

Certified Professional Guardianship Board

Monday, November 16, 2015

8:00 a.m. to 9:00 a.m.

Teleconference

Proposed Meeting Minutes

Members Present

Judge James Lawler, Chair
Commissioner Rachelle Anderson
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Ms. Nancy Dapper
Judge Gayle Harthcock
Mr. Bill Jaback
Commissioner Diana Kiesel
Ms. Carol Sloan
Mr. Gerald Tarutis
Ms. Amanda Witthauer

Members Absent

Dr. Barbara Cochran
Ms. Nancy Dapper

Staff

Ms. Shirley Bondon
Ms. Kathy Bowman
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 Introductions

Judge Lawler 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 October 19th, 2015 Board meeting.

Motion: *A motion was made and seconded to approve the October 19th, 2015 Minutes. The motion passed.*

4. Chair's Report

• Grievance Update

Judge Lawler reviewed the updated grievance report. In summary, the Certified Professional Guardianship Board received nine new grievances since the last report, dated September 30, 2015. Fourteen grievances were resolved for various reasons in the month of October, 2015.

At the last meeting, Board members asked staff to determine how many of the Certified Professional Guardians (CPGs) had multiple grievances. It was

determined by staff to be 28 CPGs with two or more grievances and one CPG had 15 open grievances. That number was based on open grievances between 2013 and 2015.

5. Executive Session (Closed to Public)

6. Reconvene and Vote on Executive Session (Open to Public)

Applications Committee

On behalf of the Applications Committee, Mr. Jaback presented the following applications for Board approval.

Motion: *A motion was made and seconded to conditionally approve Sarah Chong's application for certification upon completion of UW certification program. Motion passed.*

Motion: *A motion was made and seconded to conditionally approve Coya Eubanks-Kirby's application for certification upon completion of UW certification program. Motion passed.*

Motion: *A motion was made and seconded to conditionally approve Clare Maddox's application for certification upon clearance of background checks for Adult Protective Services and Child Protective Services. Motion passed.*

Motion: *A motion was made and seconded to approve Diana McIntyre's application for certification. Motion passed.*

Motion: *A motion was made and seconded to conditionally approve Lisa Mudd Whitling's application for certification upon completion of UW certification program. Motion passed.*

7. Wrap Up/Adjourn

Judge Lawler stated that the next Certified Professional Guardianship Board meeting will be at the SeaTac Office Facility on Monday, January 11, 2016. The meeting adjourned at 8:30 a.m.

Recap of Motions from November 16th, 2015 meeting.

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the October 19th, 2015 Minutes. The motion passed.</i>	Passed

Motion Summary	Status
<p>Motion: <i>A motion was made and seconded to conditionally approve Sarah Chong's application for certification upon completion of UW certification program. The motion passed.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to conditionally approve Coya Eubanks-Kirby's application for certification upon completion of UW certification program. Motion passed.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to conditionally approve Clare Maddox's application for certification upon clearance of background checks for Adult Protective Services and Child Protective Services. Motion passed.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to approve Diana McIntyre's application for certification. Motion passed.</i></p>	Passed
<p>Motion: <i>A motion was made and seconded to conditionally approve Lisa Mudd Whitling's application for certification upon completion of UW certification program. Motion passed.</i></p>	Passed

Grievance Update

CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

Status as of December 31, 2015

Grievances	2015	2014	2013	2012	Total
Open--Needing Investigation (October 31, 2015)	37	24	9	0	70
Resolved w/o ARD or Hearing	7				7
Resolved w ARD	-				
Resolved w Hearing	-				
New Grievances (opened since late report)	5				5
Open--Needing Investigation (December 31, 2015)	35	24	9	0	68
Closed or Terminated since last report					7

Year Received	2015	2014	2013	2012	Total
Dismissal - Administrative					0
Dismissal - No actionable conduct	3				3
Dismissal - No jurisdiction	2				2
Dismissal - Insufficient					
Admonishment					0
Reprimand					0
Suspension					0
Decertification					0
Administrative Decertification					0
Terminated - Death of Guardian	2				2
Totals Closed or Terminated since last report	7	0	0	0	7

