



Washington State

WINGS CONFERENCE

Working Interdisciplinary Network of Guardianship Stakeholders
August 7, 2015 Wenatchee, Washington

Recommendations to
Support Family and Friends of Persons Needing Decision Support

presented by
Tom Goldsmith, Karen Mount & Doug Schafer

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

AGENDA

- Committee Purpose
- Recommendations
- Questions

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

SUPPORTING FAMILY AND FRIENDS

- Purpose
- Members
- Meetings

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

COMMITTEE MEMBERS

Christina Baldwin, Family Advisor

Tom Goldsmith, Family Advisor

Cathleen MacCaul, AARP

Ann LoGerfo, Columbia Legal Services

Claudia Donnelly, Family Advisor

Judy Krebs, SIEU

Karen Mount, Family Advisor

Douglas Schafer, Elder Law Attorney

Katie Petersen, Intern, Columbia Legal Services

Patricia McIntyre, Services and Advocacy for LGBT Elders

Cathy Knight, WA Association of Area Agencies on Aging

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

RECOMMENDATIONS

- ✓ Provide Information and Assistance
- ✓ Provide Access to Conflict Resolution
- ✓ Educate Stakeholders
- ✓ Develop Statewide Guardianship Monitoring
- ✓ Fund Public Guardians
- ✓ Prohibit Isolation

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

PROVIDE INFORMATION

- Before a Petition for Guardianship is Filed
- During the Guardianship Process
- After a Guardian is Appointed

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PROVIDE ASSISTANCE

- Legal Advice
 - Court Appointed Attorney
- Standardized Tools
- Training

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PROVIDE ACCESS TO CONFLICT RESOLUTION

- Family Mediation
- Guardianship Ombudsperson

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EDUCATE STAKEHOLDERS

- Adult Protective Services
- Guardians ad litem
- Elder Law Attorneys
- Judicial Officers

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

DEVELOP STATEWIDE GUARDIANSHIP MONITORING

- In-Person Visits
- Document Reviews
- Accounting Audits

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FUND PUBLIC GUARDIANS

- Funding
- Alternatives
- Best Practices

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PROHIBIT ISOLATION

- Statute
- Monitor and Discipline

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

RECOMMENDATIONS

- ✓ Provide Information and Assistance
- ✓ Provide Access to Conflict Resolution
- ✓ Educate Stakeholders
- ✓ Develop Statewide Guardianship Monitoring
- ✓ Fund Public Guardians
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Developing a Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)



	RECOMMENDATION	PRO	CON
1.	<p>Provide information to the family and friends of persons needing decision support:</p> <p><u>Before a petition for guardianship is filed.</u> Counseling/Training prior to filing a guardianship petition where one is informed about and asked to consider the following:</p> <ul style="list-style-type: none"> • What a guardian does. • What guardianship means and how it works. • The areas that a court may grant guardianship. • How to determine if a person needs a guardian. • How to choose a guardian. • Who may act as a guardian? • How long the guardianship process takes. • The court's role. • The pros and cons of guardianship. • The types of guardians. • Alternatives to guardianship. • Supported decision-making. • The duties and powers of attorneys in fact? • How to deal with concerns about an attorney in fact. Know – RCW 11.94.090 - Petition to file an accounting. • The rights that are removed from the protected person. • The rights of the protected person. 	<ul style="list-style-type: none"> • Information now available in various locations and in various formats will be more accessible. • Adds a layer of protection for the loved one under guardianship if family and friends understand the rights of the person under guardianship. • Will help family members obtain the information needed to advocate for themselves. • Will help anyone considering becoming a guardian evaluate their fitness for the role. • Helps to ensure that best practices, Standards of Practice and laws are followed. 	<ul style="list-style-type: none"> • Cost of providing counseling, developing a website and materials. • Must have a person or organization responsible for developing, updating and maintaining current information.

