



Monica Hargis, *Dancing Horses*

**The Certified Professional Guardian Board  
Annual Report 2007**

*The Certified Professional Guardian Board and the Administrative Office of the Courts gratefully thank the Neighborhood Center of the Arts for allowing us to showcase the beautiful creations of its talented artists.*

*Since 1984, the Neighborhood Center of the Arts has provided adults with developmental disabilities an opportunity to grow to the best of their abilities through the arts and community integration. "We provide a place where they can make friends, explore their abilities, and gain a sense of accomplishment." <http://www.neighborhoodcenterofthearts.com/>*

*For more information about the NCA program contact:*

*Neighborhood Center of the Arts  
200 Litton Dr. Suite #212  
Grass Valley, CA 95945  
Ph. (530)272-7287*



**Paul Melching, *Untitled***

**The Certified Professional Guardian Board** was established in 2000 and operates under the authority of the Washington State Supreme Court. The Board regulates the certification of professional guardians. Any court-appointed guardian who charges fees in three or more guardianship cases must be certified as a professional guardian (RCW 11.88.008). The Board does not regulate the conduct of non-professional guardians, trustees, attorneys in fact, guardians ad litem or other fiduciaries. All regulations and standards adopted by the Board are located on the Board's website at: [http://www.courts.wa.gov/programs\\_orgs](http://www.courts.wa.gov/programs_orgs)

**The Certified Professional Guardian Board** is composed of judicial officers, attorneys, professional guardians, and other representatives with expertise in guardianship issues. Administrative support to the Board is provided by the Administrative Office of the Courts (AOC).

**The Board's duties include:** holding public meetings, approving applicants for certification, implementing & approving mandatory training, adopting & ensuring compliance with standards of practice and other regulations, reviewing & investigating grievances, holding disciplinary hearings, imposing disciplinary sanctions, and adopting ethics opinions to guide professional guardians in their practice.

It is with a great deal of respect for the people who have dedicated themselves to the care and protection of incapacitated persons that I introduce the Certified Professional Guardian Board's 2007 annual report. Certified Professional Guardians (CPGs) work tirelessly and without fanfare to provide the best care and protection of their clients. Their successes are mostly unheralded because they respect and protect their clients' privacy, but criticism is often vocal and garners public notice.

The legislature and Supreme Court created the Board in response to a need for greater oversight of people appointed by Washington courts to make personal and financial decisions for people who cannot do so for themselves. It has been my honor and pleasure to serve as Board chair when it was first created and again in 2007. The Board has worked hard to establish ethical standards and education requirements to better serve and protect incapacitated persons.

The process presents constant new challenges and opportunities for improvement. 2007 saw a significant reduction of the grievance backlog and a huge step forward in upgrading the required education for CPGs.

The Board looks forward to the challenge of meeting the expectations of Washington's citizens to protect the most vulnerable when they are subject to court orders appointing a certified professional guardian.

Marywave Van Deren  
Chair, Certified Professional  
Guardian Board



Rhiannon Richardson, *Squirrel Sunset*

New issues are always developing for which there are no clear-cut solutions. The job requires incredible mental flexibility, emotional stamina, critical thinking skills, ability to access resources, and perseverance to get through extremely frustrating and trying situations that take a long time to resolve and involve legal and ethical dilemmas ...

~ CPG survey response

## 2007 BOARD INITIATIVES HIGHLIGHTS ~

### PROFESSIONAL GUARDIANSHIP CERTIFICATION TRAINING

For the past two years, the Board has worked to improve the mandatory education component for certification of professional guardians in Washington State. In July 2007, the Board agreed to work with the University of Washington Educational Outreach Academic Program (UWEO) to develop a Guardianship Certificate Program that expands and deepens the education required for certification.

Participants in this program will develop the skills necessary to effectively navigate the social and health service environments on behalf of their clients. In addition, students will learn the fiduciary responsibilities, legal/regulatory frameworks, and ethical contexts that govern the role and obligations of CPGs in Washington State.

This 90 hour program provides a comprehensive overview of professional and lay guardianship of the elderly, developmentally disabled, and other persons that have been declared "incapacitated" by Washington State courts.

The curriculum is being developed by a Guardianship Advisory Committee composed of members of the Board's Education Committee, CPGs, practitioners, subject matter experts and academic professionals from the UW

Schools of Social Work, Nursing, and Law.

The ideal guardian would have all of the following degrees and credentials: CPA, MD, JD, CFI, MSW, PhD in Psychology, and a real estate broker's license. This person, thankfully, does not exist, because their hourly rate would be too high ... a CPG [needs] some general knowledge from all of these fields to be effective as a guardian.

~ CPG survey

While learning the spectrum of competencies required of a professional guardian, the students will have access to the local court rules, social services and other resources and of their jurisdiction through the certificate program's website.

With the advent of this innovative program, Washington will be a leader in mandating comprehensive training for professional guardians. It is anticipated that Washington's Certificate Program will become the model to which other states aspire for their regulatory programs.