Summary Current Activity	December
Opened since last report	5
Closed w/o ARD/Hearing	7
Closed w ARD	-
Closed w Hearing	-

Request for Session Proposal and Annual Judicial Conference



WASHINGTON COURTS

January 4, 2016

Honorable James Lawler, Chair
Certified Professional Guardianship Board
Lewis County Superior Court
345 W Main St, Fl 4
Chehalis, WA 98532-0336

Dear Judge Lawler:

On behalf of Justice Susan J. Owens, chair of the 2016 Annual Judicial Conference Planning Committee, you are invited to submit a session proposal for the *58th Washington Judicial Conference*. The conference is scheduled for September 11 – 14, 2016 and will be held at the Red Lion Inn at the Park, Spokane.

This request is for an educational proposal from your commission, committee, or group that meets the needs of all levels of court and provides thought-provoking, educational content. For those on association education committees, **it is important that we receive your input, especially if we can accommodate your curricula.** If there were programs you were unable to bring to your spring programs, due to costs or space on the conference agenda, please submit them for review.

To submit a proposal, please complete the attached Session Proposal Form and include any additional information you would like the committee to review.

Proposals are being accepted until **January 15, 2016**. The Committee will convene in late January to determine the educational programming for the Annual Conference and will advise you of their decision by the end of February.

If you have any questions or concerns, please do not hesitate to contact me at (360) 705-5231 or judith.anderson@courts.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Judith M. Anderson".

Ms. Judith M. Anderson, Court Education Coordinator
The Office of Trial Court Services and Judicial Education

JMA
Enclosure
cc: Shirley Bondon

Proposed by:

Type:

- Plenary
- Choice

Time:

- 60 Minutes
- 90 Minutes
- 120 Minutes
- 180 Minutes
- Other:

Limit Class Size?

- Yes How Many?
- No

Target Audience

Court Level:

- All Levels
- Appellate
- Superior
- District
- Municipal

Job Type:

- Full-Time
- Part-Time
- Other:

Career Level:

- All Judges
- Senior Judges
- Mid-Career Judges
- New Judges
- Retired

Session Information

Session Topic/Title:

Session Description (articulating key issues to be presented):

Session Objectives (Participants will be able to . . .):

Materials

Are there materials for the session? (i.e., case law, rules, seminal law review articles, etc.) If so, please briefly describe:

Faculty & Planning

Recommended person(s) to be involved in planning:

Has any preparatory work been completed?

Recommended or Potential Faculty:

Funding

Please estimate any expenses associated with this session:

- Honorarium: \$
- Travel: \$
- Lodging: \$
- Audio Visual: \$
- Other: \$

What expenses are you sponsoring?

State and National Decisional Support

Callie T. Dietz
State Court Administrator

State and National Decisional Support Updates December 2015

Washington State Involvement

April to November 2015, Carla Montejo, a Court Program Analyst within AOC's Office of Guardianship and Elder Services assisted with an ABA Commission on Law and Aging study on restoration of rights and reviewed more than 100 guardianship appointments in Washington State where rights were restored.

March 2016 to February 2018, Shirley Bondon, Manager of the Office of Guardianship and Elder Services will consult with Andrew B. Cohen, M.D., D. Phil., Instructor, Section of Geriatrics, Yale School of Medicine on a research study on guardianship and end-of-life care among nursing home residents, funded by the Donaghue Foundation.

Update on Relevant State Legislation

HB 2300, protecting the personal information of a person acting as a guardian ad litem. Filed December 8, 2015 by Representative Moeller. This act represents a commitment to safeguard the personal information of a guardian ad litem to further ensure his or her safety and the safety of his or her family.

SB 5647, allowing counties to create guardianship courthouse facilitator programs. Filed by Senator Conway was adopted and signed by the Governor. The effective date as July 24, 2015. A report from the County Clerks' Association on implementation is attached.