	RECOMMENDATION	PRO	CON
	<ul style="list-style-type: none"> • The rights of family and friends of protected person. • Guardianship laws. • Guardian standards of practice. • The range of authority that the guardian has – better understanding of the degree of authority or the limits of authority – should occur before guardianship is filed. <p><u>During the guardianship process.</u></p> <ul style="list-style-type: none"> • The role of a GAL – degree of authority and limits of their authority 11.88.045 (5) alternatives remain in place 11.88.090 (9) – afford an opportunity for accused people to appear and present contrary evidence. <p><u>After a guardian is appointed.</u></p> <ul style="list-style-type: none"> • AIP is served with a notice – best practice that the newly appointed guardian could provide to the family and friend that informs them the range of authority that the guardian has. • After appointment of a guardianship agency should inform family members of the individuals and contact information that will be assigned to a loved one. • Information sheet that explains the different avenues one can pursue if they are concerned about the care of a loved one. i.e. 11.88.120, CPGB, attorney. • Court procedure • Forms 		

	RECOMMENDATION	PRO	CON
	<ul style="list-style-type: none"> Advice, information and description of what happens when APS is involved in a guardianship. Recourse for how to deal with allegations before they go to court. 		
2.	<p>Provide assistance to the family and friends of persons needing decisional support.</p> <ul style="list-style-type: none"> Reduced fee legal advice. Standardized Tools for accountings and reporting. Training. 	<ul style="list-style-type: none"> Will provide consistency, as well as make the process easier for the courts, the guardian and others involved. 	<ul style="list-style-type: none"> Cost.
3.	<p>Provide a court-appointed attorney to the person in a guardianship.</p>	<ul style="list-style-type: none"> Provides additional protection for the person in guardianship. 	<ul style="list-style-type: none"> There is no funding for representation. An attorney is not always needed if the best interest of the person is adequately represented by the guardian ad litem.
4.	<p>Provide access to conflict resolution:</p> <ul style="list-style-type: none"> Family Mediation. Guardianship Ombudsperson to resolve complaints. 	<ul style="list-style-type: none"> Provides alternative to litigation. Less expensive than litigation. 	<ul style="list-style-type: none"> Cost.
5.	<p>Educate stakeholders about:</p> <ul style="list-style-type: none"> Alternatives to Guardianship. Guardianship is the last resort. Supported Decision Making. 	<ul style="list-style-type: none"> Guardianship results in the loss of control over one's own life. These efforts may ensure a person is able to continue to live with the highest possible level of freedom and rights. 	
6.	<p>Develop Statewide Guardianship Monitoring.</p> <ul style="list-style-type: none"> In-Person Visits. Document Reviews. Accounting Audits. 	<ul style="list-style-type: none"> Provides reasonable assurance that the guardian is acting at all times in the best interest of the person under guardianship. Ensures best practices, which is helpful even in situations where the guardian is doing a good job. 	<ul style="list-style-type: none"> Costs – there is no funding for this initiative.

	RECOMMENDATION	PRO	CON
7.	Fully fund Public Guardians to provide decisional support for individuals who have no family or friends and/or cannot afford to pay for decisional support.	<ul style="list-style-type: none"> Provides needed services for those unable to pay. 	<ul style="list-style-type: none"> Cost.
8.	Prohibit isolation of persons in a guardianship.	<ul style="list-style-type: none"> May stop or reduce abuse. 	<ul style="list-style-type: none"> Guardian can be put in a difficult and costly position if there are claims of isolation and the guardian truly believes the friend or family member should not have contact with the person under guardianship. Sometimes, it is the friend or family member seeking contact who is, in fact, physically or emotionally abusive or is seeking improper financial support or gifts from the loved one. In situations that don't rise to the level of abuse, if a particular individual causes upset or distress to the person under guardianship, then making it harder for the guardian to prohibit contact may not be the best path.



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Working Interdisciplinary Network of Guardianship Stakeholders
August 7, 2015 Wenatchee, Washington

**Recommendations to
Improve Assessment of Persons Needing Decision Support**
presented by
Carla Calogero, David Lord & Marilyn Vogler

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

AGENDA

1. Committee Purpose
2. Recommendations
3. Questions

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISION SUPPORT

- Purpose
- Process

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

COMMITTEE MEMBERS

Carla Calogero, WSBA Elder Law Section
David Lord, Disability Rights Washington

Patricia Hunter, LTC Ombuds
Tom Goldsmith, Family Advisor

Marilyn Vogler, State Council on Aging
Barbara Barronian, Washington State Hospital Association

Michaelene Manion, Family Advisor

Karen Mount, Family Advisor

WHAT IS A GUARDIAN AD LITEM?

