

# Application Regulations

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## 100 Application Regulations for CPGs under GR 23.

### 101 Application for Certification

Every person or agency desiring to be certified as a CPG must submit an application approved by the CPG Board, undergo a criminal history check, pay the fee set by the CPG Board, attend a mandatory training, and satisfy all requirements set forth in the applicable rules and regulations.

### 102 Definitions

102.1 "Applicant" means any individual or agency that submits an application to become a CPG or a Certified Professional Guardian Agency.

102.2 "Agency" means any legal entity in the State of Washington authorized by its formation documents to act as a fiduciary, guardian, or limited guardian. (Revised 3-8-10).

102.3 "Conditional approval" is the status granted by the Board to applicants that meet all initial application requirements. Conditionally approved applicants must complete additional outstanding obligations, as identified by the Board, in order to attain certification. Conditional

approval shall not authorize an applicant to identify him/herself as a certified professional guardian or a conditional approved certified professional guardian.

102.3-4 "Designated CPG" means the certified professional guardians working for an agency who have the final decision-making authority for incapacitated persons or their estate on behalf of the agency. The designated CPG is responsible for the actions of the agency(ies) for which they serve as designated CPG (Adopted 1-9-12)

102.4-5 "Experience working in a discipline pertinent to the provision of guardianship services" in GR 23(d)(1)(iv) includes volunteer work experience that is supervised, verifiable and based on actual hours worked, except as otherwise set forth in these regulations. (Adopted 8-10-09).

102.5-6 "Experience working in a discipline pertinent to the provision of guardianship services" in GR 23(d)(1)(iv) does not include providing services for a family member. (Adopted 9-14-09)

102.6-7 "Experience working in a discipline pertinent to the provision of guardianship services" in GR 23(d)(1)(iv) includes experience in which the applicant has developed skills that are transferable to the provision of guardianship services. (Adopted 8-10-09).

102.7-8 "Decision-making or the use of independent judgment on behalf of others" in GR 23(d)(1)(v) is not limited to incapacitated persons. (Adopted 8-10-09)

102.89 "Fees and Filing Requirements Table" refers to the listing of Board-approved fees for the various CPG and agency application and reporting requirements identified in these Regulations. The Fees and Filing Requirements Table is accessible to the public online at [http://www.courts.wa.gov/programs\\_orgs/guardian](http://www.courts.wa.gov/programs_orgs/guardian).

102.910 "GR 23" refers to Washington State Court General Rule 23 which establishes the scope and authority of the CPG Board, minimal qualifications for guardian and agency applicants, and mandatory ongoing guardian and agency disclosure requirements. Washington State Court Rules are found at [www.courts.wa.gov/court\\_rules](http://www.courts.wa.gov/court_rules).

102.101 "On behalf of others" in GR 23(d)(1)(v) means for the benefit of others. (Adopted 8-10-09)

## 103 Qualifications

103.1 The certification qualifications are set out in ~~the~~General Rule 23, Rule for Certifying Professional Guardian~~the Certified Professional Guardian Rule~~. Successful individual applicants must meet or exceed those requirements.

103.2 All individual applicants must complete an approved CPG training course as described in Section 108.

103.32 Pursuant to the timeline<sup>1</sup> established by the Administrative Office of the Courts (AOC), an individual applicant must submit a complete application packet to the AOC which shall include the following~~send the following to the Administrative Office of the Courts (AOC):~~

103.32.1 A fully completed CPG online application form. The applicant should keep a ~~photo~~copy of the completed application.

<sup>1</sup> The timeline for application submissions and approvals can be found on the Certified Professional Guardian Board's web site: [www.courts.wa.gov/programs\\_orgs/guardian/](http://www.courts.wa.gov/programs_orgs/guardian/)

103.3.2. A separate official transcript, received in a sealed envelope mailed from every accredited college and university attended.

103.3.3 Proof of each relevant professional license or certification currently held.

103.3.4.2.2 A fingerprint card that has been processed at a local police department.

~~103.2.3 A completed, signed, and notarized Affidavit of Applicant.~~

103.~~2.3~~4.5 A completed, signed, ~~and notarized~~ Authorization and Release of Information.

