

Certified Professional Guardianship Board Meeting Packet	
October 19, 2015	
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# Certified Professional Guardianship Board

Monday, August 10, 2015 (8:00 a.m. – 9:00 a.m.)

Teleconference

## Proposed Meeting Minutes

### Members Present

Judge James Lawler, Chair  
Commissioner Rachelle Anderson  
Mr. Gary Beagle  
Ms. Rosilyn Bethmann  
Dr. Barbara Cochran  
Ms. Nancy Dapper  
Judge Gayle Harthcock  
Mr. Andrew Heinz  
Commissioner Diana Kiesel  
Mr. Gerald Tarutis

### Members Absent

Ms. Carol Sloan  
Ms. Amanda Witthauer

### Staff

Ms. Shirley Bondon  
Ms. Carla Montejo  
Ms. Kim Rood

## 1. Call to Order

Judge Lawler called the meeting to order at 8:05 a.m.

## 2. Welcome and Roll Call

Judge Lawler called roll and welcomed the Board members and public to the meeting.

## 3. Approval of Minutes

Judge Lawler asked for changes or corrections to the proposed minutes from the June 8, 2015 meeting. There were no changes.

**Motion:** *A motion was made and seconded to approve the June 8, 2015 minutes. The motion passed.*

## 4. Chair's Report

Judge Lawler noted that Mr. Andrew Heinz will be resigning from the Board at the end of his term, September 30, 2015. Ms. Bondon informed the Board that the Washington State Bar Association had been notified of Mr. Heinz' resignation and had notified WSBA members of the vacant position on the Board.

### Grievance Update

Staff gave a brief review of the Grievance update. There are currently 75 open grievances to be investigated. Staff has closed all grievances for 2012. As of this date, approximately 75 cases need to be investigated, which includes six new

grievances.

The Board discussed how to revise the grievance summary to enhance its readability.

**4. Executive Session (Closed to the public)**

**5. Reconvene and Vote on Executive Session Discussion (open to public)**

**Applications Committee**

On behalf of the Applications Committee, Mr. Jaback presented all applications for certification.

**Motion:** *A motion was made and seconded to deny Robert Bravato's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to deny Dominique Groat's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Rebekah Helland's application for certification. The Motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Dennis Lewellan's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Christine Loveland's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to approve Patricia Lytton's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to approve Susan Mattern's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Kaarina Mehinney's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to approve Jennifer Regeimbal's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Lynn Tilger's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Pauline Trefren's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Sonja Ulrich's application for certification. The motion passed.*

**Motion:** *A motion was made and seconded to approve Michael Whipple's application for certification. The motion passed.*

**Appeals Panel:**

**Motion:** *A motion was made and seconded to affirm the denial of the appeal of Ursula Kenny. The motion passed.*

**Grievances:**

**Motion:** *A motion was made and seconded to decertify Hallmark Care Services, Inc. and the underlying agencies known as Eagle Guardianship & Professional Services and Castlemark Guardianships & Trusts. The motion passed.*

**Recap of Motions from August 10, 2015 Meeting**

<b>Motion Summary</b>	<b>Status</b>
<i><b>Motion:</b> A motion was made and seconded to approve the June 8, 2015 meeting minutes.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to deny Robert Bravato's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to deny Dominique Groat's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Rebekah Helland's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Dennis Lewellan's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Christine Loveland's application for certification.</i>	Passed

<b>Motion Summary</b>	<b>Status</b>
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Patricia Lytton's application for certification</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Susan Mattern's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Kaarina Mehinney's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Jennifer Regeimbal's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Lynn Tilger's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Pauline Trefren's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Sonja Ulrich's application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Michael Whipples application for certification.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to decertify Hallmark Care Services, Inc. and the underlying agencies known as Eagle Guardianship &amp; Professional Services and Castlemark Guardianships &amp; Trusts.</i>	Passed

<b>Action Items</b>	<b>Status</b>
<ul style="list-style-type: none"> <li>• None noted at this time.</li> </ul>	

## 9. Wrap Up and Adjourn

The meeting was adjourned at 9:00 a.m. The next Board meeting is a conference call scheduled for September 14, 2015 at 8:00 a.m.

# Proposed 2016 Meeting Calendar

## Certified Professional Guardianship Board Proposed 2016 Meeting Calendar

Monday, January 11, 2016	AOC SeaTac Facility	9:00 am – 3:00 pm
<b><i>February 2016</i></b>	<b><i>No Meeting</i></b>	
Monday, March 14, 2016	Teleconference	8:00 am – 9:00 am
Monday, April 11, 2016 <b><i>Annual Planning Meeting</i></b>	AOC SeaTac Facility	9:00 am – 3:00 pm
Monday, May 9, 2016	Teleconference	8:00 am – 9:00 am
Monday, June 13, 2016	AOC SeaTac Facility	9:00 am – 3:00 pm
<b><i>July 2016</i></b>	<b><i>No Meeting</i></b>	
Monday, August 8, 2016	Teleconference	8:00 am – 9:00 am
Monday, September 12, 2016	Teleconference	8:00 am – 9:00 am
Monday, October 17, 2016	AOC SeaTac Facility	9:00 am – 3:00 pm
Monday, November 14, 2016	Teleconference	8:00 am – 9:00 am
<b><i>December 2016</i></b>	<b><i>No Meeting</i></b>	

CPG Board meetings are open to the public.

For information regarding teleconference meetings, please contact Shirley Bondon at 360.705.5302 or email [shirley.bondon@courts.wa.gov](mailto:shirley.bondon@courts.wa.gov)

# Grievance Report

**CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES**

Status as of September 30, 2015

<b>Grievances</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>Total</b>
Open -- Needing Investigation (August 31, 2015)	33	28	14	0	75
Resolved w/o ARD or Hearing	3	0	2	0	5
New Grievances (opened since late report)	7				7
Investigated - Possible Sanctions	1		2	0	3
Open --Needing Investigation (September 30, 2015)	36	28	10	0	74
 				0	-
<b>Closed or Investigated, September 2015</b>	4		4	0	8

<b>Year Received</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>Total</b>
Dismissal - Administrative					0
Dismissal - No actionable conduct	2		2	0	4
Dismissal - No jurisdiction	1				1
Dismissal - Insufficient					
Admonishment					0
Reprimand					0
Suspension					0
Decertification					0
Administrative Decertification					0
Other, Investigated with Possible Sanctions	1		2		3
	4	0	4	0	8
<b>Total Closed in September</b>					8

<b>Summary Current Activity</b>	<b>September</b>
Open in September	7
<i>Closed with ARD/Hearing/Other</i>	0
Closed without ARD or Hearing - September 30, 2015	8

# **Working Interdisciplinary Network of Guardianship Stakeholder (WINGS) Update**

## **WINGS Priorities and Committees**

Based on the priorities identified during the August 7 WINGS Conference (see next page), the WINGS Steering Committee approved forming the committees listed below.

- 1. Legislative** – Provide advice and recommendations on all matters dealing with legislation, including court rules, to WINGS. During active legislative session, the Committee will monitor bills of potential interest to WINGS and select those to be tracked. The Committee may recommend positions on bills for consideration by the full WINGS Steering Committee. *Chair, Walt Bowen, Senior Lobby President*
- 2. Long-Range Planning/Strategic Planning** –Develop effective approaches to long-range planning for WINGS. Members shall be advocates for and play a leadership role in long-range planning and shall promote a long-term commitment to improving the state’s system of decision-support. *Co-Chairs, Professor Lisa Brodoff, Seattle University Law School* <http://www.law.seattleu.edu/faculty/profiles/lisa-brodoff> ; *Professor Larry Weiser, Gonzaga School of Law* <https://www.law.gonzaga.edu/faculty/profiles/weiser-larry/>
- 3. Standards and Best Practice**-Develop and recommend that WINGS encourage and/or advocate adoption of standards, guidelines and best practices for entities involved in the delivery of decision-support, including courts, guardians, guardians ad litem, attorneys, and other professionals. *Chair Professor Winsor Schmidt, J.D., LL.M., Metrolina Medical Foundation Distinguished Professor of Public Policy on Health, Department of Public Health Sciences, University of North Carolina at Charlotte* <https://pages.uncc.edu/wschmid2/>
- 4. Information and Training** – Develop and recommend development of educational resources and training materials for all entities involved in determining the need for, selecting or delivering decision-support. *Chair, Meredith Childers, J.D. Northwest Justice*
- 5. Conference Planning** – Work with AOC staff to plan the March 2016 WINGS Guardianship Conference. *Chair, Cathy Silins, Certified Professional Guardian*