- Statutes and court rules governing GALs
- Appointment
- Role
- Duties

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

RECOMMENDATIONS

1. Choose a more informative name
2. Establish additional minimum qualifications
3. Clarify conflict of interest
4. Credential guardians ad litem
5. Revise registry and selection process
6. Improve training
7. Revise investigative process

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NAME CHANGE

- Court Visitor or Court Visitor ad litem
- Court Investigator
- Special Court Representative
- Special Court Appointee
- Special Needs Representative
- Fact Finder

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ESTABLISH ADDITIONAL MINIMUM QUALIFICATIONS

- Bachelor's Degree
- Experience

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CLARIFY CONFLICT OF INTEREST

CREDENTIAL GUARDIANS AD LITEM

- Centralized credentialing
- Credentialing requirements
- Statewide Standards of Practice
- Statewide Monitoring and Grievance Procedure

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REVISE REGISTRY AND SELECTION PROCESS

- Regional Registry
- Rotation
- Agency verifies availability
- Agency perform conflicts review

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IMPROVE TRAINING

- Topics

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REFINE INVESTIGATIVE PROCESS

- Notice to person believed to need support
- Notice, involvement of appropriate individuals
- Functional Assessment
- GAL Fees

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IMPROVING ASSESSMENT OF PERSONS NEEDING DECISIONAL SUPPORT			
	RECOMMENDATION	PRO	CON
1.	<p>Choose a more informative, less hostile, less formal name that is not off-putting.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Court Visitor • Court Visitor ad litem • Court Investigator • Special Court Representative • Special Court Appointee • Special Needs Representative • Fact Finder 	<ul style="list-style-type: none"> • Reduce public's misunderstanding about the authority and duties of a guardian vs guardian ad litem. • Provides a more conversational name that is less formal and doesn't sound hostile and off-putting. 	<ul style="list-style-type: none"> • May result in inconsistencies in terminology for guardians ad litem serving in different arenas, such as for family law or dependencies, or trusts and estates. • Could result in confusion for those accustomed to current terminology.
2.	<p>Establish additional minimum qualifications for guardians ad litem.</p> <ul style="list-style-type: none"> • Bachelor's degree any discipline • Verifiable experience (personal, professional or related) with aging, dementia, developmental disabilities, mental illness. 	<ul style="list-style-type: none"> • Improve qualifications of guardians ad litem and assure GALs have the foundation to be good investigators. 	<ul style="list-style-type: none"> • May prohibit some qualified individuals who do not have a college degree from serving. This may also tend to restrict the number of applicants from disenfranchised communities. • Imposing additional qualifications may discourage applicants.
3.	<p>Clarify conflict of interest</p> <ul style="list-style-type: none"> • Are there conflicts that should be clarified? • Is it appropriate for a professional guardian to serve as a GAL? • Is it appropriate for an attorney to represent the petitioner and the professional guardian? • Is it appropriate for attorneys who represent professional guardians to also serve as GALs? • Is it appropriate to appoint an attorney to represent the alleged incapacitated person from the list of GALs? 	<ul style="list-style-type: none"> • Will reduce the potential for actual conflicts. • Increase public trust and confidence in the system. 	<ul style="list-style-type: none"> • Could reduce number of individuals available to serve as guardians ad litem. • Could disqualify experienced and knowledgeable guardians ad litem.

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISIONAL SUPPORT			
	RECOMMENDATION	PRO	CON
	<ul style="list-style-type: none"> Is it appropriate for an attorney who may represent alleged incapacitated persons to also serve as a professional guardian? 		
4.	<p>Credential guardians ad litem</p> <ul style="list-style-type: none"> Credentialing requirements <ul style="list-style-type: none"> WSP and FBI Background Checks Completion of Initial Training Continuing Education Centralized licensing managed by one agency which would be responsible for: <ul style="list-style-type: none"> Annual Recertification Develop statewide Standards of Practice and/or Ethical Standards Develop a Grievance Process Develop Monitoring - Quality Assurance Reviews No grandfathering 	<ul style="list-style-type: none"> Increase uniformity of certification requirements and procedures statewide. Grievance process could increase public confidence in GAL reports and the judicial process. Monitoring could increase quality of GAL reports and public perception of transparency and accountability of guardianship process. 	<ul style="list-style-type: none"> Reduce possibility that local Superior Courts or agencies could address local issues with specific requirements and/or procedures – although this could be addressed by combining with regional registries.
5.	<p>Revise guardian ad litem registry and selection process.</p> <ul style="list-style-type: none"> Regional Registry with rotation to deal with limited GALs in rural areas <ul style="list-style-type: none"> Rotation Exception for – Special skills requested and verified by licensing agency Verification that guardian ad litem is available and willing to accept an appointment by the licensing agency or court Conflicts review by licensing agency prior to every appointment 	<ul style="list-style-type: none"> Conflicts review by licensing agency could reduce number of actual conflicts. Regional registry along with centralized licensing could provide both uniformity and services targeted at specific geographic areas. 	<ul style="list-style-type: none"> Bureaucratization of a statewide licensing agency. Will a licensing agency be more effective at screening conflicts than local court who may be more familiar with parties?