~~103.2.5 A certificate of completion of the mandatory certification trainings shall be valid for two years from the date of completion of the training.~~

103.~~2.6~~3.6 ~~A Submit~~ declaration submitted under penalty of perjury, that the guardian will take steps to ensure the guardian's employees who come into contact with the person or estate of an incapacitated person have passed a criminal history check prior to having contact with the incapacitated person or incapacitated person's estate.

103.~~4.3~~7 A non-refundable application fee as identified on the Fees and Filing Requirements Table.

103.3.8 A personal credit report. (Adopted 1-9-12)

~~103.3.112.8989~~ If an individual has declared bankruptcy in the seven (7) years prior to his or her application fee determined by the CPG Board, the applicant must provide copies of the following documents: bankruptcy petition, discharge order, and a copy of the bankruptcy case docket. (Adopted 1-9-12)

103.3.~~4.10~~ ~~All applicants must submit a~~ A sworn statement that ~~they have~~he/she has read and agrees to abide by the continuing disclosure requirements of GR 23 and all other requirements imposed by rule or statute for CPGs.

103.~~4.3~~ An agency applicant must also provide:

103.~~4.3~~.1 A fully completed CPG agency on-line application. The applicant should keep a copy of the completed application

~~103.43.2 A completed, signed, Affidavit of Applicant.~~

103.~~4.3~~.24 ~~Submit a~~ A copy of the formation documents of the legal entity.

103.~~4.3~~.422 ~~Submit~~ A declaration submitted under penalty of perjury, that it will take steps to ensure its employees, agents, board members, or anyone formally associated with the agency entity who may come into contact with the person or estate of an incapacitated person has passed a criminal history check prior to having contact with the incapacitated person or their estate, and that all officers and directors meet the qualifications of Chapter 11.88 RCW for guardians.

103.~~4.4~~.4 33 ~~Submit~~ The names of the agency's current board of directors, members, managers, owners, and/or its officers.

103.~~3.44.5~~ A list identifying all CPGs at the agency (a minimum of two are required), and a copy of either meeting minutes or a board resolution identifying the designated CPGs. The designated CPGs shall submit the Acceptance of Designated CPG form. (Revised 1-9-12)

103.~~43.6~~ ~~All applicants must pay a~~A non-refundable application fee determined by the CPG Board. A non-refundable application fee as identified on the Fees and Filing Requirements Table.

~~103.5 All individual applicants must complete an approved CPG training course.~~

103.~~4.7~~ ~~All applicants must submit a~~A sworn statement that they have read and agree to abide by the continuing disclosure requirements of GR 23 and all other requirements imposed by rule or statute for CPGs.

#### 104 Filing Application for Certification

Persons or agencies applying to receive certification as CPGs under GR 23 must submit the required application and fee electronically using the online application available at [www.courts.wa.gov/programs\\_orgs/guardian](http://www.courts.wa.gov/programs_orgs/guardian). Additional material may be sent by mail the original application, the required attachments and fee to:

Certified Professional Guardian Program  
Administrative Office of the Courts (AOC)  
PO Box 41172  
Olympia, WA 98504-1172.

#### 105 ~~procedures for Processing~~Initial Review and Verification of Applications for Certification

105.1 Initial Review of the Application. The AOC will review applications submitted under Regulation 103.3 and 103.4 for completeness. ~~Incomplete applications or ones not in compliance with the rule or regulations will be returned to the applicant with an explanation of the deficiencies will be denied~~rejected, but the ~~A denied~~ applicant may re-apply in the future.

~~105.2 Application Fee. The AOC will deposit the applicant's fee and send an acknowledgment of receipt of the application to each applicant.~~

105.~~3.2~~ Verification of Application. ~~Information~~The AOC will screen and verify all application materials. Each fingerprint card shall be sent to the Washington State Patrol for a criminal history background check. The AOC will verify completeness of the online application form in writing, and will instruct the applicant to complete all remaining application requirements. Upon written notification, each applicant will have a period of (30) thirty calendar days to complete these requirements. Failure to timely complete these requirements will result in denialrejection of the application~~., but~~ ~~Athe denied~~ applicant may re-apply in the future.

#### 106 Processing of Applications for Certification

106.1 Certification and Application Committee

~~106.1.1 Applications will be reviewed by an Application Committee of the Board. The Chair of the Board shall appoint the members of the Certification and Application Committee. The term of the members shall be one year. The Chair of the Board shall designate one of the~~

committee members as the committee chair. The term of all members, including the chair, shall be one year.