SUPPORTING THE FAMILY AND FRIENDS OF PERSONS NEEDING DECISION SUPPORT			
PRIORITY	RECOMMENDATION	TOTAL	PROPOSED NEXT STEPS
1.	<p><b>Provide information to the family and friends of persons needing decision support.</b></p> <ul style="list-style-type: none"> <li>• Before a Petition for Guardianship is filed</li> <li>• During the Guardianship Process</li> <li>• After a Guardian is appointed</li> </ul>	210	<ul style="list-style-type: none"> <li>• Improve AOC’s Guardianship webpages to include the information requested. <ul style="list-style-type: none"> <li>○ Assign to the Training Committee to review drafts prepared by volunteer stakeholder organizations, students, AOC staff, etc.</li> <li>○ Timeframe- 6 to 12 months.</li> </ul> </li> </ul>
2.	<p><b>Provide assistance to the family and friend of persons needing decision support.</b></p> <ul style="list-style-type: none"> <li>• Reduced fee legal advice</li> <li>• Standardized tools for accountings and reporting</li> <li>• Training</li> </ul>	130	<ul style="list-style-type: none"> <li>• Reduced fee legal services requires a long-term plan. Do not address at this time. Assign to the Long-range Planning Committee.</li> <li>• Develop standardized reporting forms and prepare a statewide court rule. Assign to the Legislative Committee. Timeframe 12 – 24 months.</li> </ul>
3.	<p><b>Educate stakeholders about:</b></p> <ul style="list-style-type: none"> <li>• Alternatives to Guardianship</li> <li>• Guardianship is the last resort</li> </ul>	115	<ul style="list-style-type: none"> <li>• Develop a training that can be presented to all professionals involved in the provision of decision support and members of the public. Assign to the Training Committee. <ul style="list-style-type: none"> <li>○ Develop a multidisciplinary training team.</li> <li>○ Develop a training schedule.</li> <li>○ Timeframe – 12 to 18 months</li> </ul> </li> </ul>
	<p><b>Develop Statewide Guardianship Monitoring, which includes:</b></p> <ul style="list-style-type: none"> <li>• In-Person Visits</li> <li>• Document Reviews</li> <li>• Accounting Audits</li> </ul>	112	<ul style="list-style-type: none"> <li>• Develop a document monitoring process for all courts and train. Assign to the Training Committee. Timeframe 6 to 12 months.</li> <li>• Develop a legislative proposal for statewide monitoring in 2017. Assign to the Legislative Committee</li> </ul>
	<p><b>Fund Public Guardians to provide decisional support for individuals who have no family or friends and/or cannot afford to pay for decisional support.</b></p>	111	<ul style="list-style-type: none"> <li>• Develop a budget request. Meet with Superior Court Judges’ Association and Board for Judicial Administration. Assign to the Steering Committee.</li> </ul>

SUPPORTING THE FAMILY AND FRIENDS OF PERSONS NEEDING DECISION SUPPORT			
PRIORITY	RECOMMENDATION	TOTAL	PROPOSED NEXT STEPS
4.	<b>Provide access to conflict resolution.</b> <ul style="list-style-type: none"> <li>Family Mediation</li> <li>Guardianship Ombudsperson to resolve complaints</li> </ul>	65	<ul style="list-style-type: none"> <li>Family Mediation - Requires a long- term strategy. Assign to the Long- range Planning Committee.</li> <li>Include in a 2017 legislative proposal for statewide monitoring. Assign to the Legislative Committee.</li> </ul>
5.	<b>Prohibit isolation of persons in a guardianship.</b>	47	<ul style="list-style-type: none"> <li>Develop a professional guardian standard of practice to address. Assign to the Standards and Practice Committee. Timeframe 12 – 24 months.</li> </ul>
6.	<b>Provide a court-appointed attorney to the person in a guardianship.</b>	21	<ul style="list-style-type: none"> <li>Requires a long-term strategy. Assign to the Long –range Planning Committee.</li> </ul>

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISION SUPPORT			
PRIORITY	RECOMMENDATION	TOTAL	PROPOSED NEXT STEPS
1.	<p><b>Improve Guardian ad litem training.</b></p> <ul style="list-style-type: none"> <li>• Videos may not be adequate for retraining</li> <li>• Additional training on the following topics: <ul style="list-style-type: none"> <li>▪ Alternatives to guardianship</li> <li>▪ Supported decision-making</li> <li>▪ Aging</li> <li>▪ Dementia including Alzheimer's</li> <li>▪ Developmental disabilities</li> <li>▪ Mental illness</li> <li>▪ Functional assessment</li> <li>▪ Investigation</li> <li>▪ Resources</li> <li>▪ Family dynamics and conflict resolution</li> <li>▪ Non- traditional family structures</li> <li>▪ Abuse, neglect and exploitation</li> <li>▪ Advocacy</li> <li>▪ Cultural competency</li> <li>▪ Report writing</li> <li>▪ Impact, particularly regarding loss of rights, of putting someone under guardianship</li> </ul> </li> </ul> <p>Currently certified/licensed Guardians ad litem would not be grandfathered in and would need to retrain</p>	153	<ul style="list-style-type: none"> <li>• Collaborate with DSHS to convene a new committee to develop training. Timeframe: 12 to 18 months.</li> </ul>

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISION SUPPORT			
PRIORITY	RECOMMENDATION	TOTAL	PROPOSED NEXT STEPS
	<p><b>Refine Guardian ad litem investigative process.</b></p> <ul style="list-style-type: none"> <li>• Process change should be explicit consideration of supported decision making short of guardianship</li> <li>• Notice to Person believed to need assistance <ul style="list-style-type: none"> <li>○ Who should deliver and explain?</li> </ul> </li> <li>• Improve process to ensure appropriate individuals receive notice: <ul style="list-style-type: none"> <li>○ Determine whether estranged biological family members have any right to be consulted or participate in decision making</li> <li>○ Include service providers (Representative Payee, housing)</li> </ul> </li> <li>• GALs must involve other professionals in the assessment process. A medical examination is not adequate. A functional assessment should be required – geriatrician, psychologist, mental health professionals</li> <li>• Who should pay guardian ad litem fees? <ul style="list-style-type: none"> <li>○ The person who submits the petition for guardianship?</li> <li>○ The person believed to need decision support?</li> <li>○ The state?</li> </ul> </li> </ul>	151	<ul style="list-style-type: none"> <li>• Develop a legislative proposal for 2017 to address credentialing, the registry and selection process. Require the credentialing agency to convene a committee to address the investigative process. Assign to the Legislative Committee.</li> </ul>

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISION SUPPORT			
PRIORITY	RECOMMENDATION	TOTAL	PROPOSED NEXT STEPS
	<p><b>Credential Guardians ad litem.</b></p> <ul style="list-style-type: none"> <li>• Credentialing Requirements <ul style="list-style-type: none"> <li>○ WSP and FBI Background Checks</li> <li>○ Completion of Initial Training</li> <li>○ Continuing Education</li> </ul> </li> <li>• Centralized licensing managed by one agency which would be responsible for: <ul style="list-style-type: none"> <li>○ Annual Recertification</li> <li>○ Develop statewide Standards of Practice and/or Ethical Standards</li> <li>○ Develop a Grievance Process</li> <li>○ Develop Monitoring - Quality Assurance Reviews</li> </ul> </li> <li>• No grandfathering</li> </ul>	145	<ul style="list-style-type: none"> <li>• Convene a committee to develop a legislative proposal for 2017 to address credentialing, the registry and selection process. Require the credentialing agency to convene a committee to address the investigative process. Assign to the Legislative Committee.</li> </ul>
2.	<p><b>Clarify conflict of interest.</b></p> <ul style="list-style-type: none"> <li>• Are there conflicts that should be clarified?</li> <li>• Is it appropriate for a professional guardian to serve as a GAL?</li> <li>• Is it appropriate for an attorney to represent the petitioner and the professional guardian?</li> <li>• Is it appropriate for attorneys who represent professional guardians to also serve as GALs?</li> <li>• Is it appropriate to appoint an attorney to represent an alleged incapacitated person from the list of GALs?</li> <li>• Is it appropriate for an attorney who may represent alleged incapacitated persons to also serve as a professional guardian?</li> </ul>	81	<ul style="list-style-type: none"> <li>• Partially address in a standard of practice for professional guardians. Assign to the Standards and Practice Committee.</li> </ul>
3.	<p><b>Revise guardian ad litem registry and selection process.</b></p> <ul style="list-style-type: none"> <li>• Regional Registry with rotation to deal with limited GALs in rural areas <ul style="list-style-type: none"> <li>○ Rotation Exception for – Special skills requested and verified by licensing agency</li> </ul> </li> </ul>	63	<ul style="list-style-type: none"> <li>• Convene a committee to develop a legislative proposal for 2017 to address credentialing, the registry and selection process. Require the credentialing agency to convene a committee to address the investigative process. Assign to the Legislative Committee.</li> </ul>

Recommendations from the Committee to Improve Assessment of Persons Needing Decision Support

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISION SUPPORT			
PRIORITY	RECOMMENDATION	TOTAL	PROPOSED NEXT STEPS
	<ul style="list-style-type: none"> <li>• Verification that investigator is available and willing to accept an appointment by the licensing agency or court</li> <li>• Conflicts review by licensing agency prior to every appointment</li> </ul>		
	<p><b>Choose a more informative, less hostile, less formal name that is not off-putting.</b> Examples include:</p> <ul style="list-style-type: none"> <li>• Court Visitor</li> <li>• Court Visitor ad litem</li> <li>• Court Investigator</li> <li>• Special Court Representative</li> <li>• Special Court Appointee</li> <li>• Special Needs Representative</li> <li>• Fact Finder</li> </ul>	56	<ul style="list-style-type: none"> <li>• Pursue a legislative fix in 2016. Assign to the Legislative Committee.</li> </ul>
4.	<p><b>Establish additional minimum qualifications for Guardians ad litem.</b></p> <ul style="list-style-type: none"> <li>• Bachelor's degree any discipline</li> <li>• Verifiable experience (personal, professional or related) with aging, dementia, developmental disabilities, mental illness</li> </ul>	39	<ul style="list-style-type: none"> <li>• Assign to the Long-range Planning Committee.</li> </ul>