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISIONAL SUPPORT			
	RECOMMENDATION	PRO	CON
6.	<p>Improve guardian ad litem training.</p> <ul style="list-style-type: none"> • Videos may not be adequate for retraining • Additional training on the following topics: <ul style="list-style-type: none"> ▪ Alternatives to guardianship ▪ Supported decision-making ▪ Aging ▪ Dementia, including Alzheimer's ▪ Developmental Disabilities ▪ Mental Illness ▪ Functional Assessment ▪ Investigation ▪ Resources ▪ Family dynamics and conflict resolution ▪ Non-traditional family structures ▪ Abuse, neglect and exploitation ▪ Advocacy ▪ Cultural competency ▪ Report writing ▪ Impact, particularly regarding loss of rights, of putting someone under guardianship • Currently certified/licensed guardians ad litem would not be grandfathered in and would need to retrain. 	<ul style="list-style-type: none"> • Provide guardians ad litem with greater knowledge and skills. 	<ul style="list-style-type: none"> • Additional commitment required by more substantial (lengthier) training requirements may discourage fewer qualified individuals from becoming or continuing to serve as guardian ad litem.

IMPROVING ASSESSMENT OF PERSONS NEEDING DECISIONAL SUPPORT			
	RECOMMENDATION	PRO	CON
7.	<p>Refine guardian ad litem investigative process.</p> <ul style="list-style-type: none"> • Process change should be explicit consideration of supported decision making short of guardianship • Notice to Person believed to need assistance <ul style="list-style-type: none"> ○ Who should deliver and explain? • Improve process to ensure appropriate individuals receive notice: <ul style="list-style-type: none"> ○ Determine whether estranged biological family members have any right to be consulted or participate in decision making ○ Include service providers (Representative Payee, Housing) • 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 • Who should pay guardian ad litem fees? <ul style="list-style-type: none"> ○ The person who submits the petition for guardianship? ○ The person believed to need decisional support? ○ The state? 	<ul style="list-style-type: none"> ○ Increase professionalism of GAL reports and their contribution to better understanding of the functional abilities of an incapacitated person (IP). ○ Consideration of who should bear the cost of guardianship proceedings should ensure that the cost is borne by the most appropriate entity. 	<ul style="list-style-type: none"> • Additional expense and burden could result in fewer individuals willing to serve as guardian ad litem.



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Working Interdisciplinary Network of Guardianship Stakeholders
August 7, 2015 Wenatchee, Washington

**Recommendations to
Improve Guardianship Standards and Practice**

presented by

**Allen Eriksen, Ingrid Hockenberry, Cathy Knight,
& Betty Schwieterman**

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

AGENDA

1. Committee Purpose
2. Recommendations
3. Questions

IMPROVING GUARDIANSHIP STANDARDS AND PRACTICE

- Purpose
- Meetings

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

COMMITTEE MEMBERS

James Brown, WAELA

Tom Goldsmith, Family Advisor

Cheryl Mitchell, Elder Law Attorney

Allen Eriksen, Family Advisor

Ingrid Hockenberry, ResCare

Jerry Reilly, Eldercare Alliance

Kristen Denton, Skagit County Deputy Clerk

Meredith Childers, Northwest Justice Project

Lori Haskell, Washington State Association of Justice

Ali Higgs, Department of Financial Institutions

John Jardine, Certified Professional Guardian

Elaine Morgan, Certified Professional Guardian

Winsor Schmidt, National Guardianship Expert

Kristen Standifer, Department of Financial Institutions

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

RECOMMENDATIONS

- Use respectful language
- Increase minimum qualifications for all guardians
- Provide resources and assistance for all guardians
- Improve lay/family/volunteer guardian training
- Develop and/or improve standards of practice
- Improve professional guardian certification
- Develop statewide guardianship monitoring

Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

USE RESPECTFUL LANGUAGE

- Person in a guardianship
- Person with diminished decision making ability
- Person in need of decision support
- Individual with limitations

REVISE MINIMUM QUALIFICATIONS

- Increase age to 21
- Define moral turpitude
- Specify disqualifying misdemeanors
- Require background checks (lay guardians)

PROVIDE RESOURCES & ASSISTANCE FOR ALL GUARDIANS

- Website
- Hotline
- Mentoring

IMPROVE LAY GUARDIANS TRAINING

- Prohibit use of short video
- Make online training interactive
- Translate lay guardian training
- Provide in-person training
- Provide a training manual

