:00 Let Me Gamble, Drink and Smoke in Peace: Case Studies and Discussion of Self Determination and Soft Tools to Prevent and Address Elder Abuse.  
Paula Kohut & Anne Randall
- This presentation will review practical examples of how elder abuse can be addressed while respecting the right of self-determination and navigating the challenges of alcohol and substance abuse or financial exploitation among the elderly.
- 5:30 – 6:30 Cash Bar
- 6:30-8:00 Hosted dinner groups

Friday, May 5

8:30-9:30 Renewed Focus on Rights and Alternatives: A Review of 2023 Pending Statutory Proposals

Catherine Wilson & Nicki Engel

In the past year, there has been a flurry of activity to move person-centered guardianship proposals forward in North Carolina. This presentation will explore the statutory proposals currently under consideration during the 2023 session of North Carolina's General Assembly, with particular emphasis on educating respondents about their rights both before and after guardianship is established, as well requirements to consider less restrictive alternatives to guardianship.

9:45-11:00 Ethical Considerations in Guardianship Practice: Living up to the Purpose of 35A

Corye Dunn

Come learn about the ethical challenges in both court proceedings related to guardianship and in the implementation of guardianship. Many of the answers can be found right in our statute.

11:15-12:30 Clerks Panel  
Mark Kleinschmidt (Orange County), James Mixson (Iredell County), & Hunter Plemmons (Haywood County).

The panel will discuss best practices in guardianship proceedings with an emphasis on anticipated changes to North Carolina's guardianship statutes. Alternatives, rights, accountability, and consideration of alternatives will be discussed as well as how clerks and guardians can collaborate on behalf of those they serve.

12:30 12:45 Closing Remarks

## A special thank you to our sponsors:



*An Affiliate of the National Guardianship Association*

## Speaker Bios

James “Jay” T. Bryan III

Bio: Jay received his undergraduate B.A. degree from Yale University in 1971 and his JD from North Carolina Central University Law School in 1977. He had a general practice for thirty-four years in all District courts as well as Superior Court civil and criminal matters. He served as a parenting coordinator, civil custody guardian ad litem, and guardian ad litem attorney in incompetency petitions as well as a state certified mediator in Superior Civil, Family, and Clerk of Court matters. He became a District Court Judge for Orange and Chatham Counties in 2012 and served until 2020 when he retired due to reaching mandatory age. During his tenure he presided over involuntary commitment hearings at UNC Hospital. Upon retirement, he established Jay Bryan Consulting & Mediation, LLC, through which he provides mediation services in all three courts above as well as facilitation to local government. He also resumed his work as an appointed guardian ad litem attorney.

Linda Kendall Fields

Bio: Linda Kendall Fields is a Clinical Assistant Professor at the UNC School of Social Work in Chapel Hill. She has dedicated over 35 years to building communities that are responsive to the needs and contributions of older adults, people with disabilities and families in Minnesota, Oregon, Ohio, Georgia, and North Carolina. In her capacity at UNC Chapel Hill, and as Assistant Director of the Cares Program, she has been leading initiatives aimed at increasing greater choice and self-determination through systems change. This includes the statewide *Rethinking Guardianship* initiative, which has been in place since 2015.

Jonathan Martinis

Bio: Jonathan Martinis is Senior Director for Law and Policy with the Burton Blatt Institute (BBI) at Syracuse University. He leads BBI’s national and international efforts to ensure that older adults and people with disabilities receive appropriate supports and services, including Supported Decision-Making, to lead inclusive, independent, and self-determined lives. In 2013, Martinis represented Jenny Hatch in the nationally acclaimed "Justice for Jenny" case, helping Ms. Hatch secure her right to live where and how she wants, to make her own decisions, and direct her own life. Jenny’s case was the first trial to hold that a person with disabilities has a right to engage in “Supported-Decision Making,” – rather than be subjected to an unnecessary permanent, plenary, or full guardianship. Since the Hatch legal decision, Jonathan has presented to and trained thousands of individuals, families, advocates, attorney, professionals, and service providers about everyone’s Right to Make Choices and direct their own lives, while receiving the services and supports they need to do so.