IMPROVING GUARDIANSHIP STANDARDS AND PRACTICE			
PRIORITY	RECOMMENDATION	TOTAL	PROPOSED NEXT STEPS
1.	<p><b>Developing Monitoring and Quality Assurance of all guardians.</b> Examples include:</p> <ul style="list-style-type: none"> <li>• Create an avenue for service providers to give feedback to the Certified Professional Guardianship Board and the court regarding the conduct of a professional guardian.</li> <li>• Establish a hotline for guardianship complaints.</li> <li>• Establish a Guardianship Ombudsperson.</li> <li>• Appoint a guardian ad litem to investigate concerns when necessary.</li> <li>• Audit guardianship accountings.</li> <li>• Adopt a rule to calculate the value of surety bond.</li> <li>• Designate specific judicial officers to the guardianship calendar.</li> <li>• Ensure that all liquid assets over a certain amount are fully bonded or in a blocked account.</li> <li>• Use a stepped range of sanctions for failure to file reports.</li> <li>• Develop checklist for reviewing accountings and personal care plans.</li> </ul>	127	<ul style="list-style-type: none"> <li>• Develop a document monitoring process for all courts and train. Assign to the Training Committee.</li> <li>• Develop a 2017 legislative proposal for statewide monitoring. Assign to the Legislative Committee.</li> </ul>
	<p><b>Improve Lay Guardian Training.</b></p> <ul style="list-style-type: none"> <li>• Discontinue use of the short video as an option of completion of required lay guardian training.</li> <li>• Make the required online lay guardian training interactive.</li> <li>• Include additional education on alternatives to guardianship including Supported Decision-Making.</li> <li>• Develop in-person training.</li> <li>• Develop a training manual.</li> <li>• Translate the required online lay guardian training into other languages, specifically Spanish.</li> <li>• <b>Develop opportunities for mentoring.</b></li> <li>• Develop Standards of Practice to guide performance.</li> </ul>	125	<ul style="list-style-type: none"> <li>• Write a letter to King County Superior Court and ask them to remove the short video. Assign to the Steering Committee.</li> <li>• Revise training, develop a manual and reporting forms. Assign to the Training Committee.</li> <li>• Develop standards of practice for lay guardians. Assign to the Standards and Practice Committee. Timeframe 12 to 24 months.</li> <li>• Prepare a 2018 legislative proposal. Assign to the Legislative Committee</li> </ul>

			<ul style="list-style-type: none"> <li>• Seek funding for translation. Assign to the Steering Committee.</li> </ul>
	<p><b>Develop new or revised standards of practice for professional guardians.</b></p> <ul style="list-style-type: none"> <li>• Discuss possibly restricting the number of appointments a professional guardian may accept.</li> <li>• Determine if, and/or when a professional guardian may petition to become the guardian for someone other than a member of his or her family.</li> <li>• Define conflict of interest and determine if, and/or when it's appropriate for a professional guardian to serve in multiple roles = guardian, guardian ad litem, attorney, trustee, representative payee, attorney in fact.</li> <li>• Develop guidance that helps clarify what fees a guardian should charge.</li> <li>• Define social hospitality, i.e. cup of coffee, and clarify if, and/or when a guardian may accept a gift from a person to whom they provide guardianship services.</li> <li>• Develop a SOP stating that guardians can limit and/or restrict contact with friends and family of a person in a guardianship only after documenting the reason for the limitation and/or restriction, notifying the individual possibly facing restriction and giving them an opportunity to respond and/or correct improper behavior.</li> <li>• Develop an SOP requiring the use of generally accepted accounting principles, standardized timesheets, supporting documents that would be accepted in every court by every judicial officer.</li> <li>• Develop an SOP specifying financial standards based on the amount of assets owned by the person in a guardianship.</li> </ul>	119	<ul style="list-style-type: none"> <li>• Develop standards of practice for professional and lay guardians. See comment above – assign to the Standards and Practice Committee. Timeframe: 12 to 24 months.</li> </ul>

2.	<p><b>Provide education and assistance.</b></p> <ul style="list-style-type: none"> <li>• Include additional education on alternatives to guardianship including supported decision-making.<sup>1</sup></li> <li>• <b>Establish a hotline for guardianship questions.</b></li> </ul>	92	<ul style="list-style-type: none"> <li>• Develop a plan to train stakeholders. Assign to the Training Committee. Timeframe 6 to 12 months.</li> <li>• Assign to the Long-range Planning Committee.</li> </ul>
3.	<p><b>Increase the number of professional guardians in rural areas.</b></p> <ul style="list-style-type: none"> <li>• Develop scholarships to pay registration for the University of Washington Guardianship Certificate Program.</li> <li>• Develop a process to evaluate experience and provide the opportunity to substitute education for experience.</li> </ul>	38	<ul style="list-style-type: none"> <li>• Address scholarships with the public guardian budget request.</li> </ul>
	<p><b>Use respectful language.</b></p> <ul style="list-style-type: none"> <li>• Use a people-first language to refer to individuals who need decision support. Examples include: <ul style="list-style-type: none"> <li>○ Person in a guardianship</li> <li>○ Person under a guardianship</li> <li>○ Person with diminished decision-making ability</li> <li>○ Person in need of decision support</li> <li>○ Individual with limitation</li> </ul> </li> </ul>	36	<ul style="list-style-type: none"> <li>• Pursue a legislative fix in 2016. Assign to the Legislative Committee.</li> </ul>
4.	<p><b>Improve professional guardian certification.</b></p> <ul style="list-style-type: none"> <li>• Increase minimum education requirements from an Associate's degree to a Bachelor's degree.</li> <li>• Develop levels of certification – novice, master.</li> <li>• Define impact of credit report on certification.</li> <li>• Develop opportunities for mentoring.</li> <li>• Include additional education on alternatives to guardianship and supported decision-making.</li> </ul>	26	<ul style="list-style-type: none"> <li>• Assign to the Long-range Planning Committee.</li> </ul>

<sup>1</sup> Supported Decision-Making (SDM) is a process in which adults who need assistance with decision-making receive the help they need and want to understand the situations and choices they face, so they can make life decisions for themselves, without the need for undue or overbroad guardianship. (see e.g., <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1816&context=hrbrief>)

8.	<b>Require Washington State Patrol and FBI Background Checks before lay guardian appointments.</b>	21	<ul style="list-style-type: none"> <li>• Assign to the Long-range Planning Committee.</li> </ul>
9.	<b>Improve minimum qualifications for all guardians.</b> <ul style="list-style-type: none"> <li>• Age: change minimum age requirement from 18 to 21 years for all guardians.</li> <li>• Fitness: define moral turpitude.</li> <li>• Fitness: specify the misdemeanors that prohibit one from being appointed a guardian.</li> </ul>	11	<ul style="list-style-type: none"> <li>• Assign to the Long-range Planning Committee.</li> </ul>

# **Request for an Ethics Advisory Opinion**

**Certified Professional Guardianship Board  
Ethics Advisory Opinion Request**

**Opinion Request 2015-001**

**Date:**

**A brief restatement of the question(s) posed?**

Can a Certified Professional Guardian who is also an attorney charge fees for legal services he or she provides to the incapacitated person (IP) for whom he or she is a court- appointed guardian, if he or she has never sought permission from the court to perform legal services for the incapacitated person served?

Is it true that characterizing the work the CPG/Attorney does as an lawyer as work for his or her company, allows him or her to bill the incapacitated person for those services

Is the purpose of SOP 406.5 to ensure that a CPG who is an attorney cannot engage in self-dealing by hiring himself or herself to do legal work that is billed to an incapacitated person?

**Additional information/Example provided by the Requestor**

When questioned about this practice, the Certified Professional Guardian/Attorney responds as follows:

*"As a certified professional guardian, I do not represent, nor do I perform legal work for an incapacitated person. All of the legal work that I performed, or directed my associate to perform, was on behalf of my guardianship agency. All legal work performed was in accordance with my responsibility as a certified professional guardian and adhered to the Rules of Professional Conduct."*

**Applicable Statutes:**

**Applicable Case Law:**

**Applicable Court Rules:**

**Applicable Standard of Practice:**

SOP 406.5. A guardian who is an attorney may provide legal services to the incapacitated person only when doing so best meets the needs of the incapacitated person and is approved by the court following full disclosure of the conflict of interest. (Adopted 1-9-12)

**Opinion:**

# Request for Public Comment

## Certified Professional Guardianship Board Request for Public Comments

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The Certified Professional Guardianship Board seeks public comment on three questions:

1. Should the Certified Professional Guardianship Board change the continuing education request process to increase the number of quality educational offerings available to professional guardians; reduce risk for sponsors of guardian continuing education; and eliminate perceived unfairness.. \_\_\_\_\_
2. Should the Certified Professional Guardianship Board modify its rule for posting disciplinary actions to comply with the standards for public access to records approved by the Supreme Court? \_\_\_\_\_
3. Should the Certified Professional Guardianship Board explore developing a Guardianship Ombudsperson as an alternative to the current disciplinary process?  
\_\_\_\_\_

If you have questions please contact Shirley Bondon at 360.705.5302.