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DEVELOP STANDARDS OF PRACTICE

- Lay/Family/Volunteer Guardians

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IMPROVE PROFESSIONAL GUARDIAN CERTIFICATION

- Increase minimum education to BA
- Define impact of credit report on certification
- Develop different levels of certification

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DEVELOP AND/OR IMPROVE STANDARDS OF PRACTICE

- Professional Guardians

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ENCOURAGE GUARDIAN APPLICANTS FROM AREAS WITH AN INSUFFICIENT NUMBER OF GUARDIANS

- Provide scholarships
- Substitute experience for education

DEVELOP STATEWIDE GUARDIANSHIP MONITORING & QUALITY ASSURANCE

- Feedback/Evaluation
- Audits
- Investigate
- Hotline

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RECOMMENDATIONS

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Washington State Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)



		RECOMMENDATION	PRO	CON
All Guardians				
Qualification (RCW 11.88.020)	1.	Age: change minimum age requirement from 18 to 21 years for all guardians.	<ul style="list-style-type: none"> • More responsible and/or higher caliber guardians • Lessens possibility of abuse/exploitation 	<ul style="list-style-type: none"> • Reduces the pool of possible guardians • Especially limiting in the lay guardian context. (e.g. 19 year old sibling has been providing care already and is only option)
	2.	Fitness: define moral turpitude.	<ul style="list-style-type: none"> • Creates more specific, definitive standard 	<ul style="list-style-type: none"> • Cost • More wordy statute
	3.	Fitness: specify the misdemeanors that prohibit one from being appointed a guardian.	<ul style="list-style-type: none"> • Creates more specific, definitive standard 	<ul style="list-style-type: none"> • Cost • More wordy statute
Terminology	4.	Use a people-first language to refer to individuals who need decision support. Examples include: <ul style="list-style-type: none"> • Person in a guardianship • Person under a guardianship • Person with diminished decision-making ability • Person in need of decision support • Individual with limitation 	<ul style="list-style-type: none"> • People-first language avoids perceived and subconscious dehumanization when discussing people with disabilities 	<ul style="list-style-type: none"> • More words • Not as clear as “Ward”, “Incapacitated Person (IP)”, or “Alleged Incapacitated Person (AIP)”
Education & Assistance	5.	Develop a Washington Courts website with links to resources and forms to assist lay and professional guardians.	<ul style="list-style-type: none"> • Central location for lay and professional guardians to find resources • Reduce likelihood of abuse/exploitation 	<ul style="list-style-type: none"> • Cost of creation and maintenance
	6.	Include additional education on alternatives to guardianship including Supported Decision-Making. ¹	<ul style="list-style-type: none"> • More cost-effective and less onerous for lay caregivers • Provide less restrictive means of decision support • Reduce likelihood of abuse/exploitation 	<ul style="list-style-type: none"> • Cost of creation and maintenance
	7.	Establish a hotline for guardianship questions.	<ul style="list-style-type: none"> • Centralized and reliable way for guardians to obtain advice and information about their duties • Reduce likelihood of abuse/exploitation 	<ul style="list-style-type: none"> • Cost of creation and maintenance

¹ 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>)

		RECOMMENDATION	PRO	CON
Monitoring & Quality Assurance	8.	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.	<ul style="list-style-type: none"> • Reduce likelihood of abuse/exploitation • Improve quality of guardianship services 	<ul style="list-style-type: none"> • Cost of creation and maintenance • Avenue for frivolous complaints?
	9.	Establish a hotline for guardianship complaints.	<ul style="list-style-type: none"> • Reduce likelihood of abuse/exploitation • Improve quality of guardianship services 	<ul style="list-style-type: none"> • Cost of creation and maintenance
	10.	Establish a Guardianship Ombudsperson.	<ul style="list-style-type: none"> • Reduce likelihood of abuse/exploitation • Improve quality of guardianship services 	<ul style="list-style-type: none"> • Cost of creation and maintenance.
	11.	Appoint a guardian ad litem to investigate concerns when necessary.	<ul style="list-style-type: none"> • Reduce likelihood of abuse/exploitation • Improve quality of guardianship services 	<ul style="list-style-type: none"> • Cost of creation and maintenance
	12.	Audit guardianship accountings.	<ul style="list-style-type: none"> • Reduce likelihood of abuse/exploitation • Improve quality of guardianship services 	<ul style="list-style-type: none"> • Cost
	13.	Adopt a rule to calculate the value of surety bond.	<ul style="list-style-type: none"> • Standardized procedure and costs • Reduce likelihood of abuse/exploitation 	<ul style="list-style-type: none"> • Cost of creation and maintenance
	14.	Designate specific judicial officers to the guardianship calendar.	<ul style="list-style-type: none"> • More consistency and expertise on the bench 	<ul style="list-style-type: none"> • Burden on courts to provide and manage
	15.	Ensure that all liquid assets over a certain amount are fully bonded or in a blocked account.	<ul style="list-style-type: none"> • Reduce likelihood of abuse/exploitation • Improve quality of guardianship services 	<ul style="list-style-type: none"> • Cost
	16.	Use a stepped range of sanctions for failure to file reports.	<ul style="list-style-type: none"> • Addresses first time and repeat offenders fairly 	<ul style="list-style-type: none"> • Cost • May unexpectedly penalize inexperienced or less-savvy lay guardians
	17.	Develop checklist for reviewing accountings and personal care plans.	<ul style="list-style-type: none"> • More consistency • Reduce likelihood of abuse/exploitation • Improve quality of guardianship services 	<ul style="list-style-type: none"> • Cost of creation and maintenance