~~106.1.2 The Chair of the Board shall designate one of the committee members as the committee chair. The term of the chair shall be one year.~~

#### 106.2 Approval of Individual Certification Applications

106.2.1 After an application is complete, ~~in the opinion of the Application Committee,~~ the Certification and Application Committee shall report to the Board in executive session on the merits of the application.

106.2.2 The Board shall approve the applications for certification or conditional approval with or without conditions, refer the applications back to the Certification and Application Committee for additional information, or deny the applications.

~~106.2.3 If the Board affirms approval of an application for certification, then the Board shall notify the applicant and forward the recommendation to the Supreme Court in accordance with Regulation 111.3.3.~~

~~106.3 Denial of Application. If the Board denies an application, the applicant will be given written notice of the denial and the right to appeal under these regulations.~~

#### 106.3 Approval of Agency Application

106.3.1 The AOC has authority to approve agency applications which comply with all requirements set forth in these Regulations.

106.3.2 If the AOC denies an agency application, the denial will be reviewed by the Application and Certification Committee, and the CPG Board. The CPG Board shall hold the final decision-making authority for denying an agency application.

#### ~~109-107~~ Right to Appeal of Denial of Certification-Application or Conditional Approval

~~109107~~.1 Right of Appeal. Every applicant denied shall have a right of appeal before an Appeals Panel. The applicant shall receive a copy of ~~any investigative report~~ the written application file ~~report~~ relied on by the Board with the notice of denial.

~~109107~~.2 Appeals Panel. The Chair shall appoint an Appeals Panel made up of three Board members who did not serve on the Application Committee.

~~109107~~.3 Filing of Appeal. An applicant may appeal denial of ~~certification application certification or conditional approval~~ by submitting a written request to:

Certified Professional Guardian Board  
Administrative Office of the Courts  
PO Box 41170  
Olympia WA 98504-1170

~~109107~~.4 Procedure for Appeal

~~109107~~.4.1 Commencement. The request must:

~~409107~~.4.2 Be filed within sixty (60) calendar days of the date the denial of application was issued;

~~409107~~.4.3 Identify the applicant; and

~~409107~~.4.4 Explain fully the applicant's reason for contesting denial of certification.

~~409107~~.4.5 Other Additional Material Shall Not to be Considered. ~~The applicant may submit to the AOC additional written material which may include statements, correspondence, affidavits, and memoranda of law or other information which the applicant believes will assist the Appeals Panel in reviewing the denial of certification. All written materials must be received by the AOC within 30 days after the filing of the notice of appeal. The staff of the AOC will supply the Appeals Panel with the application, all attachments, and all other material relating to the application. The appeal is limited to the information submitted originally by the applicant for application purposes, and reviewed by the Applications Committee. Denied applicants wishing to submit additional information may newly apply.~~

~~409107~~.4.6 Stipulations. The Appeals Panel may use written stipulations. (Adopted 1-12-00)

~~409107~~.4.7 Time Lines and Scheduling of the Appeal.

~~409107~~.4.7.1 The date of review of the appeal will be not more than sixty (60) calendar days from the date of receipt of applicant's materials by the AOC. The AOC will notify the applicant of the scheduled date for the consideration of the appeal.

~~409107~~.4.7.2 An Appeals Panel will not consider any request for appeal that does not strictly comply with the times stated, unless waived. Upon a showing of good cause, the Appeals Panel may waive the time requirements, reschedule the review for an earlier, or later date.

~~409107~~.4.8 Review by the Appeals Panel. ~~The assigned Appeals Panel shall consider the written material submitted. The Appeals Panel may, in its sole discretion, shall~~ make a decision based solely on the written record, ~~or it may request an oral presentation by the applicant. The applicant shall be informed of the place, time, and duration of an oral presentation. Telephone conferences may be held at the discretion of the Appeals Panel.~~

~~409107~~.4.9 Decision of the Appeals Panel. Within twenty (20) calendar days after the date of review of the appeal, the assigned Appeals Panel shall file with the AOC written findings of fact, conclusions of law, and a recommendation to the Board to approve or deny the appeal. (Amended 11-12-02)

~~409\_4.10 Notification of Findings. The AOC shall notify the applicant of the findings, conclusions, and recommendation of the Appeals Panel within five (5) business days.~~

~~409107~~.4.11-10 Decision of Board. Within sixty (60) calendar days of the Appeals Panel's decision, the Board shall review the findings, conclusions and recommendation of the Appeals Panel. ~~No further oral or written argument will be allowed the parties, and no further evidence may be submitted to the Board.~~ The Board shall adopt, modify, or reverse the findings, conclusions, and recommendation of the Appeals Panel. A copy of the Board's decision, as set forth in the minutes of the Board meeting or in a

separate written decision of the Board, shall be served on the applicant by mail within thirty (30) calendar days.