SB 5607, concerning the complaint procedure for the modification or termination of guardianship. Filed by Senator Conway was adopted and signed by the Governor. The effective date was July 24, 2015. Pattern forms were developed. Click on the following link to review forms. <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=98>

National Projects

Attorneys Currently Testing New Guardianship Practice Tool

The ABA Commission on Law and Aging has enlisted over 100 volunteer attorneys to help test a new lawyer practice tool. It is called the PRACTICAL tool, and includes a checklist and background resource guide to lead lawyers through practical and legal options less restrictive than guardianship. PRACTICAL is an acronym for nine steps to examine options and explore resources.

Restoration of Rights

The ABA Commission on Law and Aging, working with Dr. Pamela Teaster of the Center for Gerontology at Virginia Tech, is conducting a research project on guardianship termination and restoration of capacity/rights. Washington State's AOC's Office of Guardianship and Elder Services assisted with the study and reviewed more than 100 guardianship appointments in Washington State where rights were restored.

Update on Relevant Federal Legislation (Summaries provided by Dr. Brenda Uekert, National Center for State Courts)

a. S. 1614, the Court-Appointed Guardian Accountability and Senior Protection Act

The Act was introduced by Senators Amy Klobuchar (D-MN) and John Cornyn (R-TX) on June 18, 2015. The bill provides for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009. It is the same version which was reported favorably by the Senate Judiciary Committee in the last Congress, but was not considered by the full Senate. S. 1614 was referred to the Senate Judiciary Committee.

b. H.R. 988, the Elder Justice Reauthorization Act

H.R. 988 was introduced on February 13, 2015 by Rep. Peter King, (R-2nd, NY) and a bipartisan group of six cosponsors. This bill would reauthorize the Elder Justice Act of 2009 through FY2019. It amends various provisions/programs under the Patient Protection and Affordable Care Act through FY2019, which include (1) the National Training Institute for Federal and State Surveyors, and (2) grants by the Secretary of HHS to state agencies that perform surveys of skilled nursing facilities. The last action on this bill was joint referral for consideration to four House Committees, Ways and Means, Judiciary, Energy and Commerce, and Education and Workforce.

c. S. 1576, the Representative Payee Fraud Prevention Act of 2015

The Act was introduced by Senators James Lankford, (R-OK) and Heidi Heitkamp (D-ND) on June 15, 2015. S. 1576 amends title 5, U.S. Code, to prevent fraud by representative payees. Under provisions of the bill any person who embezzles, or

converts payments intended for the use of a minor or individual who is mentally incompetent or under other legal disability, would be subject to a fine, imprisonment for up to five years or both. On June 24, 2015, the Senate Homeland Security and Governmental Affairs Committee considered this bill during a markup and Committee Chair Senator Ron Johnson (R-WI) was added as a cosponsor. S. 1576 was reported favorably en bloc by voice vote without amendment. S. 1576 passed the Senate on August 5, 2015 and was referred to the House of Representatives. The House assigned it to the Committee on Oversight and Government Reform on September 8 and the bill was considered and reported favorably by the Committee on October 9.

Guardianship Courthouse Facilitator Program

Number Guardianship Cases Per Year: 6-Year Average (2009-2014)