## Ronna Caras

Bio: Ronna is the Training Manager for The Center for Guardianship Excellence, a non-profit organization focused on research, education, and support for family guardians and professionals. Ronna brings many years of training experience and a fresh perspective to the Center's education initiative. She uses storytelling and real-world situations to make the complex concepts and ideas surrounding guardianship clear and easy to learn. Together with the staff at The Center, Ronna is building a portfolio of training programs that provide downloadable tools and instruction to enhance the day-to-day skills of guardians will all levels of experience. Prior to joining The Center for Guardianship Excellence, Ronna led a team of training consultants serving a variety of global industries including business services, consumer products, healthcare, manufacturing, retail and non-profits. She has authored more than 1,000 instructor-led, virtual online and e-learning courses that include original methodologies for connecting with people, understanding human needs, and solving problems. Ronna is a graduate of Emerson College. She is a frequent speaker at conferences and an active member of the local non-profit community. She loves hosting fundraising events of all sizes and has even been known to act as a live auctioneer. Theatre, concerts, parties, fine food, fine wines, and literary fiction are just a few of her passions.

## Tameka Lee

Bio: Tameka Lee is the Director of LIFEguardianship with The Arc of NC. Tameka is a graduate of Mount Olive College with a bachelor's degree in psychology. Tameka has collaborated with individuals with disabilities since 1994. She began her career as a direct care staff at Howell's Child Care and that is where Tameka's passion to assist others with disabilities began. Tameka has worked as a case manager, QP, Program Coordinator and now serve as Director of LIFEguardianship, advocating for others with disabilities. She is certified as a Personal Outcome Measure Interviewer with The Council on Quality and Leadership. Tameka is also certified as a National Guardian by the National Guardianship Association

## Johanna Finkelstein

Bio: Johanna Finkelstein has been an Assistant Clerk of Superior Court for Buncombe County since December 2012. As hearing officer, she presides over incompetence and guardianship hearings, along with various other matters. Prior to taking a position with the Office of the Clerk of Superior Court Johanna was in private practice handling primarily family law and criminal defense matters. Johanna is a member of various professional and community organizations including the Buncombe County Bar, North Carolina Association of Women Attorneys, the Buncombe County Juvenile Crime Prevention Council, the Family Visitation Center Advisory Committee and the Buncombe County Elder Justice Coalition. Johanna has a BA in psychology from Boston University and a JD from North Carolina Central University.

### Sally Balch Hurme

Bio: Sally Balch Hurme, J.D., has led the national conversation on many of the legal issues of concern to older people, their families, and their caregivers. Whether the issue is how to make decisions for others or plan for what comes next, she has focused on explaining the law so everyone can understand it. Her broad experience includes working with AARP for 23 years, teaching elder law at George Washington University Law School, and lecturing with Great Courses on how to get your legal house in order. Hurme is the best-selling author of five books in the award-winning ABA/AARP Checklist series: *Checklist for My Family*, *Checklist for Family Caregivers*, *Checklist for Family Survivors*, *Wise Moves*, and *Get the Most Out of Retirement*. She has served multiple terms on the boards of the National Guardianship Association and the Center for Guardianship Certification. She received her B.A. from Newcomb College, Tulane University and her J.D. cum laude from Washington College of Law, American University.

### Meredith Smith

Bio: Meredith Smith joined the School of Government in 2013. Previously, she was an associate with the law firm of McGuireWoods LLP in Charlotte, where she practiced with the real estate, corporate, and restructuring and insolvency groups on matters related to a wide range of issues including commercial loan modifications, foreclosures, bankruptcy, corporate governance, mergers and acquisitions, commercial leasing, and real estate purchase and sale contracts. Smith earned a B.A. in political science and Spanish, with distinction, from the University of North Carolina at Chapel Hill and a law degree, *cum laude*, from Georgetown University School of Law, where she was a member of the *American Criminal Law Review*.

