

# Washington State Judicial Branch

## 2023-25 Biennial Budget

### Engage Guardianship Volunteers

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** S5 – Engage Guardianship Volunteers

#### Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests \$170,000 to adequately fund and support the Guardian Monitoring Program's (GMP) ongoing volunteer activities. In 2021, (AOC) launched the GMP to support local jurisdictions' guardianship efforts. GMP's reliance on volunteers will require an investment of resources to recruit, train, support and retain approximately 100 volunteers and will help ensure future sustainability for the GMP.

An essential component of the GMP is the engagement of its volunteers: guardian liaisons, volunteer auditors and volunteer researchers. These volunteer positions represent approximately 75 percent of total GMP staffing as they improve the tracking of guardianship cases, improve communication between guardianship parties and courts, and improve the detection of abuse, neglect and exploitation of persons subject to guardianship. (General Fund-State)

#### Fiscal Summary:

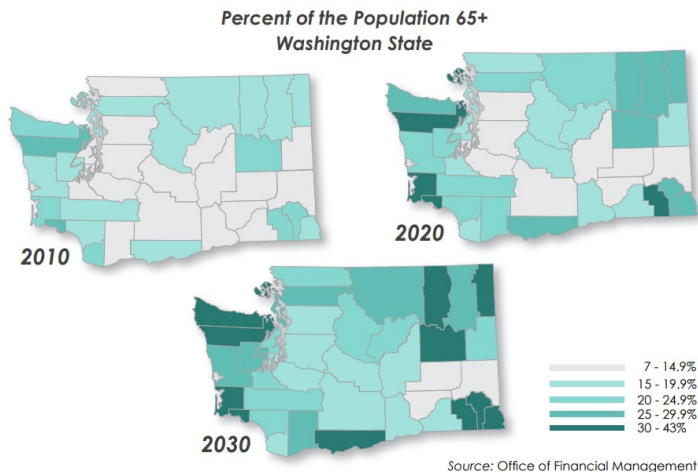
	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Operating Expenditures</b>						
Fund 001-1	\$65,000	\$105,000	\$170,000	\$105,000	\$105,000	\$210,000
<b>Total Expenditures</b>						
	\$65,000	\$105,000	\$170,000	\$105,000	\$105,000	\$210,000

#### Package Description:

The number of people age 65 and older is increasing, which is presenting new challenges across the US, and adding additional pressure to state guardianship programs. Alzheimer's disease and related dementias are becoming more common: in 2020, more than 120,000 individuals over the age of 65 are suffering from Alzheimer's in Washington State, with a projected increase of nearly 17% by 2025. <sup>1</sup> Washington State's 65 and older population is projected to increase substantially.

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<sup>1</sup> Alzheimer's Association. 2022 Alzheimer's disease Facts and Figures. Alzheimer's Dementia 2022;18.



These issues can be expected of the state's older population, but the number of younger adults with cognitive disabilities and mental illness is also increasing. The Center for Disease Control reports 12.7% of Washington residents are adults with cognitive disabilities under the age of 65<sup>2</sup>. It is reasonable to assume these trends will result in a substantial increase in the number of court proceedings to protect vulnerable adults from abuse and neglect in guardianship cases<sup>3</sup>. Thus, the need for protections such as qualified guardians and effective court monitoring of guardians increases. Unfortunately, lay guardians often find it difficult to perform their duties with limited resources and assistance. Likewise, the courts are finding it increasingly difficult to provide

necessary guardian oversight. It is also difficult to plan for the growing demand for guardians and other protections without a thorough profile of individuals subject to guardianship, their numbers, characteristics, and needs.

Of the 39 counties in Washington State, only Spokane County has a formal guardian monitoring program, while Snohomish, Benton, and Franklin have informal programs. Skagit County only has guardianship facilitators, and the remaining 30 counties rely on Excel spreadsheets or Outlook calendars to monitor cases. All have limited staff resources for oversight of these cases.

GMP staff have met with county staff in 23 Washington counties in an effort to introduce the GMP statewide initiative: over half of county staff have stated guardianship cases have unintentionally been overlooked due to the lack of staff and volunteers. Some counties have mentioned being weeks or months behind in auditing reports. There is either minimal or no contact with persons subject to guardianship and the guardianship parties involved.

The data on guardianships is limited due to the lack of a guardianship case management system, but estimated cases in Washington is 25,000 cases. There are many cases where the location of the person subject to guardianship is unknown, reporting has not been completed accurately or on time, and the treatment of a person subject to guardianship by their court-appointed guardian is unclear.

The GMP's volunteers are essential for the program to function efficiently with partnering counties to address these issues. The Administrative Office of the Courts Guardian Monitoring Program requests funding for volunteers to be compensated for expenses they incur related to their duties, volunteer appreciation events, and ongoing training in areas of social services, mental illness, substance abuse, finance, and law. The GMP has established partnerships with several counties to establish monitoring programs, and have observed most counties lack the opportunity to provide a formal GMP due to short staffing and resources. Therefore, there are guardianship cases that do not have the appropriate auditing and monitoring to ensure the safety of the person subject to guardianship, as well as holding the court-appointed guardian accountable. Volunteer auditors, researchers, and monitors assist with providing oversight to guardianship cases.

Additional expenditures will include cost of mileage for volunteers, background checks, volunteer recruitment ads, and volunteer training and development.

<sup>2</sup> United States Census Bureau. 2020 The American Community Survey.

<sup>3</sup> Guardianship is a term that includes both guardianship and conservatorship cases.