County	2010 Census	2009	2010	2011	2012	2013	2014	6-Year Total	Yearly Aver	Surcharge Income (\$20.00)	Est # Yrly Seen By Facil (75%)
Adams	18,728	6	7	4	3	3	1	24	4.0	\$80	3.0
Asotin	21,623	6	14	7	10	12	11	60	10.0	\$200	7.5
Columbia	4,078	0	3	4	4	4	1	16	2.7	\$53	2.0
Garfield	2,266	0	1	3	0	2	1	7	1.2	\$23	0.9
Benton	175,177	36	36	37	40	40	48	237	39.5	\$790	29.6
Franklin	78,163	18	16	8	11	11	24	88	14.7	\$293	11.0
Chelan	72,453	20	17	19	21	24	12	113	18.8	\$377	14.1
Clallam	71,404	35	27	24	29	27	26	168	28.0	\$560	21.0
Clark	425,363	257	268	232	300	264	282	1,603	267.2	\$5,343	200.4
Cowlitz	102,410	81	74	75	75	80	65	450	75.0	\$1,500	56.3
Douglas	38,431	10	7	6	6	8	6	43	7.2	\$143	5.4
Ferry	7,551	1	1	2	2	0	2	8	1.3	\$27	1.0
Pend Oreille	13,001	7	6	2	5	3	7	30	5.0	\$100	3.8
Stevens	43,531	13	10	10	13	10	6	62	10.3	\$207	7.8
Grant	89,120	13	14	10	15	17	9	78	13.0	\$260	9.8
Grays Harbor	72,797	22	16	18	15	20	14	105	17.5	\$350	13.1
Island	78,506	19	18	18	20	16	20	111	18.5	\$370	13.9
Jefferson	29,872	9	5	10	6	9	5	44	7.3	\$147	5.5
King	1,931,249	1,057	1,077	861	902	928	961	5,786	964.3	\$19,287	723.3
Kitsap	251,133	139	155	113	107	105	106	725	120.8	\$2,417	90.6
Kittitas	40,915	7	6	3	6	7	5	34	5.7	\$113	4.3
Klickitat	20,318	4	5	2	3	3	3	20	3.3	\$67	2.5
Skamania	11,066	4	4	1	4	3	3	19	3.2	\$63	2.4
Lewis	75,455	45	45	64	51	69	70	344	57.3	\$1,147	43.0
Lincoln	10,570	1	6	5	4	1	2	19	3.2	\$63	2.4
Mason	60,699	16	15	14	12	16	23	96	16.0	\$320	12.0
Okanogan	41,120	13	16	15	12	12	13	81	13.5	\$270	10.1
Pacific	20,920	2	9	7	3	3	5	29	4.8	\$97	3.6
Wahkiakum	3,978	1	1	2	3	1	3	11	1.8	\$37	1.4
Pierce	795,225	253	225	225	220	206	247	1,376	229.3	\$4,587	172.0
San Juan	15,769	6	7	4	2	3	2	24	4.0	\$80	3.0
Skagit	116,901	29	37	27	18	23	32	166	27.7	\$553	20.8
Snohomish	713,335	189	208	215	200	189	235	1,236	206.0	\$4,120	154.5
Spokane	471,221	295	290	241	214	215	240	1,495	249.2	\$4,983	186.9
Thurston	252,264	71	101	82	80	78	78	490	81.7	\$1,633	61.3
Walla Walla	58,781	26	13	29	24	34	33	159	26.5	\$530	19.9
Whatcom	201,140	45	43	41	35	37	29	230	38.3	\$767	28.8
Whitman	44,776	13	13	11	8	15	16	76	12.7	\$253	9.5
Yakima	243,231	77	94	98	76	62	75	482	80.3	\$1,607	60.3
State Totals	6,724,540	2,846	2,910	2,549	2,559	2,560	2,721	16,145	2,690.8	\$53,817	2,018.1
Aver County	172,424	73.0	74.6	65.4	65.6	65.6	69.8	414.0	69.0	\$1,379.91	51.7



WASHINGTON STATE
ASSOCIATION OF
COUNTY CLERKS

Kim Morrison, President
Chelan County Clerk
350 Orondo, Suite 501
Wenatchee, WA 98801-2885
509-667-6470
kim.morrison@co.chelan.wa.us

Responses to survey of county clerks and court administrators regarding implementation of SB 5647, Guardianship Facilitators.

County	County Clerk Response	Court Administrator Response
Adams		
Asotin	Sorry to report we have no plans as of yet to hire one. At this time we do not even have a court facilitator. (previous one retired). I only provide a few forms at this time for domestic issues only and DV of course. Until we get a court facilitator in place I will not be providing additional forms.	
Benton	No program as yet	We have discussed the program, however, have no other funding other than the \$20 to put towards creating and funding the cost of a facilitator.
Chelan	Working on some type of program	
Clallam	No program	Clallam County is considering it.
Clark		Has not adopted such a program
Columbia	No program	
Cowlitz	No program	
Douglas	No program, may be taken on by contracted facilitator	
Ferry	No program	
Franklin	No program as yet	
Garfield		
Grant	No program, considering providing forms	Does not have a guardianship facilitator program. We have not discussed it, at this time.
Grays Harbor		
Island		
Jefferson	No program, guardianships currently monitored by the court	
King	Has program, run by Court Admin. Have forms and videos.	

