**Faulk, Camilla**

**From:** Sharon Costello [sa.costello@yahoo.com]
**Sent:** Monday, April 28, 2008 5:50 PM
**To:** Faulk, Camilla
**Subject:** Comments Re Proposed Changes to GR 23
**Attachments:** 1753316734-Proposed Changes to GR 23 Comments.doc

Dear Ms. Faulk,

Attached are my comments re the proposed changes to GR 23.

In addition to what is in the attachment, I would like to say that while I believe changes to the rule are in order, some of those proposed seem to be the result of a possible overreaction to the Seattle Times articles, of which most of us are familiar. I would like to suggest, as it has been done elsewhere, that rather than "put the screws" to existing or would be guardians in reaction to the articles, the guardianship community should instead utilize the services of a public relations firm to present the more positive and "hidden" aspects of guardianship to the public. I do not believe that the newspaper reading public is aware of the collective or composite nature of the cases we deal with and just what life would be like for the majority of guardianship clients, if they did not have a guardian. All professions have their bad apples, but there is definitely "the other side" of guardianship that has never been presented to the public.

Also, Christopher Fast stated in his comments that he would like to see the increased education requirement proposal put aside until the issue over the make-up of the board is decided. I would like to second that idea, and even extend it to the majority of these proposed changes. These proposed changes have been created by a board that has a very low representation of actual practicing CPG's. I believe that the board has integrity and that the proposed changes are well intentioned, but they do appear to reflect a notable unfamiliarity with day to day CPG work.

Thank you.

Sincerely,
Sharon Costello, MSW, CPG
12345 Lake City Way NE, #164
Seattle, WA 98125
CPG #10491 (appointed in summer of 2006)

| Proposed Change | Personal Position |
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| 1. Limiting the percentage of CPG's on the CPG Board to 1/3 max. | Oppose. Most boards that I am aware of are comprised largely of practicing members of the bodies they serve. It seems difficult to imagine how a board can govern effectively if the majority of its members are unfamiliar with the day to day "front line" aspects of the profession. Input from others with expertise in areas related to guardianship, e.g. law, accounting and finance, social and health services; is also important, so the board should not be made up exclusively of CPG's. It seems that a mix of two-thirds to three quarters of **practicing guardians** (a term that needs to be defined), with a remainder from other related areas, would provide the appropriate knowledge and balance necessary to function effectively. I would also like to suggest that if the board has a reasonable number of JD's serving as members at any given time, that those serving from other areas not also be lawyers, i.e. a higher education, social, or health care representative should not also be an attorney if the legal community is already well represented. |
| 2. Increasing the formal education requirements for CPG's. | On the fence. Any change in this aspect of the rule should explicitly allow for the grandfathering of those already certified. That aside, given the nature and complexity of guardianship work, it seems that some formal education beyond high school would only improve and enhance the profession – both in terms of actual practice and public perception. I know of no other profession that uses the word "profession" or "professional" that does not have some higher education requirement behind it. Also, the type of caseload that a particular guardian or agency works with can vary considerably. Some work almost exclusively with no or low asset clients whose affairs are not all that complex. Others work with clients who have vast property and security holdings and complex trusts. It might be wise to consider some sort of delineation between the nature of the guardianship itself and the education and experience level of a given guardian. I personally hold a Masters degree in Social Work, a BA in Political Science, a Washington State Teaching Certificate, and an ABA approved Advanced Paralegal Certificate. None of these degrees and certifications makes up for my lack of experience with the "in the trenches" aspect of guardianship work. Currently I rely heavily on the experience of those CPG's without a college degree for the majority of assistance that I get in learning the ropes. When it comes to guardianship work there is nothing that beats long-term front line experience, no matter what the education level. |
| 3. Requiring CPG applicants to submit | Oppose. What would the board hope to gain from this information, and how often would they ask for it? The board |

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| personal credit reports to the board. | has shown no correlation, much less an actual cause and effect, between disciplinary actions and credit histories. It is a faulty assumption that a person's credit report is indicative of their honesty and/or ability to manage **other people's** financial affairs. I have spoken to many people in the guardianship business who freely admit that their own personal finances are in a far less tidy condition than that of their clients. These people make a big distinction between their own funds and those of others. Also, there is often a joint nature to credit reports where married couples are concerned, and the resulting history does not necessarily give a true representation of how either party manages their own, much less other people's, money. This recommendation, like some of the others here, appears to promote a "guilty until proven innocent" attitude about those who are or would be guardians. Do would-be lawyers need to present credit histories to the bar before they can be considered for membership and given responsibility for the management of client funds? Do would-be medical doctors need to present credit histories before they can join a medical association, open a practice, and handle Medicaid and Medicare funds? Do would-be probate administrators and personal representatives need to present credit histories to the court before obtaining their Letters? Do would-be CPA's need to submit credit reports before they are allowed set up shop and handle large amounts of other people's money? Most of these people are all considered professionals and "innocent until proven guilty". If CPG's are to be considered true "professionals" then why should the standard be different for them? If this recommendation is adopted, will board members also be required to submit credit histories and bankruptcy disclosures? If they will be making assertions and judgments about others based on these types of disclosures, it seems that they too should be subject to at least an equivalent standard. |
| 4. Expanding bankruptcy disclosures by CPG's. | Oppose. The current standard seems sufficient. The overwhelming majority of people who go bankrupt do not do so because of dishonesty or an inability to manage money. They do so because of such things as natural disasters like Hurricane Katrina, protracted unemployment in economic downturns, layoffs, divorce, and unforeseen uninsured medical emergencies. Households that are dependent on two incomes to make ends meet are doubly exposed to these risks, and hence doubly exposed to bankruptcy. (Harvard law professor Elizabeth Warren has done much research in this area, and her findings defy most common perceptions of just who goes bankrupt and why. She predicts that 1 in 7 households will go bankrupt in this decade. Dishonesty, overspending on luxury items, and an |

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| | inability to manage money are not the reasons she gives as to why.) Most of us have heard, during this presidential primary, of those who live in the "Rust Belt" and who are struggling due to the disappearance of manufacturing jobs. It is reasonable to assume that many of these people now have damaged credit histories and/or bankruptcies to their names. It is not, however, reasonable to assume that these same people are collectively dishonest or incapable of managing their own or other people's finances. There are people all over the country and right here in the State of Washington, just like those in the Rust Belt, albeit in lower concentrations. They are looking to improve their job prospects but are often barred from obtaining new employment due to a poor credit score or a bankruptcy and the prevailing, although often erroneous, perceptions of what that says about them. |
| 5. Expanding disclosure for crimes. | Oppose. The current standard seems sufficient. |
| 6. Allowing longer terms for board members. | Oppose. Two consecutive 3 year terms would seem sufficient. Boards need fluidity and fresh approaches if they are to remain viable and perform at optimal levels. Also, I would question just why a person would want to serve a longer term. |
| 7. Requiring new sanction disclosures for non-professional licenses. | Oppose. We should all be entitled to a presumption of innocence. Also, any disclosures that are required should be limited to those involving professional fiduciary responsibilities. |
| 8. Reworking public disclosure of Board records. | Support. |
| 9. Setting criteria for board member conflicts of interest. | Support. |
| 10. Narrowing the definition of experience required for certification. | Oppose. Without more specifics, this recommendation seems unsupportable. While the current definition appears to be too broad and vague, I would need to see specifically how this definition would be narrowed before offering support. It is equally important that the definition not become too narrow. |