~~409.4.12 Approval of Application. If the application has been approved by the Board, the applicant will be supplied any additional forms or information necessary for certification.~~

### **407-108 Training**

Each approved applicant shall complete and pass the CPG University of Washington Extension Office (UWEO) Guardianship Certificate Program training program that has been approved by the Board. The training will incorporate the goals and objectives and content adopted by the Board. Applicants shall submit to the AOC a certificate of completion which shall be valid for two years from the date of completing the training. Certification is dependent on documentation of completion of this training.

### **408-109 Certification by the Supreme Court**

408109.1 The Board shall submit the names of those persons and agencies that have successfully completed the requirements and are recommended for approval as a CPG or Certified Professional Guardian Agency to the Supreme Court. Certification shall be effective upon order of the Supreme Court.

408109.2 A certified professional guardian or certified professional guardian agency shall be appointed and carry E & O Insurance in the name as certified. A CPG or CPG Agency may include a business name in contact information and promotional materials concerning the provision of guardianship services provided that the name of the CPG or CPG agency is listed.

408109.2.1 If an individual certified professional guardian is appointed as guardian, the certified professional guardian shall assure that letters of guardianship are issued to the certified professional guardian individually. If a certified professional guardian agency is appointed as guardian, the agency shall assure that letters of guardianship are issued to the certified professional guardian agency.

408109.2.2 A certified professional guardian or certified professional guardian agency shall not make a false or misleading communication about the guardian or the guardian's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, omits a fact necessary to make the communication considered as a whole not materially misleading.

~~Each certified professional guardian or certified professional guardian agency must come into compliance with regulation 108.2 by January 1, 2012.~~

### **410 Necessary Letters and Forms**

~~The AOC shall prepare all the necessary letters and forms pertaining to application and certification and submit them to the Certified Professional Guardian Board for approval.~~

### **411-110 Fees**

411110.1 Schedule of Fees. The Board shall determine a schedule of application fees ~~for application, annual certification,~~ and other processing fees as may be required. All fees shall be published annually by the Board in the Fees and Filing Requirements Table at

~~[www.courts.wa.gov/programs\\_orgs/guardian](http://www.courts.wa.gov/programs_orgs/guardian). Every CPG and Certified Professional Guardian Agency shall pay one annual fee, based on the state fiscal year (July 1 – June 30), through the AOC. Failure to pay the required fees shall subject the CPG or Agency to revocation of existing certification or denial of an application for certification.~~

#### ~~411.2 Amount of Fees.~~

~~411.2.1 The application fee for individuals is \$110210110.00.~~

~~411.2.2 For an applicant who possesses a license granted by another agency, there may be a background research fee charged by that agency to verify the status of the applicant's license. The AOC shall notify the applicant of the fee and applicant shall send the fee to the AOC, by check made payable to the agency charging the background research fee.~~

~~411.2.3 The application fee for agencies is \$110210110.00.~~

#### ~~411.110.3.2 Payment of~~ Initial Certification Fee

~~411.110.3.1~~ The initial certification fee for both individuals and agencies is due sixty (60) calendar days after notice of the application's approval by the Board for certification.

~~411.110.3.2~~ The initial certification fee is not prorated.

~~411.110.3.3~~ Upon receipt of the initial certification fee, the application will be forwarded to the Supreme Court with the Board's recommendation for certification.

~~411.4.110.3~~ Failure to Pay Initial Certification Fee. In the event an applicant does not timely pay the initial certification fee, the Board will not forward the application to the Supreme Court for certification, and the Board will deny certification.

~~411.9.110.4~~ Training Fee. This is an administrative fee unrelated to the cost of training that may be paid to the trainer.

#### ~~114 Examination~~

~~RESERVED.~~

#### ~~115 Examination Frequency and Locations~~

~~RESERVED.~~

#### ~~116 Examination Standards and Notification of Results~~

~~RESERVED.~~