1. The Education Committee asks the Board to consider a proposal to modify the fee arrangement with sponsors of continuing education for professional guardians to require payment of a fee per professional guardian registrant. The proposal should increase the number of quality educational offerings available to professional guardians; reduce risk for sponsors of continuing education; and eliminate perceived unfairness.

A description of the proposal was posted for public comment May 22, 2015 through September 14, 2015 at:

[http://www.courts.wa.gov/programs\\_orgs/Guardian/?fa=guardian.display&fileName=rulesindex](http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.display&fileName=rulesindex) (See Proposals)

Proposed revisions, additions and deletions are indicated by underlining and lining out respectively, except where the entire regulation or document is new.

**Comment Period:**

All comments should have been submitted to the Certified Professional Guardianship Board by either U.S. mail, or email. Comments should have been received no later than

**September 14, 2015.** Please see the e-mail and US mail address at the end of this document.

In accordance with the Board's Communication Plan and Regulation 600, Procedure for the Adoption, Amendment and Repeal of Regulations on October 19, 2015, the Certified Professional Guardianship Board will discuss and act on the proposal to increase the number of quality educational offerings available to professional guardians; reduce risk for sponsors of guardian continuing education; and eliminate perceived unfairness. October 19, 2015 the Board will meet at the AOC, SeaTac Office Center, 18000 International Blvd. Suite 1106, SeaTac, WA at 9:00 a.m.

Comments should have been sent to one the following addresses:

**Certified Professional Guardianship Board**

P.O. Box 41170

Olympia, WA 98504-1170

Or

[guardianshipprogram@courts.wa.gov](mailto:guardianshipprogram@courts.wa.gov)

If you have questions please contact Shirley Bondon at 360.705.5302.

2. The Regulations Committee submits proposed revisions to Administrative Regulation 003 to implement GR 31.1. GR 31.1, the Supreme Court's rule governing access to administrative records, was adopted in 2013 and is scheduled for implementation in 2015. General Rule 31.1 supersedes Regulation 003.1 to 003.3.2.

Proposed revisions to Regulation 003 were posted for public comment May 22, 2015 through September 14, 2015.

[http://www.courts.wa.gov/programs\\_orgs/Guardian/?fa=guardian.display&fileName=rulesindex](http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.display&fileName=rulesindex) (See Proposals)

Proposed revisions, additions and deletions are indicated by underlining and lining out respectively, except where the entire regulation or document is new.

**Comment Period:**

All comments should have been submitted to the Certified Professional Guardianship Board by either U.S. mail, or email. Comments should have been received no later than **September 14, 2015**. Please see the email and US mail address below.

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In accordance with the Board's Communication Plan and Regulation 600, Procedure for the Adoption, Amendment and Repeal of Regulations on October 19, 2015, the Certified Professional Guardianship Board will discuss and act on the proposed revisions to Regulation 003. October 19, 2015 the Board will meet at the AOC SeaTac Office Center, 18000 International Blvd. Suite 1106, SeaTac, WA at 9:00 a.m.

Comments should have been sent to one the following addresses:

**Certified Professional Guardianship Board**

P.O. Box 41170

Olympia, WA 98504-1170

Or

[guardianshipprogram@courts.wa.gov](mailto:guardianshipprogram@courts.wa.gov)

If you have questions please contact Shirley Bondon at 360.705.5302.

3. To foster continuous action to improve the decision support system, the Board is considering establishing a Guardianship Ombuds Office that is an independent, public advocate authorized to receive and address in a confidential manner, grievances and inquiries regarding professional guardians. If established, the Ombudsperson should report directly to a high level executive, possibly the Chief Justice of the Supreme Court, and should exercise his or her powers and duties independently of the Administrative Office of the Courts (AOC), the Certified Professional Guardianship Board and the superior courts. Based either on such grievances or inquiries or on the ombuds' own initiative, the ombuds may (1) investigate or otherwise examine the matter (2) take appropriate action to aid in the resolution of the particular issue or a broader, underlying problem (3) identify system issues, report his or her findings to others including the Chief Justice, the Certified Professional Guardianship Board and superior courts and make recommendations for the Supreme Court to act upon. The ombuds may make referrals to other entities including the Attorney General, County Prosecutor, or any other appropriate governmental entity.

**Comment Period:**

All comments should have been submitted to the Certified Professional Guardianship Board by either U.S. mail, or email. Comments should have been received no later than **September 14, 2015**. Please see the email and US mail address at the end of this document.

In accordance with the Board's Communication Plan and Regulation 600, Procedure for the Adoption, Amendment and Repeal of Regulations on October 19, 2015, the Certified Professional Guardianship Board will discuss and consider establishing a Guardianship Ombuds Program. October 19, 2015 the Board will meet at the AOC SeaTac Office Center, 18000 International Blvd. Suite 1106, SeaTac, WA at 9:00 a.m.

Comments should have been sent to one the following addresses:

**Certified Professional Guardianship Board**

P.O. Box 41170

Olympia, WA 98504-1170

Or

[guardianshipprogram@courts.wa.gov](mailto:guardianshipprogram@courts.wa.gov)

If you have questions please contact Shirley Bondon at 360.705.5302.

# Continuing Education Proposal



May 25, 2015

To: Certified Professional Guardianship Board

From: Education Committee

RE: Proposal to Increase Continuing Education Offerings for Certified Professional Guardians

### **Proposed Process**

The proposal is to modify the fee arrangement with sponsors of continuing education for professional guardians to require payment of a fee per professional guardian registrant. The proposed process requires sponsors to seek approval prior to the course, sign an agreement to pay a set fee per guardian registrant, and submit payment of fees to AOC at the completion of the course. If registrants aren't required to pay a fee, the sponsor won't pay a fee.

The sponsor who has two guardians attend a course, pays less than the sponsor who has 50 guardians attend. If a sponsor chooses not to seek approval, each individual guardian can seek approval and pay an assessment of no more than \$50.

The proposal should increase the number of quality educational offerings available to professional guardians; reduce risk for sponsors of continuing education; and eliminate perceived unfairness.

### **Current Process**

Sponsors of professional guardian continuing education, organizations and individuals, apply for approval of education offerings. Sponsors are assessed a fee for each request. A request submitted within 30 days of the scheduled course is assessed a fee of \$25.00. Requests submitted less than 30 days of the scheduled course are assessed \$50.00. The same fee is assessed regardless of the registration fee charged by the sponsor or the number of guardians who attend training. Each year approximately 50 requests are reviewed and approved.

## Reason for the Change

A change is proposed to: (1) increase the number and quality of educational offerings available to certified professional guardians; and (2) address a perceived inequity in the current process to some educational providers.

### Increase the number and quality of educational offerings available to certified professional guardians.

Many organizations and educational providers offer courses that could benefit professional guardians, however, these providers often don't request approval of their courses due to the approval fee. Many **excellent** courses are **free**. Often a provider has developed the training pursuant to a grant or other opportunity, which prohibits charging a fee. Providers of free education and training do not benefit from providing the course. They are providing a public service. An example of what appears to be an excellent free course is attached. The new proposal would make it possible for certified professional guardians to receive credit for quality training similar to this at no cost to them.

Currently, except for courses addressing emerging issues topics, the trainings approved from year to year for professional guardians are usually provided by the same providers; thus, the topics presented are generally quite similar and are presented from a similar perspective. Examples include—court process and procedure, understanding dementia and the aging process and financial management and exploitation. Most courses are offered by five providers.

The new proposal would include educational offerings from educational institutions, social workers, geriatricians, mental health professionals, financial institutions and many more, thus, increasing exposure to the knowledge base professional guardians need to perform their work.

### Address the perceived unfair current process.

When the Board approves an educational offering provided by an organization where a registration fee is charged the provider benefits, because AOC posts the offering on the website and the provider has the potential to increase the number of registrants attending its course. However, the benefit to each provider is not the same. When 50 certified professional guardians attend a course, the benefit is greater than when one CPG attends a course. The proposed process seeks to achieve equity by assessing a fee based on the number of attendees.

## Other Programs

It's difficult to compare the continuing education process for guardians to the process used by other professions; however, we often compare the guardian process to the WSBA process. This isn't a great comparison because most legal education is provided by the bar association or one of its sections, and the number of attorneys (approximately 40,000) far exceeds the number of professional guardians (280).

Each association benefits directly because they set and receive registration fees. However, WSBA does allow other entities to provide legal education. Providers of legal education that are not bar associations are assessed an approval fee (\$50 for online submission or \$100 for paper submission) similar to the \$25 fee the Board assesses. Recognizing the advertising value it offers legal education providers, the bar also assesses an attendance fee (\$1 per bar association member attendee when reported online, \$3 per bar association member attendee when reported on paper). The bar also assesses a \$35 fee if attendance isn't reported within 30 days. Finally, a legal education provider can be a certified provider and won't be required to request approval for each course if they satisfy specific criteria and pay a \$250 fee in advance annually.