Kitsap	Has ordinance, facilitator appts, monitoring and forms.	
Kittitas	No immediate plans	
Klickitat		
Lewis		
Lincoln	Hopes to start program	
Mason		
Okanogan	No immediate plans	
Pacific	No plans, no money, too small	
Pend Orielle	<p>I have oral approval for the resolution from my commissioners and just need to get them the printed copy to sign.</p> <p>I talked to the court facilitator that Patty and I share and she is willing to do the guardianship facilitator too. She sits on a guardianship board in Stevens County so I feel lucky to have her. She is an attorney and has been our court facilitator for a couple of years</p>	
Pierce		
San Juan		At this point in time, is only in the initial "considering it" phase.
Skagit	Has ordinance. Has had a program for 1.5 years. Have forms. Facilitator works out of Admin. Monitor works for Clerk.	We have allocated 4 hours per week for Guardianship Facilitation. Also, per resolution, we will collect \$20 from filing fees to support this allocation.
Skamania	No program	
Snohomish	No program as yet. May have one on 2016	
Spokane	No guardianship facilitator program yet for us.	
Stevens	Has ordinance. Hoping to start program next year	
Thurston	Ordinance in the works. Hoping to start a program in 2016	
Wahkiakum		
Walla Walla	No plans	
Whatcom		
Whitman		
Yakima		

10/26/2015

Ordinance No. 525 -2015

**An Ordinance Amending Chapter 4.132 of the Kitsap
County Code Relating to Surcharge and User Fees on
Certain Superior Court Cases**

BE IT ORDAINED:

Section 1. Kitsap County Code Section 4.132.010, last amended by Ordinance 392-2007, is amended as follows:

4.132.010 Purpose

The purpose of this chapter is to authorize the clerk of the superior court of Kitsap County to assess a \$20.00 surcharge on certain superior court cases filed under RCW Title 26 or chapters 11.88, 11.90, 11.92 and 73.36 RCW and a user fee as set forth on the fee schedule developed by the county clerk for facilitator services for the purpose of paying the expenses of the courthouse facilitator programs as established by the clerk.

Section 2. Kitsap County Code Section 4.132.020, last amended by Ordinance 392-2007, is amended as follows:

4.132.020 Assessment of surcharge and user fee

Pursuant to RCW 26.12.240 and chapter 11.88 RCW, the clerk of the superior court of Kitsap County is authorized to assess a surcharge of \$20.00 on superior court cases filed under RCW Title 26 or chapters 11.88, 11.90, 11.92, and 73.36 RCW, but not for those cases filed for domestic violence pursuant to Chapter 26.50 RCW et seq., and a user fee as set forth on the fee schedule developed by the county clerk for facilitator services.

Section 3. Kitsap County Code Section 4.13.040, last amended by Ordinance 392-2007, is amended as follows:

4.132.040 Payment of surcharge and user fees

Upon collection, the clerk of the superior court of Kitsap County shall remit the surcharge and user fees to the Kitsap County treasurer on the first Monday of each month, who shall maintain ~~a separate account~~ accounts as provided in RCW 26.12.240 and chapter 11.88 RCW.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance or mandate thereto, or its application to any person or circumstances, is held invalid, the remainder or application to other persons or circumstances shall not be affected.

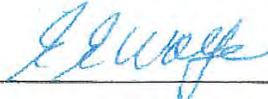
Section 6. Effective Date. This ordinance shall take effect immediately.

ADOPTED this 24th day of August, 2015.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**



ROBERT GELDER, Chair



EDWARD E. WOLFE, Commissioner



CHARLOTTE GARRIDO, Commissioner

ATTEST:



Dana Daniels, Clerk of the Board



Annual Planning Meeting Topics

Possible 2016 Planning Meeting Topics (April 11, 2016)

1. Review Annual Grievance Report
2. Discuss WINGS SOP Recommendations
3. View Website Update and Guardian Application
4. Update on 11.88.120 Guardianship Complaint Process
5. GR 31.1 Update

New Member Recruitment

Certified Professional Guardianship Board

BOARD VACANCY - *Response Date: July 1, 2016*

1) OPENING

On October 1, 2016, there will be two openings on the Certified Professional Guardianship Board. One position is open to any **certified professional guardian** who has an interest in serving and a demonstrated commitment to incapacitated persons in Washington State, and one position is open to a member of the public who **advocates for the interest of the elderly**.

