

## Peterson, Susan

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**From:** Bondon, Shirley  
**Sent:** Thursday, March 03, 2011 11:55 AM  
**To:** Peterson, Susan  
**Subject:** FW: SHB 1053 WSBA Guardianship task force

Susan

Commissioner Valente sent his comments directly to Judge Fleck. See message below.

### **Shirley Bondon, Manager**

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**From:** Valente, Joseph [<mailto:JVALENTE@spokanecounty.org>]  
**Sent:** Thursday, March 03, 2011 11:53 AM  
**To:** 'Deborah.Fleck@KINGCOUNTY.GOV'  
**Cc:** Bondon, Shirley  
**Subject:** SHB 1053 WSBA Guardianship task force

Dear Judge Fleck:

The SCJA Probate and Guardianship Committee met last Saturday and discussed the above bill. It was agreed that the committee supports many aspects of the bill. The committee has great respect for David Lord who has proposed certain amendments to the bill. However, it was agreed that one aspect of the bill is ill-conceived. Section 1. provides at (1)(3)(a) that a person filing a petition for guardianship would have to include evidence of completion of guardian training at the time of filing.

There are several reasons this may not be the best approach. There is no gatekeeper, other than the clerk at the time of filing. There is no provision explaining how this would be enforced. Would the clerk be authorized to reject the filing of an otherwise legitimate petition? Should the petition be dismissed? In many cases it is critical to get the case filed and have a GAL appointed. The GAL can then serve a protective function for the AIP as needed, while the case is sorted out. It does not seem advisable to place roadblocks on the filing of the petition.

The committee concluded that the better course would be that proof of training be required at the time of appointment, when the court could police the matter, or as a pre-condition of the issuance of letters of guardianship. A typical guardianship case is pending for at least 45 to 60 days. There is a GAL on board who can advise a prospective guardian on how to access the training.

The bill has an alternative for delaying proof of training up to ninety days after appointment. However, this would be a potential burden for the court. If the guardian does not comply the court might have to track the due date and show cause the guardian into court. Fashioning a remedy for a non-compliant volunteer guardian might be a challenge.

For these reasons the P&G committee would oppose the requirement to require proof of training at the filing of the guardianship petition or at 90 days after the appointment.

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