Thus, when 50 bar association members attend an approved course provided by a non-association provider, that provider pays a \$50 or \$100 approval fee, plus a \$50 or \$150 attendee fee, or they pay the annual \$250 certification fee plus the \$50 or \$150 attendee fee. If only one bar association member attends the course, the attendee fee is either \$1 or \$3. ([See WSBA process](#)).

## Concern that the change will impact some provider more than others.

One solution is to institute a cap on fees. If a \$150 fee cap is imposed, and the attendee fee is \$2 per guardian attendee, if one guardian attends a course, the fee is \$2; if 50 guardians attend a course the attendee fee is \$100; if 100 guardians attend a course the fee is \$150; if 200 guardians attend a course the fee is \$150.

# Proposed Rule for Posting Disciplinary Records



May 26, 2015

To: Certified Professional Guardianship Board

From: Regulations Committee

RE: GR 31.1 Implementation

The Regulations Committee submits the following revisions to Administrative Regulation 003 to implement GR 31.1. General Rule 31.1 supersedes Regulation 003.1 to 003.3.2

~~003 Public Records~~

~~003.1 Disclosure. Existing records that are prepared, owned, used, or retained by the Board shall be disclosed upon request using established procedures for inspection, copying, and disclosure except as otherwise provided in rules, regulations of the Board, or other authority.~~

~~003.2 Exemptions from Disclosure. The following records are exempt from public inspection, copying, and disclosure:~~

~~003.2.1 Test questions, scoring keys, test results, test answers test scores and other examination data used to administer a certification or license examination.~~

~~003.2.2 Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process.~~

~~003.2.3 Investigative records compiled by the Board, the nondisclosure of which is essential to effective law enforcement.~~

~~003.2.4 Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.~~

~~003.2.5 Deliberative records of the Board, a hearing officer or hearing panel, review panel, or board committee made confidential by a court order.~~

~~003.2.6 Personal information, including, but not limited to, home address, home telephone number, financial information, health information, Social Security number, and date of birth.~~

~~003.2.7 Certain personal and other records of an individual such that disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public.~~

~~003.2.8 Other records related to the Certified Professional Guardian Board that are required by law, rule, regulation, court order, or other authority to be confidential.~~

### ~~003.3 Other Records.~~

~~003.3.1 Dismissed grievances shall be disclosed upon written request using established procedures for inspection, copying, and disclosure with identifying information about the grievant, incapacitated person, and professional guardian and/or agency redacted. A request for dismissed grievances shall cover a specified time period of not less than 12 months. (Amended 6/14/10)~~

~~003.3.2 The identity of a person requesting an ethics advisory opinion is confidential and not subject to public disclosure.~~

003.4 Records Retention. Records related to the Certified Professional Guardian Board shall be retained in accordance with records retention schedules for the judicial branch and the Washington State Administrative Office of the Courts (AOC).

~~003.5 Posting of Disciplinary Actions. Disciplinary sanctions involving admonitions or reprimands will be archived twelve months after the disciplinary action is completed. Disciplinary actions will remain permanently linked to an individual certified professional guardian's listing on the web site. (Adopted 1-9-12)~~

003.5 Posting Records. For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, any order on appeal by the professional guardian, and all attachments or exhibits to the foregoing records shall be posted for public access on the website for the Administrative Office of the Court.

## Need for the Revision

GR 31.1, the Supreme Court's rule governing access to administrative records, was adopted in 2013 and is scheduled for implementation in 2015. According to the AOC website GR 31.1 makes the following changes regarding disclosure of Certified Professional Guardian records.

The standards for public access to records of the Certified Professional Guardian Board have been revised to allow for greater access to records concerning grievances filed against certified professional guardians. See section (l)(12) below:

**(l) Exemptions.** In addition to exemptions referred to in section (j)<sup>1</sup>, the following categories of administrative records are exempt from public access:

(12) The following records of the Certified Professional Guardian Board:

- (i) Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process. Investigative records related to a grievance become open to public inspection once the investigation is completed.
- (ii) Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.

<sup>1</sup> **(j) Administrative Records—General Right of Access.** Court and judicial agency administrative records are open to public access unless access is exempted or prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law. To the extent that records access would be exempt or prohibited if the Public Records Act applied to the judiciary's administrative records, access is also exempt or prohibited under this rule. To the extent that an ambiguity exists as to whether records access would be exempt or prohibited under this rule or other enumerated sources, responders and reviewing authorities shall be guided by the Public Records Act, Chapter 42.56 RCW, in making interpretations under this rule. In addition, to the extent required to prevent a significant risk to individual privacy or safety interests, a court or judicial agency shall delete identifying details in a manner consistent with this rule when it makes available or publishes any public record; however, in each instance, the justification for the deletion shall be provided fully in writing.

- (iii) A grievance shall be open to public access, along with any response to the grievance submitted by the professional guardian or agency, once the investigation into the grievance has been completed or once a decision has been made that no investigation will be conducted. The name of the professional guardian or agency shall not be redacted from the grievance.

# Instructions for Continuing Education Providers

## Instructions for Sponsors of Guardian Continuing Education

(Please click on links below to skip to each section)

***Course applications must include the following:***

**Course Submissions**

**Student Protection Policy**

**Guardian Continuing Education Requirements and Course Content**

**Course Evaluation**

**Reporting Attendance**

**Advertising**

**After Course Checklist**

**Continuing Education Course Approval Request Invoice**

**Course applications must include the following:**

- **The Application for Approval of Continuing Education Activity** completed and signed;
- Resumes or bios of instructors;
- Non-refundable, non-transferable processing fee; and
- The completed **Continuing Education Course Approval Request Invoice**.

### **Course Submissions**

1. The **Application for Approval of Continuing Education Activity** and resumes or bios of instructors should be submitted electronically to: [guardian.program@courts.wa.gov](mailto:guardian.program@courts.wa.gov)
2. If a complete Application is received more than thirty (30) days prior to the seminar, the fee will be \$25 per occurrence. If the application is received less than thirty (30) days prior to the event, the fee will be \$50 per occurrence. Approval will not be granted after the course has been held. *All fees are non-refundable and non-transferable.*
3. Checks should be made out to the Administrative Office of the Courts (AOC) and mailed along with the completed **Continuing Education Course Approval Request Invoice** to:

**Kim Rood  
Administrative Office of the Courts  
PO Box 41170  
Olympia WA 98504-1172**

4. All courses must be open to all certified professional guardians. The sponsoring agency will allow the Certified Professional Guardian Board, a member thereof, or such other person as it shall designate, to audit the program.

### **Student Protection Policy**

All student fees and fee refund policies must be disclosed to students before enrollment. If a course is cancelled for any reason, all charges are refundable in full within forty five (45) days.

The Board should be notified in writing within five (5) days of cancellation of a course. Each student who successfully completes a course must receive verification of attendance. This requirement is satisfied by giving the attendees a copy of the signed CPG course approval form or by providing another form that contains the following information:

- The title, date and location of course.
- The number of hours attended, and the number and type of credit earned.
- The name and signature of the sponsor.

### **Guardian Continuing Education Requirements and Course Content**

According to Continuing Education Regulation 200, Certified Professional Guardians are required to participate in ongoing education to maintain their certification. The training requirement is a minimum of 24 clock hours per two (2) year reporting period, with the minimum time allocated among education and skills training in:

- ***Guardian Ethics – 4 hours per reporting period***
- ***General Information for Guardians – 16 hours per reporting period***
- ***Emerging Issues (2013-2014) – 4 hours per reporting period***  
***Cultural Diversity or How to Manage a Guardianship Business***

All courses shall:

- (a) Have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as a Guardian.
- (b) Constitute an organized program of learning dealing with matters directly relating to the guardianship practice and/or to the professional responsibility or ethical obligations of a Guardian.
- (c) Be taught by faculty members qualified by practical or academic experience to teach a specific subject.
- (d) Utilize high quality, readable, and carefully prepared written materials for distribution to all attendees at/or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule. Providing students the materials on a computer disk or flash drive is encouraged.
- (e) Be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.
- (f) No course will be approved which involves solely television viewing in the home or office or correspondence work or self-study. Video, motion picture, sound tape, or online presentations may be approved, provided they include a method of student-teacher interactive involvement.

(g) Be open to all certified professional guardians.

A "credit hour" equals one (1) clock hour (60 minutes) of actual attendance.

Credits are granted in three (3) continuing education categories, Ethics, General and Emerging Issues.