		RECOMMENDATION	PRO	CON
Lay Guardians				
	18.	Require Washington State Patrol and FBI Background Checks before appointment.	<ul style="list-style-type: none"> • Specific standard for qualification • Reduce likelihood of abuse/exploitation 	<ul style="list-style-type: none"> • Possibly unfairly penalize individuals with old and irrelevant records
Lay Guardian Training	19.	Prohibit use of the short video as an option of completion of required lay guardian training.	<ul style="list-style-type: none"> • Improve training • Reduce likelihood of abuse/exploitation. 	<ul style="list-style-type: none"> • Video was cost-effective
	20.	Make the required online lay guardian training interactive.	<ul style="list-style-type: none"> • Better retention • Reduce likelihood of abuse/exploitation • Improve filing = less court costs 	<ul style="list-style-type: none"> • Cost of creation and maintenance
	21.	Translate the required online lay guardian training into other languages, specifically Spanish.	<ul style="list-style-type: none"> • Accessible training for guardians who have English as second language (ESL) • People with ESL have statistically lower income and therefore are more likely to be or need a lay guardian 	<ul style="list-style-type: none"> • Cost of translation
	22.	Include additional education on alternatives to guardianship including supported decision-making.	<ul style="list-style-type: none"> • Alternatives can be more cost-effective and less onerous for lay caregivers • Alternatives can provide less restrictive means of decision support for someone with a disability. • Reduce likelihood of abuse/exploitation 	<ul style="list-style-type: none"> • Cost
	23.	Develop in-person training.	<ul style="list-style-type: none"> • Better retention • Reduce likelihood of abuse/exploitation • Improve filing = less court costs • Accessible for individuals without computer or who are not computer savvy 	<ul style="list-style-type: none"> • Cost
	24.	Develop a training manual.	<ul style="list-style-type: none"> • Standardize the curriculum • Ensure quality training 	<ul style="list-style-type: none"> • Cost
	25.	Develop opportunities for mentoring.	<ul style="list-style-type: none"> • Caregiver support • Information exchange 	<ul style="list-style-type: none"> • Might involve sharing misinformation?
	26.	Develop Standards of Practice to guide performance.	<ul style="list-style-type: none"> • Standardize and clarify duties 	<ul style="list-style-type: none"> • Cost

		RECOMMENDATION	PRO	CON
Professional Guardians				
Certification	27.	Increase minimum education requirements from an Associate’s degree to a Bachelor’s degree.	<ul style="list-style-type: none"> • More educated guardians 	<ul style="list-style-type: none"> • Reduces pool of eligible guardians
	28.	Develop levels of certification – novice, master.	<ul style="list-style-type: none"> • Options 	<ul style="list-style-type: none"> • Less standardized
	29.	Define impact of credit report on certification.	<ul style="list-style-type: none"> • Clarity 	<ul style="list-style-type: none"> • Cost
	30.	Develop opportunities for mentoring.	<ul style="list-style-type: none"> • Information sharing and collaboration 	<ul style="list-style-type: none"> • Cost and maintenance
	31.	Include additional education on alternatives to guardianship	<ul style="list-style-type: none"> • Alternatives can provide less restrictive means of decision support for someone with a disability 	<ul style="list-style-type: none"> • Cost and maintenance
	32.	Including supported decision-making.	<ul style="list-style-type: none"> • Respects the autonomy and dignity of individuals • Provides different levels of service 	<ul style="list-style-type: none"> • Cost and maintenance
Rural Area Applicants	33.	Develop scholarships to pay registration for the University of Washington Guardianship Certificate Program.	<ul style="list-style-type: none"> • Increase rural applicants 	<ul style="list-style-type: none"> • Cost
	34.	Develop a process to evaluate experience and provide the opportunity to substitute education for experience.	<ul style="list-style-type: none"> • Increase rural applicants 	<ul style="list-style-type: none"> • Cost

