



# *Certified Professional Guardianship and Conservatorship Board*

## BYLAWS

### **ARTICLE I: Certified Professional Guardianship and Conservatorship Board (Board)**

#### **ARTICLE II: Purpose**

The Supreme Court created the Certified Professional Guardianship and Conservatorship Board (Board) with the adoption of General Rule (GR) 23 on January 25, 2000<sup>1</sup>. The Board was created to regulate professional guardians and conservators. Supreme Court General Rule 23 as amended is incorporated by reference herein, and sets forth the governing authority for the Board. [Washington Supreme Court General Rule 23](#).

#### **ARTICLE III: Governing Body**

The Washington State Supreme Court will govern the activities of the Certified Professional Guardianship and Conservatorship Board. The Supreme Court shall appoint 12 or more members to the Board consistent with GR 23.

#### **ARTICLE IV: Membership**

##### **Section 1: Members**

Members of the Certified Professional Guardianship and Conservatorship Board shall include representatives from the following areas of expertise: professional guardians and conservators; attorneys; advocates for individuals subject to guardianship and conservatorship; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships and conservatorships. See also GR 23 and its amendments.

**Appointment:** The Board will solicit members and shall nominate all members with two exceptions, one member of the Board will be a representative of the Department of Social and Health Services (DSHS) nominated by DSHS; two members of the Board will be members of the Washington State Bar Association (WSBA) nominated by WSBA. The Board shall review the qualifications of potential representatives from DSHS and WSBA and make a recommendation to DSHS and WSBA before a nomination is submitted to the Supreme Court. The Supreme Court shall appoint all board members.

<sup>1</sup> *The Board's original title was the Certified Professional Guardian Board.*

**Removal:** The Board Chair may petition the Supreme Court to remove a board member, including the Vice Chair, for failure to comply with any statute, duty, court order, standard of practice, rule, regulation, bylaw or other requirement governing their conduct.

## **Section 2: Terms of Appointment**

The term for a member of the Board shall be three years. No member may serve more than three consecutive full three-year terms, not to exceed nine consecutive years, including any unfilled term. Terms shall be established such that one-third shall end each year. All terms of office begin October 1 or when a successor has been appointed, whichever occurs later, and end September 30. See also GR 23 and its amendments.

## **Section 3: Vacancies**

Any vacancy occurring in the terms of office of Board members shall be filled for the remaining time of an unexpired term.

## **Section 4: General Duties - See GR 23, Subsection (c)(3)**

### **Duty of Care:**

A board member has the obligation to exercise reasonable care when they make a decision for the Board. Reasonable care is what an "ordinarily prudent" person in a similar situation would do.

### **Duty of Loyalty:**

A board member must never use information gained through their position for personal gain and must always act in the best interests of the Board and the public. Determining public interest in a particular situation can be complex, but on a practical level, a Board member's public duty can best be fulfilled by focusing on the Board's duty to protect the public by ensuring that guardianship and conservatorship services are provided by certified professional guardians and conservators in a competent and ethical manner.

### **Conflicts of Interest<sup>2</sup>: GR 23 (c) (7)**

A Board member should self-disqualify from making any decisions in a proceeding in which their impartiality might reasonably be questioned, including but not limited to, when the Board member has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding. Board members may be required to sign a conflicts of interest agreement annually.

### **Duty of Confidentiality:**

A Board member shall respect and maintain the confidentiality of any and all information, including but not limited to, documents, memos, letters, investigative reports, and conversations, relating to privileged communications or confidential executive sessions. While Board members are free to discuss actions adopted by the Board, disclosing or distributing any information concerning any confidential discussion of such items during the Board meeting is prohibited. Annually in October, each board member will sign a confidentiality agreement in which they acknowledge a duty of confidentiality.

## **Immunity from Liability.**

The Board, its members, or agents, including duly appointed hearing officers, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions. See GR 23 (c)(6)

## **Section 5: Specific Duties of Members**

Each member shall serve on one or more committees.

## **Article V: Officers**

### **Section 1: Chair and Vice Chair**

**Appointment:** The Supreme Court shall appoint the Board Chair. By a majority vote, the Board shall elect a Vice Chair from its members.

**Removal:** A Board member, jointly or severally, may petition the Supreme Court to remove a Chair for failure to comply with any statute, duty, standard of practice, rule, regulation, bylaw or other requirement governing their conduct.