- To qualify for "ethics credit," a course or subject must deal with the ethical issues and ethical conflicts relative to the legal rights, duties, or responsibilities of Guardians or must include discussion, analysis, interpretation, or application of the Standards of Practice, judicial decisions interpreting the Standards of Practice or guardianship ethics, and/or ethics opinion published by the CPG Board.
- To qualify for "general credit," a course or subject must encompass training and information pertaining to the business side of a Guardian's practice, the personal care of Guardian clients, and/or the management of assets, estates and benefits. Topics qualifying for general credit include, but are not limited to the following: the use of forms to assist in the practice, tax and civil liability, insurance and bond issues, relationship with counsel and other professionals, fee issues and billing practices, business development, information pertaining to personal and physical care, residential placement, medical/psychological/social/family matters, marshalling/management/sale of/maintenance of assets, entitlement to state/federal benefits, estate planning, and other issues and activities with which a Guardian should be familiar. It also includes matters that apply generally to guardianship of person and estate such as the roles of guardians ad litem, petitions for direction, general civil procedure or the role of the court.
- To qualify for "emerging issues credit," a course or subject must encompass training and information pertaining to a topic specifically identified by the Board. The Board will determine for each reporting period which emerging issue(s) should be addressed in guardianship education. Emerging issues shall be identified by the Board at least five (5) months prior to the topic's corresponding reporting period.

The Board selected Cultural Diversity and How to Manage a Guardianship Business for the emerging issues topics for 2013-2014. A more detailed description of the topics is provided below:

**Cultural Diversity** is training that strengthens the capacity of professional guardians to provide quality guardianship services to all segments of society by increasing their cultural knowledge and helping them develop policies and procedures and a method of accountability that promotes and supports development of cultural competence.

**Cultural Competence** is understanding the importance of social and cultural influences in the lives of all people. It is developed over time with experience and exposure that increases knowledge, awareness, sensitivity and skills along the cultural competence continuum. Some experts believe cultural competence includes the following components:

- **Cultural Knowledge** means that you know about some cultural characteristics, history, values, beliefs and behaviors of other ethnic or cultural group.

- **Cultural Awareness** means being open to the idea of changing cultural attitudes.
- **Cultural Sensitivity** is knowing that differences exist between cultures, but not assigning values to the differences (better or worse, right or wrong).

Cultural competence brings together the previous stages—and adds operational effectiveness. A culturally competent organization has the capacity to bring into its system many different behaviors, attitudes and policies to work effectively in cross-cultural settings to produce better outcomes.

Cultural competence requires that individuals and organizations are linguistically competent. They have the capacity to communicate effectively and convey information in a manner that is easily understood by diverse audiences, including persons of limited English proficiency, those who have low literacy skills or are not literate, and individuals with disabilities.

To achieve cultural and linguistic competence, individuals and organizations must:

- Have a defined set of values and principles, and demonstrate behaviors, attitudes, policies and structures that enable them to work effectively cross-culturally.
- Have the capacity to (1) Value diversity, (2) Conduct self-assessment, (3) Manage the dynamics of difference, (4) Acquire and institutionalize cultural knowledge and (5) Adapt to diversity and the cultural contexts of the communities they serve.

**How to Manage a Guardianship Business may include but is not limited to the following topics:**

- Establishing A Business
  - Business Plan
  - Type of Business
  - Permits, licenses
  - Forms
  - Data Collection
  - Pricing
- Financial Management
  - Double Entry Accounting
- Managing Schedules
  - Court Dates
  - Court Reports
- Using Technology
- Managing Employees and Contractors
  - Roles and Responsibilities

## **Course Evaluation**

The sponsor shall obtain course evaluations from participants and submit them within thirty (30) days after the class.

The Board may evaluate the performance of any continuing education instructor, course, or sponsor through observation, review of qualifications, or adherence to Board continuing education requirements.

## **Reporting Attendance**

The sponsor of a continuing education course shall monitor the attendance of each approved course and maintain an attendance log which lists the name and certification number of every CPG who attends a course.

The program sponsor shall submit the attendance log to the Board within thirty (30) days after completion of the course. The log shall serve as proof that the CPGs listed completed the sponsor's course.

Attendance logs should reflect the actual arrival and departure time. Falsifying attendance logs is considered a breach of professional ethics.

Sponsors will provide each attendee with a copy of the CPG Report for Partial Attendance at Continuing Education Class. If a guardian does not attend the full course, he or she is responsible for completing this form. The sponsor will send all forms to the AOC within thirty (30) days after completion of the class.

## **Advertising**

Mailing labels will be forwarded with the Course Approval Form only upon request. They are not to be used for any other purpose or any subsequent class. They are not to be disseminated to any other organization or individual for any purpose whatsoever.

## **After Course Checklist**

**Information to be submitted to the Board within thirty (30) days of Course Completion**

- Course Evaluations from Participants
- The Attendance Log
- Any CPG Reports for Partial Attendance

**CERTIFIED PROFESSIONAL GUARDIAN BOARD  
APPLICATION FOR APPROVAL OF CONTINUING EDUCATION ACTIVITY**

*Please type or print legibly*

***Application Approval for Sponsors***

1. Sponsor Name: [redacted]

Sponsor Address:

Sponsor Phone:

Sponsor Fax: [redacted]

Sponsor E-mail: [redacted]

Contact Person of Sponsor: [redacted]

<u>For CPG Board Office Use Only</u>	
General Credits	_____
Ethic Credits	_____
Emerging Issues Credits	_____
How to Manage a Guardianship Business	_____
OR	
Cultural Diversity	_____
Approved	
_____ Yes _____ No	
Initials	_____

2. Title of Educational Activity: [redacted]

3. Date, time (start and end) and exact location (city, building, room) of presentation:

Start Date/Start Time	End Date/End Time	Location (city, building, room)
[redacted]	[redacted]	[redacted]

**Is this class a webinar? Yes  No  Is this webinar interactive? Yes  No**

**Please describe how interactivity is achieved.** [redacted]

**Note: The sponsor is responsible for informing attendees that group viewing of the class is not acceptable. Each individual attendee must log in separately, as sponsor log in records are used to verify attendance.**

4. Number of continuing education credit hours requested:

General

Ethics

Emerging Issues (below)

Cultural Diversity **or**

How to Manage a Guardianship Business

*(See CPG Continuing Education Regulations Rule 201)*

5. Please rate degree of course difficulty:

*Beginning*  *Intermediate*  *Advanced*

6. Have you requested approval of this course before?  Yes  No  
If yes, when [redacted]
7. Registration fee for activity: [redacted]
8. Faculty: (Complete for each faculty member or attach a document containing all the information below for all faculty members.)  
  
**Name:** [redacted]  
Resume/Bio/Credentials (Include professional and educational background, teaching experience: [redacted]  
  
Topic Teaching: [redacted]
9. Complete description of all materials to be distributed to participants. In all cases, the class sign-in sheets and participant evaluations are to be provided to the AOC no later than thirty (30) days after the activity. [redacted]
10. Description of physical facilities (e.g., classroom or theater seating, availability of writing surface, etc.): [redacted]
11. Method of evaluation of program (e.g., participant critique, independent evaluator, etc.): [redacted]
12. Please complete "Outline of Course Presentation" on Page 3 including a description of each session. [redacted]
13. Estimated number of attendees: [redacted]

Sponsor agrees (1) to allow the Professional Guardian Certification Board, a member thereof or such other person as it shall designate, to audit the program in question, (2) within **(thirty) 30 days** following the activity send to AOC a list of all CPGs who attended the activity, any CPG Reports for Partial Attendance forms received, and all evaluations; and (3) if mailing labels are requested, to use the labels for mailing education program announcement only.

**NOTE: On the date of the continuing education activity, the sponsor must provide a copy of the CPG course approval form to each CPG in attendance.**

**Return this form along with \$25 if filed more than 30 days prior to the activity.**

**If filed less than 30 days before the activity, return form with \$50.**

**Professional Guardian Certification Board**

**Administrative Office of the Courts**

**Attn: Kim Rood**

**PO BOX 41170**

**Olympia WA 98504-1170**

**CPG Mailing Labels Requested: Yes  No**

# Outline of Course Presentation

*(Row one and two are an example)*

**Please type in the highlighted area.**

Time <i>(Each Segment)</i>	Subject Title and Description	Content <i>(Must indicate type of credit per segment, emerging issues, ethics or general, ethics must include the SOPs that will be discussed)</i>	Total Time Spent on Subject <i>(Each Segment)</i>	Faculty Name
<b>7:30 – 8:30 a.m.</b>	<b>Developing a Care Plan</b>	<b>General</b>	<b>1 hour</b>	<b>Jane Doe</b>
<b>8:30 – 9:30</b>	<b>Conflicts of Interest</b>	<b>Ethics</b>	<b>1 hour SOP 406</b>	<b>John Doe</b>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

201.10 To qualify for "ethics credit," a course or subject must deal with the ethical issues and ethical conflicts relative to the legal rights, duties, or responsibilities of Guardians or must include discussion, analysis, interpretation, or application of the Standards of Practice, judicial decisions interpreting the Standards of Practice or guardianship ethics, and /or ethics opinion published by the CPG Board.

201.11 To qualify for "general credit", a course or subject must encompass training and information pertaining to the business side of a Guardian's practice, the personal care of Guardian clients, and/or the management of assets, estates and benefits. Topics qualifying for general credit include, but are not limited to the following: the use of forms to assist in the practice, tax and civil liability, insurance and bond issues, relationship with counsel and other professionals, fee issues and billing practices, business development, information pertaining to personal and physical care, residential placement, medical/psychological/social/family matters, marshalling/management/sale of/maintenance of assets, entitlement to state/federal benefits, estate planning, and other issues and activities with which a Guardian should be familiar. It also includes matters that apply generally to guardianship of person and estate such as the roles of guardians ad litem, petitions for direction, general civil procedure or the role of the court.