In developing procedures and policies, the Board would like to consider diverse opinions. Therefore, the Board is interested in members from diverse backgrounds, those with diverse experience and knowledge, as well as diversity in geographic location throughout the state of Washington.

2) RESPONSIBILITIES, NOMINATION, APPOINTMENT AND TERM

To achieve the greatest protection for the estates and affairs of incapacitated persons in Washington State, the Certified Professional Guardianship Board adopts and implements regulations governing certification, minimum standards of practice, training and discipline of professional guardians. The Board also investigates all grievances and determines what disciplinary action to take. To learn more about Board visit:

http://www.courts.wa.gov/programs_orgs/guardian/

The Chief Justice of the Washington State Supreme Court makes all appointments to the Board based on a list of nominees submitted by the Board. Generally, an appointment by the Supreme Court to the Board is for a three-year period, however, occasionally individuals are appointed to complete the term of a board member who is resigning before his or her term ends. In this instance, the persons selected will be appointed to fill a full three-year term. The term for this appointment is October 1, 2016 to September 30, 2019.

3) CURRENT MEMBERS

The Board includes representatives from the following areas of expertise: professional guardians, attorneys, advocates for incapacitated persons, courts, state agencies and those employed in medical, social, health, financial or other fields pertinent to guardianships.

4) SCHEDULED MEETINGS

The Board currently meets eight to ten times per year—four times in-person on the second Monday of the month at the Administrative Office of the Courts' (AOC) SeaTac office and four to five times by conference call. The in-person meetings are from 9:00 am to 3:00 pm and the conference calls are from 8:00 am to 9:00 am. One of the in-person meetings is a long-term planning meeting.

5) ADDITIONAL TIME COMMITMENT

The Board operates via a committee structure. Committees include Applications, Education, Regulations, and Standards of Practice. Each Board member serves on at least one committee. Committees usually meet by phone on a monthly or quarterly basis.

6) ATTENDANCE POLICY

Members of the Board are expected to attend meetings on a regular basis, in accordance with the Board's attendance policy (80% per year). A Board member should inform the Board chair or one of the AOC liaisons to the Board when they are not able to attend either an in-person or phone conference meeting and provide the basis for the absence.

7) EXPENSES RELATED TO SERVICE

Approved travel and other expense related to serving on the Board incurred by the member may be reimbursed.

8) CONFLICT OF INTEREST

All applicants should be aware of the need to avoid conflict of interest when serving on the Board. The Board's Conflict of Interest Policy is located at http://www.courts.wa.gov/content/publicUpload/Guardian%20Application/CPGB_Recusal_Procedure.pdf

9) HOW TO APPLY

To express your interest in being nominated, please send the materials listed below to Shirley Bondon, AOC liaison to the Board via e-mail to shirley.bondon@courts.wa.gov, or U. S. Mail to:

**Certified Professional Guardianship Board
c/o Administrative Office of the Courts
P. O. Box 41170
Olympia, WA 98504-1170**

Applications should include your résumé and a brief statement that includes the following:

- Why you are interested in being considered for the CPG Board.
- Your experience with Title 11 guardianships.
- Your professional, volunteer and community qualifications.

Please be aware that submitting an application of interest does not guarantee appointment. In developing procedures and policies, the Board would like to consider diverse opinions. Therefore, the Board is interested in members from diverse backgrounds and cultures, those with diverse experience and knowledge, as well as diversity in geographic location throughout the state of Washington. When considering appointments, the Board may seek to maintain a certain balance in representation. The Board may consider many factors including, but not limited to geography, experience, expertise and education.

10) DEADLINE

Application materials must be received on or before July 1, 2016.