		RECOMMENDATION	PRO	CON
New and or Revised Standards of Practice	35.	Discuss possibly restricting the number of appointments a professional guardian may accept.	<ul style="list-style-type: none"> Standardize and clarify duties 	
	36.	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.		
	37.	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.		
	38.	Develop guidance that helps clarify what fees a guardian should charge.		
	39.	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.		
	40.	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.		
	41.	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.		
	42.	Develop an SOP specifying financial standards based on the amount of assets owned by the person in a guardianship.		

PRIORITIES BASED ON INDIVIDUAL VOTES						
SUPPORTING FAMILY AND FRIENDS OF PERSONS NEEDING DECISION SUPPORT			IMPROVING ASSESSMENT OF PERSONS NEEDING DECISION SUPPORT		IMPROVING GUARDIANSHIP STANDARDS AND PRACTICE	
		TOTAL		TOTAL		TOTAL
1.	<p>Provide information to the family and friends of persons needing decision support.</p> <ul style="list-style-type: none"> • Before a Petition for Guardianship is filed • During the Guardianship Process • After a Guardian is appointed 	210	<p>Improve Guardian ad litem training.</p> <ul style="list-style-type: none"> • Videos may not be adequate for retraining • Additional training on the following topics: <ul style="list-style-type: none"> ▪ Alternatives to guardianship ▪ Supported decision-making ▪ Aging ▪ Dementia including Alzheimer’s ▪ Developmental disabilities ▪ Mental illness ▪ Functional assessment ▪ Investigation ▪ Resources ▪ Family dynamics and conflict resolution ▪ Non- traditional family structures ▪ Abuse, neglect and exploitation ▪ Advocacy ▪ Cultural competency ▪ Report writing ▪ Impact, particularly regarding loss of rights, of putting someone under guardianship <p>Currently certified/licensed Guardians ad litem would not be grandfathered in and would need to retrain</p>	153	<p>Developing Monitoring and Quality Assurance of all guardians.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • 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. • Establish a hotline for guardianship complaints. • Establish a Guardianship Ombudsperson. • Appoint a guardian ad litem to investigate concerns when necessary. • Audit guardianship accountings. • Adopt a rule to calculate the value of surety bond. • Designate specific judicial officers to the guardianship calendar. • Ensure that all liquid assets over a certain amount are fully bonded or in a blocked account. • Use a stepped range of sanctions for failure to file reports. 	127

					<ul style="list-style-type: none"> • Develop checklist for reviewing accountings and personal care plans. 	
2.	Provide assistance to the family and friend of persons needing decision support. <ul style="list-style-type: none"> • Reduced fee legal advice • Standardized tools for accountings and reporting • Training 	130	Refine Guardian ad litem investigative process. <ul style="list-style-type: none"> • Process change should be explicit consideration of supported decision making short of guardianship • Notice to Person believed to need assistance <ul style="list-style-type: none"> ○ Who should deliver and explain? • Improve process to ensure appropriate individuals receive notice: <ul style="list-style-type: none"> ○ Determine whether estranged biological family members have any right to be consulted or participate in decision making ○ Include service providers (Representative Payee, housing) • 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 • Who should pay guardian ad litem fees? <ul style="list-style-type: none"> ○ The person who submits the petition for guardianship? ○ The person believed to need decision support? 	151	Improve Lay Guardian Training. <ul style="list-style-type: none"> • Discontinue use of the short video as an option of completion of required lay guardian training. • Make the required online lay guardian training interactive. • Include additional education on alternatives to guardianship including Supported Decision-Making. • Develop in-person training. • Develop a training manual. • Translate the required online lay guardian training into other languages, specifically Spanish. • Develop opportunities for mentoring. • Develop Standards of Practice to guide performance. 	125