201.12 To qualify for "emerging issues credit," a course or subject must encompass training and information pertaining to a topic specifically identified by the Board. The Board will determine for each reporting period which emerging issue(s) should be addressed in guardianship education. Emerging issues shall be identified by the Board at least five months prior to the topic's corresponding reporting period. The topics selected for 2013 are Cultural Diversity and How to Manage a Guardianship Business.

# Comments RE: Continuing Education Proposal

Date: April 6, 2015

To: CPG Board – Education Committee

From: Mindi R. Blanchard, M.Ed., CPG  
President, Bridge Builders, Ltd.

RE: Proposal to Increase Continuing Education Offerings for Certified Professional Guardians

[ELECTRONICALLY SUBMITTED]

From what I understand, this proposal makes the assumption that the lack of sponsors is directly related to the fees charged. While fees may be a minor issue, I don't think that it is the primary issue.

Currently, the application process for continuing education sponsors is cumbersome and time consuming. I understand that many, if not most, professions require the same documentation to be submitted but then there is the list of questions regarding the type of classroom style, etc. I wonder how pertinent these questions really are to get a course approved. Sponsors of free courses are not going to be motivated to navigate the application process even if they are not required to pay fee. Often, these sponsors are volunteers themselves so they are not interested in additional work.

I would like to propose that the continuing education committee streamline the application process and make it possible for GPGs to submit applications for credit on an individual basis. This way the CPGs can take advantage of free courses and then send in an application for credit themselves. Even if the education committee still wants to charge a fee \$25.00 for one credit hour is still less than the average credit hour rates that the UW, WAPG and The Guardian Institute charge (I believe they charge an average of \$30.00 per credit hour). The education committee might even make it possible for CPGs to submit applications for as little as ½-hour in order to get credit for guest speakers at networking groups.

In summary, I would suggest:

1. Streamline the current application process.
2. Pre-approve continuing education for organizations that provide courses/conferences on an annual or more frequent basis. Maybe have an annual fee required for the privilege.
3. Allow CPGs to submit applications individually for credit *after* a course. There could be a form specifically designed for this, which then would not require copies of the evaluations, sign in sheet, etc.
4. Put out on the listserv both unapproved and approved courses that are available; separating them to minimize confusion.

I believe that this would be a more effective way to encourage more sponsors and also encourage CPGs to take advantage of courses in their immediate area.

Respectfully Submitted,

*Mindi R. Blanchard*

Mindi R. Blanchard, M.Ed., CPG

Fri 5/22/2015 3:13 PM

If the guardian is a parent, the educational piece should be waived or vastly reduced in comparison. This unique situation applies to many parents who MUST become the legal guardians of their developmentally disabled children once they reach the age of 18 for no other reason than they had their 18th birthday. In fact, it is the same person the parent has been taking care of for the first 18 years until adulthood.

The majority of the educational piece did not apply to this relationship.

Colleen Willis

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Fri 5/22/2015 7:11 PM

Dear Board,

I have read your 3 questions, along with the attached online page detailing those questions. Quite frankly, I have no strong feelings on any of these questions. I am just a mom, trying to make a better life for my disabled son. Speaking as his guardian, any changes you can make in your system that would make my son's life better, and my job as his guardian easier...are changes I support. Unfortunately, I don't see how these 3 questions directly impact me.

Thank you for asking for my input.

Most sincerely,  
Valerie Block

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Sat 5/23/2015 11:37 AM

The biggest issue I see with the questions is that they all hint at the distrust against professional guardians. Its like we are all considered crooks unless proven otherwise. That is why the state is losing qualified, educated, and dedicated guardians. Why would someone who would be valued in any other company put up with being treated like an ex-convict?

1. Yes, there should be more trainings allowed. IBP does many trainings but unless we pay to have them considered we don't get the credit. Many guardians do more than the amount of training they have to do and we should get credit for that. Making anyone but UW jump through hoops and wait till the last minute to be okayed is stupid. You are limiting our access to training which only hurts the IP's. Also, I am seeing more and more online training which I think is a waste. You learn more going, you pay attention more, and its usually run better. I can log in to an online training and go walk my dog and come back and say I took the training.

2. The idea that someone can file a grievance stating that a guardian stole one billion dollars from them, locked them in the trunk of their car, and drove them to Mexico and left them and that would be posted for anyone to see is unfair. Only substantiated grievances should be posted. We are dealing with an uneducated society who is stealing from their seniors left and right and resents the Hell out of anyone who stands in their way. Many grievances are confused family and IP's at best and retaliation for good work at worst.

3. I like alternatives but I hate ombudsman. All of the ones I have come in contact with don't look at the big picture, they are strictly trying to advocate for the resident, IP, client, etc and don't live in the real world. They advocate for things that would hurt the person in question quite often. Ombudsman tend to be people who have never worked in long term care, social services, VA, Social Security, DSHS, etc. It can't just be anyone, they need to have walked in the shoes of social services, have a substantial education, and better yet, hands on work in guardianship. No attorneys.

[Redacted]

Jenifer Mick

Sat 5/23/2015 10:29 AM

- 1) No
- 2) Yes
- 3) No

Cindy Ramey

May 26, 2015

the "click here" for more information does not work

on the face of the questions posed I can't imagine any response to all three questions but 'yes'

Laura Hardman

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May 27, 2015

In response to your request for feedback to the noted issues, I make the following comments. Regarding continuing education offerings, I suggest that not only the professional guardians be apprised of such learning opportunities but also Judges, Commissioners and Volunteer Guardianship Monitors in the various programs around the State also have access to these offerings.

I believe a Guardianship Ombudsperson position would be very helpful and valuable to be available to receive direct input from family, concerned individuals or Guardianship Monitors volunteers regarding continuing observed problems with professional guardians.

Thank you for the opportunity to share my thoughts.  
Tom Deacon, Snohomish County Guardianship Monitoring Program Volunteer.

Tom Deacon, Snohomish County Guardianship Monitoring Program Volunteer

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Sun 6/7/2015 11:50 AM

My only suggestion is to have education for new guardians, and then education for all guardians when there is a change or update.

Thank you, Helen Joyce West

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August 12, 2015

Certified Professional Guardianship Board  
P.O. Box 41170  
Olympia, WA 98504-1170

In response to your request for comments on the following three questions, I submit the following:

*1. Should the Certified Professional Guardianship Board [CPG Board] change the continuing education request process to increase the number of quality educational offerings available to professional guardians; reduce risk for sponsors of guardian continuing education; eliminate perceived unfairness.*

I do not offer classes nor take classes and, therefore, I have no personal experience to draw upon for my response. However, I have heard comments at CPG Board meetings indicating that the process of getting continuing education approved is cumbersome. Perhaps improvement in this area would have more efficacy than modifying the fee arrangement in meeting educational goals.

*2. Should the Certified Professional Guardianship Board modify its rule for posting disciplinary actions to comply with the standards from public access to records approved by the Supreme Court?*

Yes, I believe the CPB Board should comply and post disciplinary actions but I also think they should post whether or not the guardian has satisfied the terms of the disciplinary action.

*3. Should the Certified Professional Guardianship Board explore developing a Guardianship Ombudsman as an alternative to the current disciplinary process?*

I think such a study to evaluate cost and efficacy would be valuable especially if it also looks at the ombudsman program not only investigating complaints and problems but also:

1. conducting regular visits to anyone under guardianship who is not eligible for services under the Washington State Long-Term Care Ombudsman Program, and
2. making regular recommendations for systemic improvements.
3. potential funding from state, local or county appropriations.

I appreciate the invitation to comment and hope mine help. Please do not hesitate to contact me to ask questions or for further input.

Sincerely,

Tina Baldwin

# Comments RE: Rule for Posting Disciplinary Records

Sat, May 23, 2015

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[REDACTED]

Jenifer Mick

August 12, 2015

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P.O. Box 41170  
Olympia, WA 98504-1170

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Sincerely,

Tina Baldwin  
[REDACTED]  
[REDACTED]  
[REDACTED]



CPG BOARD  
RECEIVED

AUG 24 2015

August 15, 2015

Certified Professional Guardianship Board  
Washington State Administrative Office of the Courts  
1112 Quince St. SE (Bldg.1)  
PO Box 41170  
Olympia, WA 98504-1170

RE: Comment on Changes to Administrative Regulation 003

**WAPG recommends the Board make the following change to proposed Regulation 003:**

003.5 Posting Records.<sup>1</sup>

003.5.1 For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, any order on appeal by the professional guardian, and all attachments or exhibits to the foregoing records shall be posted for public access on the website for the Administrative Office of the Court.

003.5.2 Disciplinary Sanctions involving admonitions or reprimands will be archived twelve months after the disciplinary action is completed. Disciplinary actions will remain permanently linked to an individual certified professional guardian's listing on the website.

003.5.3 Any grievance that is dismissed shall be available through a Public Records Request pursuant to GR 31.1(1)(12).

**Reason for the Recommendation:**

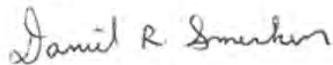
- The Supreme Court has decided that, unlike Judges and attorneys, all grievances filed against professional guardians will be subject to a public information request beginning in January 2016.
- GR 31.1 requires that grievances against professional guardians be available for public access. GR 31.1 does not address how this information is to be made available to the public.

