



2022 Virtual Fall Forum

Putting People First: Changing Paradigms for 21st Century Guardianship

Friday, November 4th, 2022

9:00 am- 3:30 pm

Program

8:45am

Link Opens

9:00am

Welcome- Opening Remarks – Carol Kelly

9:15am

Guardianship Reform: Making Alternatives a Reality in North Carolina
Linda Kendall Fields M.Ed. & Catherine L. Wilson Esq.

Since 2015, the statewide Rethinking Guardianship initiative has been promoting less restrictive alternatives to guardianship and working to create improvements in North Carolina's guardianship system. During this session, participants will learn about the accomplishments of this initiative, including the development and availability of useful materials about the many ways to support decision-making for those at risk of or currently under guardianship. Participants will also learn about important guardianship reform legislation that may be introduced during the 2023 long session of the NC General Assembly.

- 10:45am Break**
- 11:00am *Olmstead's Imperative and its Implications for Guardianship***
Holly Riddle, M.Ed., J.D., FAAIDD & Tamara Smith Ph.D.
- North Carolina's Olmstead Plan implements a United States Supreme Court case, *Olmstead v. L.C.* The case gives people with disabilities who are at risk of entering or who reside in publicly funded, segregated settings the choice to be diverted from or to transition out of an institution to a life in the community. Guardianship and its alternatives are central to implementing *Olmstead* successfully. Presenters will discuss how the Olmstead Plan and the Informed Decision-Making Tool are supporting the State in advancing choice for people with disabilities across North Carolina.
- 12:00pm Lunch Break**
- 1:00pm *The Time for Real Change, Enduring Change, is Now: Highlights from the 7th World Congress on Adult Capacity***
Elizabeth A. Moran, Chief Counsel
- In June 2022, the 7th World Congress on Adult Capacity brought together 274 delegates from 30 countries, giving unparalleled opportunities for international discussion and learning. During this session Elizabeth Moran, Chief Counsel at the ABA Commission on Law and Aging, will share highlights of Congress and lessons learned from our global neighbors as we consider legislation and policy that respects humanity, improves the lives of those we serve, and further considers practices that emphasize an individual's choice, will, and preferences.
- 2:00pm Break**
- 2:15pm *Best Practices in Guardianship Monitoring***
Diane Robinson Ph.D.
- Most guardians do admirable work for their loved ones or clients. What happens when they do not? In this session, we will discuss best practices for courts to monitor guardianships and explore how courts can respond to complaints, requests for restoration, and to reports of abuse, neglect, or fraud.
- 3:15pm Closing Remarks and Spring Conference Preview**

Fees and Educational Units

Speaker Bios



Linda Kendall Fields M. Ed. lkfields@email.unc.edu

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.



Catherine L. Wilson Esq. cwilson@macroclaw.com

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.



Holly Riddle M.Ed., J.D., FAAIDD holly.riddle@dhhs.nc.gov

Holly Riddle is the Assistant Director for Olmstead Plan Development for the NC Department of Health and Human Services (NCDHHS) and a member of the staff of the Office of the Senior Advisor on the ADA. Over four decades in NCDHHS, she has served, in addition, as a policy advisor to the NC Division of Mental Health, Developmental Disabilities, and Substance Abuse Services; executive director of the NC Council on Developmental

Disabilities (NCCDD); and general counsel to the former NCDHHS Division of Youth Services. Ms. Riddle holds a B.A. and master's from UNC-Chapel Hill and a Juris Doctorate from Georgetown University Law Center. She is a former member of the American Bar Association's Commission on Mental and Physical Disability Law; a member of the National Advisory Board for the College of

Direct Support; a member of the board of the NC Guardianship Association; a graduate of Leadership North Carolina; former chair of the American Association on Intellectual and Developmental Disabilities' (AAIDD) Legal Process and Advocacy Committee; and an AAIDD Fellow. In 2013, the NCCDD created an award in her name, recognizing excellence in professional leadership in the field of developmental disability.



Tamara Smith Ph.D.

tamara.smith@dhhs.nc.gov

Tamara Smith, PhD is a Mental Health Program Manager with nineteen years of human service experience, six and a half of them working alongside the Transitions to Community Living team at the NC Department of Health and Human Services. She has a Bachelor's in Criminal Justice with a concentration in psychology and a Master's in Child Development and Family Relations from East Carolina University. She also holds PhD in Health Psychology from Walden University. Dr. Smith specializes in community integration and member engagement. She oversees the education regarding and transitions for individuals with serious mental illness/severe and persistent mental illness (SMI/SPMI) from adult care homes (ACH), in addition to diverting individuals with SMI/SPMI from admission into ACHs. Dr. Smith is a strong advocate for people with mental illness and uses a positive attitude and tireless energy to encourage individuals with disabilities to share their lived experience, such that it promotes system changes for others. She is inspired daily by her three children. In her free time, Dr. Smith likes to read, write, and spend time with her grandchildren.



Elizabeth A. Moran Chief Counsel

elizabeth.moran@americanbar.org

Chief Counsel at the ABA Commission on Law and Aging, provides substantive support and expertise in the areas of guardianship, supported decision-making, adult's rights, and capacity issues, with a focus on guardianship law, policy, practice, and reform at both the state and federal level. Elizabeth previously served as Deputy Director of the Missouri DD

Council, Chair of the Missouri Advisory Committee to the U.S. Commission on Civil Rights, Directing Attorney for Midwest Advocacy for Disability Rights, and more than ten years serving as adjunct professor at UMKC School of Law where she teaches leadership in disability studies.



Diane Robinson Ph.D.

drobinson@ncsc.org

Diane Robinson, Ph.D., is a Principal Court Research Associate in the Research Division of the National Center for State Courts. Since joining the NCSC in 2019, her project work has focused on guardianships and conservatorships, with projects including the Conservatorship Accountability Project, the Guardianship Judicial Response Protocol, Rapid Response Financial Monitoring, and Elder Justice Innovation Grants. She also works in data governance, including data collection, data quality, use of data, and data sharing. She earned her Ph.D. at the University of Arkansas for Medical Sciences, her M.S. in Education at Indiana University, and her B.A. at Texas A&M University. She was previously the Director of Research and Justice Statistics for the Arkansas court system and was also the state director for the Court Appointed Special Advocate (CASA) program in Arkansas.

