

From: Michael/Claudia Donnelly <thedonnelys@oo.net>
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To: denise.foster@courts.wa.gov
Subject: comment on GR 31.1.

101415 – 147th Avenue SE
Renton, WA 98059

December 9, 2012

The Honorable Chief Justice Barbara Madsen

Washington State Supreme Court

Olympia, WA 98504

RE: Comments on GR 31.1 – Transparency with Guardian Board

Dear Chief Justice Madsen:

When I need to hire a plumber, I go to the Better Business Bureau and see what problems the outfit I want to hire has had in the past. This will give me the opportunity to pick a better person to fix my problem. I can't do that with a professional guardian.

I see the purpose of the WA State Guardian Board as the protection of our most vulnerable adults from themselves or others who MAY want to harm them (i.e: embezzle their funds or force them into care facilities against their wishes). The Board licenses professional guardians and agencies. The Board is assigned to set standards of conduct for guardians. They are also charged with disciplining guardians who do not follow the Standards of Practice regulations set by the Board to protect the elderly wards under their care. This part of their purpose is not being done well and I am concerned it is not done within the view of the public. The public is being hurt by this lack of action and concern on the part of the Board. We are also being harmed by not being able to see how the Guardian Board disciplines these guardians. As I testified at the February 2012 hearing, I believe this is harmful, in the long run, to all residents of Washington State who will need a guardian for their loved ones.

In 2007, I filed a grievance against my mother's guardian for breaking state law and for presenting false testimony in court and/or being untruthful in communications with me/our family. The Guardian Board sent me a letter saying the "guardian did nothing wrong". At the time, I wanted to know how they "did nothing wrong". What criteria was used to make this

determination. I asked under the Public Disclosure Law for a copy of what her guardian sent to the Board in response to my grievance complaint. I got a letter back from the Board saying, "I could see what I provided to the Board, but I couldn't see what the guardian provided to Board." It was a private communication. I also was not given an opportunity to appeal the decision.

At the February 2012 hearing, the Allied Daily Newspapers representative mentioned the importance of "judicial review" in their testimony before the justices. To me, judicial review means being able to review the decision in a court of law or by other means. During the Guardianship Board meetings, the public is asked to leave the meeting when they discuss grievances or disciplining guardians. How can we – the public have judicial review or other discussions about grievance matters with the Board present if we are asked to leave the meeting and can't see/hear how the Board decides/discusses disciplining guardians or what the criteria is that the Board uses to determine if a grievance is a legitimate complaint? We also can't see what the Board provides to the committee hearing the grievance discussion. In addition, as we are aware, no minutes are taken of these discussions – we don't even know what documents/records are kept. There is no way that we can have confidence that appropriate discipline will even take place or if judicial review will be allowed because we aren't permitted to see/hear what the guardian gives to the committee rebutting our original complaint.

Thank you, in advance, for letting the public comment on GR 31.1. I hope that the Courts really provide some transparency for the public as it comes to grievances filed against professional guardians.

Sincerely,

Claudia Donnelly