			○ The state?			
3.	Educate stakeholders about: <ul style="list-style-type: none"> • Alternatives to Guardianship • Guardianship is the last resort 	115	Credential Guardians ad litem. <ul style="list-style-type: none"> • Credentialing Requirements <ul style="list-style-type: none"> ○ WSP and FBI Background Checks ○ Completion of Initial Training ○ Continuing Education • Centralized licensing managed by one agency which would be responsible for: <ul style="list-style-type: none"> ○ Annual Recertification ○ Develop statewide Standards of Practice and/or Ethical Standards ○ Develop a Grievance Process ○ Develop Monitoring - Quality Assurance Reviews <p>No grandfathering</p>	145	Develop new or revised standards of practice for professional guardians. <ul style="list-style-type: none"> • Discuss possibly restricting the number of appointments a professional guardian may accept. • 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. • 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. • Develop guidance that helps clarify what fees a guardian should charge. • 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. • Develop a SOP stating that guardians can limit and/or 	119

					<p>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.</p> <ul style="list-style-type: none"> • 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. • Develop an SOP specifying financial standards based on the amount of assets owned by the person in a guardianship. 	
4.	<p>Develop Statewide Guardianship Monitoring, which includes:</p> <ul style="list-style-type: none"> • In-Person Visits • Document Reviews • Accounting Audits 	112	<p>Clarify conflict of interest.</p> <ul style="list-style-type: none"> • Are there conflicts that should be clarified? • Is it appropriate for a professional guardian to serve as a GAL? 	81	<p>Provide education and assistance.</p> <ul style="list-style-type: none"> • Include additional education on alternatives to guardianship including supported decision-making.¹ 	92

¹ 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>)

			<ul style="list-style-type: none"> • Is it appropriate for an attorney to represent the petitioner and the professional guardian? • Is it appropriate for attorneys who represent professional guardians to also serve as GALs? • Is it appropriate to appoint an attorney to represent an alleged incapacitated person from the list of GALs? • Is it appropriate for an attorney who may represent alleged incapacitated persons to also serve as a professional guardian? 		<ul style="list-style-type: none"> • Establish a hotline for guardianship questions. 	
5.	Fund Public Guardians to provide decisional support for individuals who have no family or friends and/or cannot afford to pay for decisional support.	111	Revise guardian ad litem registry and selection process. <ul style="list-style-type: none"> • Regional Registry with rotation to deal with limited GALs in rural areas <ul style="list-style-type: none"> ○ Rotation Exception for – Special skills requested and verified by licensing agency • Verification that investigator is available and willing to accept an appointment by the licensing agency or court Conflicts review by licensing agency prior to every appointment	63	Increase the number of professional guardians in rural areas. <ul style="list-style-type: none"> • Develop scholarships to pay registration for the University of Washington Guardianship Certificate Program. • Develop a process to evaluate experience and provide the opportunity to substitute education for experience. 	38
6.	Provide access to conflict resolution. <ul style="list-style-type: none"> • Family Mediation • Guardianship Ombudsperson to resolve complaints 	65	Choose a more informative, less hostile, less formal name that is not off-putting. Examples include: <ul style="list-style-type: none"> • Court Visitor • Court Visitor ad litem 	56	Use respectful language. <ul style="list-style-type: none"> • Use a people-first language to refer to individuals who need decision support. Examples include: 	36

			<ul style="list-style-type: none"> • Court Investigator • Special Court Representative • Special Court Appointee • Special Needs Representative • Fact Finder 		<ul style="list-style-type: none"> ○ Person in a guardianship ○ Person under a guardianship ○ Person with diminished decision-making ability ○ Person in need of decision support ○ Individual with limitation 	
7.	Prohibit Isolation of persons in a guardianship.	47	Establish additional minimum qualifications for Guardians ad litem. <ul style="list-style-type: none"> • Bachelor’s degree any discipline • Verifiable experience (personal, professional or related) with aging, dementia, developmental disabilities, mental illness 	39	Improve professional guardian certification. <ul style="list-style-type: none"> • Increase minimum education requirements from an Associate’s degree to a Bachelor’s degree. • Develop levels of certification – novice, master. • Define impact of credit report on certification. • Develop opportunities for mentoring. • Include additional education on alternatives to guardianship and supported decision-making. 	26
8.	Provide a court-appointed attorney to the person in a guardianship	21			Require Washington State Patrol and FBI Background Checks before lay guardian appointments.	21
9.					Improve minimum qualifications for all guardians.	11

					<ul style="list-style-type: none">• Age: change minimum age requirement from 18 to 21 years for all guardians.• Fitness: define moral turpitude.• Fitness: specify the misdemeanors that prohibit one from being appointed a guardian.	
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