### Jared Ong

Bio: Jared Ong oversees portfolio management, trading and technology. He previously worked at the Capital Group as a business systems analyst where he was integral in improving the trade operations group's equity, fixed income, and foreign exchange trade processes. A graduate from Brigham Young University, Jared holds a bachelor's in music and has obtained his CFP® certification. In his spare time, he enjoys composing and arranging music.

### Cheryl Walfall-Flagg

Bio: Cheryl Walfall-Flagg and her husband, residents of North Carolina (NC), are parenting three wonderful young men. Their eldest, is navigating his future as a working young-adult. Their other son is in his second year of community college and transitioning into adulthood. Their nephew, for whom they are both legal guardians, is a high school tenth grader who is preparing for adulthood. The two youngest are on the autism spectrum. Cheryl's passion to support individuals with disabilities and their families is inspired by her personal experience advocating for her children. Cheryl is a senior ABLE Ambassador for the ABLE National Resource Center, alumni LEND Fellow of the Carolina Institute for Development



Disabilities (CIDD), and a parent member of both Rethinking Guardianship, NC, and Family Support Network NC Advisory Council. Cheryl is also a Family Support Network NC Parent Mentor. In her day job, Cheryl is the executive assistant for a North Carolina nonprofit that provides various programs through training and technical assistance for respite and child abuse prevention, and direct services in early education and childcare, early childhood mental health services, inclusive childcare, and parent support and training.

#### Robert L. Ward

Bio: Bob Ward is an Assistant Public Defender in the Public Defender's Office of the 26<sup>th</sup> Judicial District (Mecklenburg County) and has represented Respondents (mental health patients) in the Civil Commitment court proceedings since 2012. He helped with Mecklenburg County's selection as the first pilot project for Psychiatric Advance Directives and Psychiatric Health Care Powers of Attorney under the Crisis Navigation Project. He advises attorneys, judges, prosecutors and others regarding people with mental health issues, the civil commitment process and the legal system. From 1992 until 2012, he worked in the field of specialty courts, including Drug, Mental Health, DWI and other treatment courts. From 1983 until 1994, he tried cases in District and Superior Court. He handled Appellate criminal cases from 1986 till 1997. He was in private practice handling Civil, Criminal and Appellate matters from 1982 until joining the Public Defender's Office in 1986.

#### Kristin A. Parker

Bio: Kristin Parker is a paralegal at the Mecklenburg County Public Defender's Office. Ms. Parker received her Bachelor of Arts degree in Political Science from the University of North Carolina at Chapel Hill and her paralegal certificate from Meredith College in Raleigh, NC. For the past sixteen years, Ms. Parker has worked with clients by placing them with appropriate community resources such as community service providers, group homes, and vocational rehabilitation. She has worked with attorneys in advocating for alternatives to incarceration for these clients. She has also collaborated with community service providers and families in obtaining guardianship for justice system related clients. Ms. Parker currently serves on the Paralegal Advisory Board of Central Piedmont Community College. She was formerly a member of the Mecklenburg County Sheriff's Department Re-Entry Committee, which assisted inmates in connection to community resources for a smoother transition from jail to community. Ms. Parker has been an adjunct faculty member at Central Piedmont Community College since 2016 where she teaches a variety of classes in the paralegal technology program.

#### Betsy MacMichael

Bio: Betsy MacMichael, Executor Director of First in Families of NC, has worked in the field of Intellectual/Developmental Disabilities to promote self-determination, inclusion and positive community awareness of families and family support needs for the past 23 years, in both a service and policy context. FIF complements the formal service system by helping to meet the varied and changing needs of families and individuals impacted by disability, including those without formal services. FIF helps

families and individuals avoid and manage crises, identify goals and dreams, contribute to community life, and plan. Betsy holds a master's degree, lives in Durham, NC and has two daughters, one with IDD who lives with a housemate in an inclusive neighborhood in Durham, NC.