Volunteer auditors, researches and liaisons provide an extra step to accurately track and monitor guardianship, decrease the non-compliant reporting rates, and more importantly, ensure the safety of the person subject to guardianship. Through auditing, research, and monitoring, reports are reviewed in a detailed and timely manner, there is a communication bridge between the adult subject to guardianship (including other parties) and the court, and an increase in detection of abuse, neglect and exploitation.

**Fully describe and quantify expected impacts on state residents and specific populations served:**

A fully resourced Guardian Monitoring Program will benefit the courts, the general public, guardians, and adults subject to guardianship. As the population ages and the demographic of adults with disabilities increases, more individuals subject to guardianships will increase. It is critical that guardianships are effectively monitored. The Volunteer Operations will enhance the program's operational efficiencies and effectiveness, improve the usage of human and financial resources, and improve communication practices in guardianship monitoring.

Effective monitoring will: identify delinquent guardian reports and other issues with compliance; gauge the extent of abuse by guardians and the extent to which guardians protect individuals subject to guardianship from abuse; and shape guardianship policy, practices, training, and education.

**Explain what alternatives were explored by the agency and why they were rejected as solutions:**

Hiring dedicated staff to provide monitoring services in each county was considered. However, full-time equivalent (FTE) state employees are an extremely costly path for the state.

**What are the consequences of not funding this request?**

Without funding to support the Volunteer Operations, the GMP will not have the ability to adequately recruit, train, and retain volunteers. Volunteers are integral to the success of the GMP and the efficacy of the program will be compromised without adequate funding. Monitoring of guardianships would continue to be addressed on a county by county basis with many counties having no monitoring programs, limited resources, and no additional support from the GMP. Individuals subject to guardianship would continue to be at risk of having ineffective, negligent or abusive guardians managing their personal or financial affairs. There would continue to be wide variation between counties of acceptable guardianship practices, placing individuals subject to guardianship at risk and reducing public confidence in the courts.

**Is this an expansion or alteration of a current program or service?**

This request is an expansion of the GMP that was partially funded by the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act ([UGA](#)). The majority of the funding received was used for UGA implementation and maintenance activities.

**Decision Package expenditure, FTE and revenue assumptions:**

This request will provide ongoing funding for the Guardian Monitoring Program's (GMP) volunteer activities by supporting 100 volunteers.

**Goods and Services (Object E)**

- Investing in incentives and reimbursements for volunteers  
FY 2024 = \$40,000  
FY 2025 and ongoing = \$80,000
- Background Checks = \$7,100 each fiscal year (100 volunteers X \$71.25 each)
- Recruitment Ads = \$1,600 per fiscal year (39 counties X \$40 per ad)
- Volunteer Training = \$10,000 per fiscal year

**Travel (Object G)**

Volunteer mileage costs (100 volunteers X 100 miles X \$0.625 per mile) = \$6,300 per fiscal year

<b>Expenditures by Object</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>
E Goods and Services	58,700	98,700	98,700	98,700	98,700	98,700
G Travel	6,300	6,300	6,300	6,300	6,300	6,300
<b>Total Objects</b>	<b>65,000</b>	<b>105,000</b>	<b>105,000</b>	<b>105,000</b>	<b>105,000</b>	<b>105,000</b>

**How does the package relate to the Judicial Branch principal policy objectives?**

**Fair and Effective Administrative Justice:** Under the current system, each superior court can develop its own monitoring program with no standardization on the objectives and components of an effective monitoring program (or have no monitoring program at all.) This creates a system in which guardianships are monitored inconsistently, leading to a perception that the courts are not fulfilling their responsibility to individuals subject to guardianship and to the public. This patchwork approach to monitoring does not provide consistent accountability. Creating a monitoring system using agreed upon best practices will bolster public trust and confidence.

**Accessibility:** Improvements by courts in monitoring guardianships ensures that individuals subject to guardianship are receiving the care they need and provides a systematic procedure for informing the court about any concerns regarding care. Direct assistance to lay guardians will increase access to resources and support, enabling lay guardians to meet the obligations of their orders.

**Access to Necessary Representation:** Pursuant to RCW [11.130.285](#) and RCW [11.130.385](#), respondents in guardianship proceedings have the right to representation. The courts may, but are not required, to appoint an attorney to represent the respondent. There are exceptions outlined in RCW 11.130.285 and RCW 11.130.385 when the court must appoint an attorney regardless of the respondent's ability to pay. The GMP will improve and increase communications between the individuals subject to guardianship and the courts including informing individuals of their rights to representation.

**Commitment to Effective Court Management:** Creating a statewide system of best practices for monitoring programs will enhance effective court management. The data collected will be used to improve effective guardianship case management, and provide guidance for policy makers and practitioners to strengthen the guardianship system to prevent and detect abuse of vulnerable adults. Effective monitoring should facilitate effective case processing; gauge the extent of abuse by guardians and the extent to which guardians protect persons subject to guardianship from abuse; and shape guardianship policy, practices, training and education.

**Are there impacts to other governmental entities?**

The funding request will not impact other governmental entities.

**Stakeholder response:**

The funding request will not impact non-governmental stakeholders.

**Are there legal or administrative mandates that require this package to be funded?**

No

**Does current law need to be changed to successfully implement this package?**

No

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**Are there impacts to state facility fees?**

No

**Are there other supporting materials that strengthen the case for this request?**

Not applicable

**Are there information technology impacts?**

There are no information technology impacts related to this request.

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