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<sup>1</sup> Changes from the Board's proposal are indicated by underlining.

- WAPG recommends that dismissed grievances be produced only upon a public records request. WAPG does not recommend dismissed grievances be posted on the Board's website because of the potential damage to a guardian's reputation—many people believe “where there's smoke, there's fire.”
- WAPG also recommends retaining the section of the Regulation that removed grievances from the main CPG website page after one year and leaving the link to discipline only on the specific guardian's page.

Thank You



Daniel Smerken, President  
Washington Association of Professional Guardians.

# Comments RE: A Guardianship Ombudsperson

## Comments Re- Guardianship Ombudsperson

Sat, May 23, 2015

The biggest issue I see with the questions is that they all hint at the distrust against professional guardians. Its like we are all considered crooks unless proven otherwise. That is why the state is losing qualified, educated, and dedicated guardians. Why would someone who would be valued in any other company put up with being treated like an ex-convict?

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[REDACTED]

Jenifer Mick

Date: May 26, 3016

To: Certified Professional Guardian Board

From: Mindi R. Blanchard, M.Ed., CPG  
Bridge Builders, Ltd/ The Guardian Institute

[Electronically Submitted]

RE: Should the Certified Professional Guardianship Board explore developing a Guardianship Ombudsperson as an alternative to the current disciplinary process?

I think that my first question to this would be to ask what outcome the Guardian Board expects from an Ombudsperson program. I am in agreement with many CPGs that the current disciplinary process has become extremely punitive but that doesn't necessarily mean that the answer is to scrap the current grievance process for an Ombudsperson. How about fixing the grievance process?

Years ago I dealt with a grievance that was filed against me and found the process to be very straightforward. I received a letter that included a list of the complaints and was asked to respond in writing and provide pertinent documentation to support my position. I called with some questions and was treated professionally and courteously. I believe I was later asked for additional documentation, which I also provided. More recently I was notified by phone of a possible grievance and I found the process totally different and disturbing. There was none of the professional neutrality that I had experienced years earlier. I had heard complaints from other CPGs regarding the process but I didn't take them seriously until it happened to me.

I think that everyone needs to be held accountable because it is human nature to get sloppy when we are not held accountable. I also think that guardianship clients and other concerned parties need a way to express their complaints that doesn't require a court hearing. This does *not* mean that CPGs should be considered guilty until they prove themselves innocent, which seems to be the current opinion.

When the grievance process was put into place, there was no information provided to CPGs regarding the rights and responsibilities that CPGs could expect to have during the grievance process. We were just told that there was a grievance process and that this was how the CPG Board would deal with unhappy clients and others. Changing the name will not correct this omission. Basically, through the years CPGs have felt increasingly like ducks in a shooting gallery. The attitude we CPGs face seems to assume that the majority of guardians are acting unethically. I know there are problems with some CPGs just like there are problems with some individuals in any industry. But, unfortunately, because of the overall negative attitude that we face and the perceived lack of any ability to defend ourselves in a constructive manner, we CPGs are very tempted to make decisions regarding our clients according to whether or not an unhappy individual might complain to the CPG Board instead what is the right decision for our clients. When this happens our clients could end up suffering consequences that CPGs were put in place to avoid.

CPGs are the guardians of last resort. If a family member or other interested party was willing or qualified to be guardian, they would be the guardian because they are the first choice. So, if a family member or other interested person starts making complaints, one must ask the question of why they

were't appointed guardian instead of a CPG. The very definition of our job is that this is a job no one else wants or is qualified to do. In my business, we accept the very difficult guardianships because we have learned to be very good at stabilizing challenging client situations within a relatively short time. Oftentimes there are family members who are initially upset but most of the time we are able to educate them regarding guardianship and also why the client(s) might act certain ways and the appropriate ways to respond. They typically become members of our "team" for the benefit of the client(s). However, we do occasionally have situations where family has their own agenda and we realize that the best we can do is manage the situation with these individuals because what they want to see happen is not in the best interests of our clients or what our clients want. Believe me, the thought of having to deal with a grievance or being sued is always hovering over our shoulders. Do we make mistakes? Of course we do. But this business is stressful enough without having to worry about frivolous grievances or a phone call from the AOC asking questions about a case in such a way that it seems they are looking for an excuse to open a grievance. I sometimes get calls from other CPGs who seem to be making decisions based solely on the fear of a grievance. This greatly disturbs me.

I think a major problem with the current process is there is no written "protocol" that defines what CPGs can expect and there are no guidelines for CPGs to follow that tell us how we should respond when a grievance is filed against us. We CPGs have never been told what process the investigators follow in order to make their conclusions. From my own experience, there does not seem to be a consistent protocol on how the grievances are handled. As a result, we CPGs have no idea what to expect or what we need to do to confidently defend ourselves. The very mysteriousness of the current grievance process and the feeling of being an unwitting victim of this process breeds fear in CPGs.

Unless there is transparency and consistency for the process where CPGs receive clear information from the CPG Board via continuing education, a venue where they can ask questions to get clarification, this attitude among CPGs will not change.

So, my suggestion is instead of developing a different way to handle grievances, improve the current process by putting together a protocol that includes what rights CPGs have during the process and outlining what CPGs can expect. Questions need to be answered such as: 1) Can an individual just call in to open a grievance or does it have to be in writing? 2) If the aggrieved individual cannot voice or write specifics, how far can the investigator go to try to pin down a reason to open a grievance? 3) What efforts do the investigators make to find out what part the aggrieved individual have prior to a CPG being appointed guardian? (Abusive individuals can be charming and highly manipulative so the investigators need to know some history in order to put the grievance in a proper context), 4) Do the investigators have to take the word of the aggrieved party at face value? If so, why? If CPGs have to prove their innocence, why would the aggrieved party not have to prove their side as well? (I am talking more about care issues here) and 5) Why can there not be an educational or coaching component when it is obvious a CPG made a mistake out of ignorance? I know that the attitude is that a CPG "ought" to know better but unless one has been a CPG, one cannot fathom the intricacies of this line of work. While we are supposed to get professional advice, we are still expected to be an expert on *everything* involved in a guardianship as we are ultimately responsible for anything that goes wrong. I know of no other industry that requires this level of responsibility.

Also, if there is discipline involved in a grievance that is posted on the web site; the CPG's compliance and that the CPG successfully completed whatever was required to satisfy the grievance

should also be posted so that those looking at the web site know that the situation has been resolved to everyone's satisfaction.

Once this is developed, someone from the CPG Board should ask to speak at all of the continuing education events and during the UW certification training to make sure as many CPGs as possible get the information and the opportunity to ask clarifying questions.

Respectfully Submitted,

Mindi R. Blanchard, M.Ed., CPG

August 12, 2015

Certified Professional Guardianship Board  
P.O. Box 41170  
Olympia, WA 98504-1170

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I appreciate the invitation to comment and hope mine help. Please do not hesitate to contact me to ask questions or for further input.

Sincerely,

Tina Baldwin

[REDACTED]

[REDACTED]

AUG 24 2015



Washington Association of  
Professional Guardians

August 15, 2015

Certified Professional Guardianship Board  
Washington State Administrative Office of the Courts  
1112 Quince St. SE (Bldg.1)  
PO Box 41170  
Olympia, WA 98504-1170

RE: Comment on Guardianship Ombuds Proposal

**WAPG Recommends: Allow the amendments to RCW 11.88.120 to take effect and reconsider the proposal to create a Guardianship Ombuds Office in a year.**

The Certified Professional Guardian Board has asked for comment on a proposal to create a Guardianship Ombuds Office to “foster continuance action to improve the decision support system.” The Office would address grievances and inquiries regarding professional guardians. The Washington Association of Professional Guardians has some concerns about the proposal as well as some suggestions for future development.

Certified Professional Guardians are already supervised by both the Courts and the CPG Board. The legislature recently responded to concerns about guardian conduct by streamlining the procedure used to bring guardians before the court. This new process placed into law by ESSB 5607, which amends RCW 11.88.120, will allow those with concerns to have their issues heard quickly by an authority (the court) that can effect any needed change. This new process should be given an opportunity to work. Adding yet another entity (e.g. an ombuds) to oversee the work of professional guardians will create confusion and extra cost by establishing three concurrent authorities with oversight – each with slightly different mandates.

If the CPG Board envisions the creation of another governmental entity, work needs to be done to develop this proposal: (1) integrate the Guardianship Ombuds Office’s authority with the Court and the Board; (2) create stable funding; and (3) develop standards for staffing and training by qualified personnel. WAPG would be interested in being involved in any developments of this proposal and with providing subject matter expertise.

Thank You,

Daniel Smerken, President  
Washington Association of Professional Guardians

2150 N 107<sup>th</sup> St, Suite 205 • Seattle, WA 98133 • 206-209-5269 • 206-367-8777 fax  
Email: [office@wacpg.org](mailto:office@wacpg.org) Website: [www.wacpg.org](http://www.wacpg.org)