#### Anne J. Randall

Bio: Anne J. Randall is a partner at Kohut, Adams & Randall, P.A. Her practice areas are estate planning, trust and estate administration, business law and asset protection. Prior to joining the firm, Anne practiced intellectual property litigation with an international law firm in Charlotte, North Carolina and spent nine years as the Consumer Protection Attorney at Legal Aid of North Carolina's Wilmington office. She is a member of the Estate Planning and Fiduciary Law and Elder and Special Needs Law sections of the North Carolina Bar Association.

#### Paula Kohut

Bio: Paula A. Kohut is a partner in the firm and focuses her practice on trust and estate planning and administration. Her other principal practice areas include business law and taxation. Paula has written numerous publications and presented on topics in the area of trust and estate planning and administration, and, more recently, on diversity and inclusion. She is a Fellow in the American College of Trust and Estate Counsel and council member of the Estate Planning and Fiduciary Law Section of the North Carolina Bar Association.

#### Catherine Wilson

Bio: Catherine L. Wilson is a partner with McPherson, Rocamora, Nicholson, Wilson & Hinkle, PLLC in Durham. Her practice centers on estate planning for persons with special needs, fiduciary litigation, guardianships, and complex estate administration issues. She is the current Vice-Chair of the Legislative Committee of the Estate Planning and Probate Law Section of the North Carolina State Bar Association. She is an associate member of the Special Needs Alliance, a national organization of attorneys committed to the practice of disability and public benefits law. She has been a North Carolina Board Certified Specialist in Estate Planning and Probate Law since 2016 and is licensed to practice law in North Carolina and Alabama. She is a past Director and Treasurer of the Sixteenth Judicial District Bar, the Durham County Bar Association, and the Durham Bar Foundation. She is a graduate of Lipscomb University, Vanderbilt University Law School, and Vanderbilt University Divinity School.

#### Nicki Engel

Bio: As an experienced elder and special needs law attorney, Nicki Applefield Engel helps clients deal with the legal issues involved with the cycle of life. She prides herself on crafting creative solutions and providing peace of mind for her clients and their families. Nicki's core areas of practice include estate and special needs planning, asset preservation, public benefits, and long-term care planning, guardianships and conservatorships, and probate and trust administration. Nicki approaches her work

with compassion, precision, and diligence. She is devoted to providing comprehensive and effective life care planning services for families facing the challenges of life. Nicki is licensed in North Carolina and South Carolina, she is a member of the National Academy of Elder Law Attorneys (NAELA), and the past president of the North Carolina Chapter of NAELA. Nicki is the current Chair of the Elder and Special Needs Law Section of the North Carolina Bar Association, and she is certified by the North Carolina State Board of Legal Specialization as an Elder and Special Needs Law Specialist and as a Certified Elder Law Attorney by the National Elder Law Foundation.

#### Corye Dunn

Bio: Corye Dunn joined DRNC in 2011 as the agency's director of public policy. Dunn, who was born and raised in Durham, N.C., graduated from UNC-Chapel Hill and NC Central University School of Law. Prior to coming to work at DRNC, Dunn practiced law in a small firm. She also served as a direct care provider to adults and children with developmental disabilities and worked in nonprofits seeking to expand access to education and increase investment in low-wealth communities.

#### Mark Kleinschmidt

Bio: Mark Kleinschmidt has served as the Orange County Clerk of Superior Court since 2018. He is a double Tar Heel, having graduated from the UNC-CH in 1992 with a degree in secondary education, and from the UNC School of Law in 2000. Prior to being a Clerk, his legal practice included representing incarcerated individuals with intellectual and other disabilities who were facing our state's most severe punishment. He has also represented a number of clients in their fight for reasonable accommodation in accessing services. Mark served the people of Chapel Hill as Mayor from 2009 to 2015 and currently serves on various non-profit boards including the Board of the North Carolina Guardianship Association.