**Leave of Absence:** Any Board member who is the subject of a disciplinary investigation by the Board may be asked to take a leave of absence from the Board. The Board Chair shall have the sole discretion to decide whether the Board member should take a leave of absence from the Board and when the Board member may return to the Board. A Board member may not continue to serve as a member of the Board if the Supreme Court has imposed a final disciplinary sanction on the Board member. See also GR 23 (c)(8).

### **Section 2: Specific Duties of Chair and Vice Chair**

The Chair shall set the agenda for and preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chair shall appoint the chairs of all committees. The vice chair shall perform the duties of the chair in the absence or incapacity of the Chair or at the Chair's request.

The Chair of the Board shall have the power to issue subpoenas and may make pre-hearing or other orders as are necessary for the orderly conduct of any hearing. See GR 23 (c) (3)(x)(a) as amended.

### **Section 3: Parliamentarian**

The Board shall identify a member who will serve as parliamentarian during Board meetings. The scope of the parliamentarian's duties will be directed by the Chair.

## **Article VI: Committees**

Standing committees, as well as ad hoc committees and task forces of the Board, shall be established by majority vote. Each committee shall have such authority as the Board deems appropriate. The Chair will appoint the chair of all committees created by the Board. The ad hoc committee and task force members will have terms as determined by their charge.

## **Article VII: Meetings**

The Board shall hold meetings as determined to be necessary by the Chair, including regular meetings and special meetings.

### **Section 1: Open Meetings**

Board meetings will be open to the public except for executive session. See Board Regulation 007. [CPGC Board Regulation 007](#)

### **Section 2: Quorum**

A simple majority of the board, whether any positions are vacant or not, is required for a quorum. See GR 23 (c)(1)(i). A quorum must be present on the phone, online or virtual through technological or audio-visual means, or in person for voting to occur.

### **Section 3: Attendance**

Board members are required to participate in a minimum of 80% [to be rounded down] of full Board meetings held during the calendar year. A board member may not have more than two unexcused absences during a calendar year and continue to serve on the Board. An absence resulting due to an emergency will be excused. Absences will also be considered excused if a board member informs the chair or AOC staff via phone or e-mail of their expected absence at least 24 hours before the meeting start time.

### **Section 4: Votes**

A motion will be approved by a majority of those present. Committee action will be taken by voting. Whenever a vote is not unanimous, the Chair may call for a show of hands. Members participating, in-person, online or virtual through technological or audio-visual means, or on the phone may vote. No member will be allowed to cast a vote by proxy. Board members who are also members of the committee of origin of any matter before the Board may vote on the matter, subject to conflict of interest provisions applicable to all Board members.

## **Article VIII: Public Input**

### **Section 1: Public Comment**

Each regularly scheduled long meeting shall include a public comment period. The public comment period shall be the first item on the agenda after the Chair's report. The comment period shall not exceed thirty minutes total and will be subject to the following general guidelines:

1. Any member of the public who would like to speak at a meeting should send an email to [guardianshipprogram@courts.wa.gov](mailto:guardianshipprogram@courts.wa.gov) prior to the meeting indicating the topic.
2. Only one speaker at a time.
3. Only the Chair may interrupt a speaker.
4. Comments will be limited to ten minutes per speaker unless modified by the Chair.
5. Written comments may be submitted in lieu of, or in addition to public comments.

A written copy of public comments provided to AOC staff during or immediately following the meeting will be attached to meeting minutes.

Regulation 600, the procedure for adoption, amendment and repeal of regulation also provides an opportunity to provide written comments.

## **Section 2: Public Meeting**

Annually, the Board holds a planning meeting to discuss emerging issues in guardianship practice and long-term projects. The public is invited to submit comments as outlined in Section 1.

## **Section 3: Communication**

To effectively and efficiently perform its regulatory mission, the Board uses a Communications Plan<sup>3</sup>, adopted to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

## **Article IX: Amendments and Repeal of Bylaws**

Bylaws may be amended or modified by majority vote at any regular meeting of the Board.

## **Article X: Board Member Expenses**

Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

## **Article XI: Address of the Board**

Administrative Office of the Courts  
ATTN: Certified Professional Guardianship and Conservatorship Board  
PO Box 41170  
Olympia, WA 98504

<sup>2</sup> For additional guidance review the memo dated August 1, 2014, RE: Conflicts Review/Recusal Process  
<http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>

<sup>3</sup> For additional guidance regarding the Communications Plan see  
<http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>