Sue Trathen, *Untitled*

## NEW GUARDIAN INVESTIGATOR - GRIEVANCE PROCESS

One of the Board's continuing goals is to ensure that grievances involving certified professional guardians are investigated and resolved in a timely and consistent manner. This year the Administrative Office of the Courts (AOC) created the new position of Guardian Investigator to help fulfill that goal.

The Guardian Investigator conducts confidential investigations of grievances filed against CPGs. Investigations include: interviewing persons with knowledge of the circumstances, searching and collecting court records, preparing reports, and may involve retaining auditors or other experts to evaluate financial or other guardianship records. The Investigator also provides monthly grievance investigation status reports to the Board's Standard of Practice Committee (the Board's investigative and disciplinary committee). *See* Grievance Update Chart, attached.

At the completion of the investigation, the Investigator presents findings in clear, logical, impartial, and properly documented reports to assist the Standard of Practice Committee in determining what action it will recommend to the Board to ensure the protection of the public. The Board's procedures for processing grievances are described in the Board's disciplinary regulations, chapter 500.

If the Board issues a Complaint in the matter, the Guardian Investigator assists the Board's Assistant Attorney General in preparing the case for hearing and appropriate resolution by the Board.

In addition to investigating grievances, the Guardian Investigator will assist individual counties in developing monitoring of professional guardians' performance, and attend judicial conferences and other forums with the AOC Board Liaison to help educate judicial officers and court personnel in understanding the mission and duties of the Board and CPGs.

Deborah Jameson is our first Guardian Investigator. She joined the AOC staff in November, 2007. Ms. Jameson was the King County Superior Court Guardian ad Litem investigator for the past 4 ½ years and is a licensed attorney. Her knowledge and experience, as well as her enthusiasm and work ethic, are a great benefit to the Board and the citizens of the state of Washington.

A professional guardian wears many hats; as a consultant, administrator, friend, manager, confidant, tax preparer, investor, social worker, representative, debater, and most of all, a liaison between your client and the world ...

We are there to speak for, advocate for and defend the individual rights of someone who can not speak for themselves.

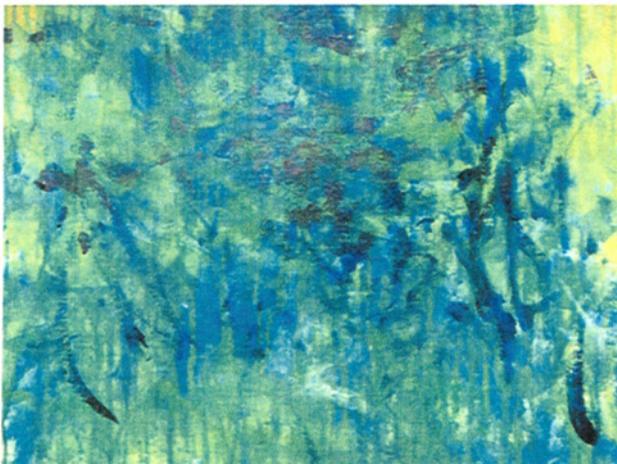
~ CPG survey response

## SURVEY OF CERTIFIED PROFESSIONAL GUARDIANS

Since the inception of the certification of professional guardians in 2000, the Board has seen an increase in complexity and breadth of the issues CPGs face in their representation of incapacitated persons.

To gain a better understanding of the current challenges faced by CPGs and to assist the Board in determining the knowledge and skills needed to meet those challenges, the Board developed an unscientific survey of our practicing CPGs in Washington. Approximately 50% of CPGs responded.

**The survey was not professionally designed or evaluated and the results reflect only those who responded, which excludes some of the largest and longest-operating CPG agencies and experienced CPGs. The Board regards the information as useful for its insights about at least some current CPG practices in Washington in 2007. The percentages referred to may be from combined categories. We appreciate the efforts of Tom George to compile the numbers.**



Monica Hargis, *Untitled*

## CPG Demographics

The survey asked for information about gender, ethnicity, age, location, agency affiliation, number of years in practice and number of clients.

73% of the responding CPGs are female, 95% are white, and the average age, 52.

Almost half of all CPGs reside in the Puget Sound area – 28% in King County, 13% in Pierce County, 7% in Snohomish County, and , 6% in Kitsap County. Spokane has 12% and all the remaining counties each having fewer than 5% of the total CPGs.<sup>1</sup> Some counties still have no CPGs.

## CPG Experience

Years in practice ranged from 2 - 20 years, with an average of 5 years. 58% possess a bachelors degree or higher, 7% an associates degree, 19% have some college but no degree, and 6% have a high school education or GED.

The number of clients a professional guardian serves differs between agency CPGs and non-agency CPGs:

	Agency	Non-agency
0 clients		19%
1-10 clients	30%	40%
12-20 clients		17%
20-50 clients	30%	
22%		
65-120 clients	22%	
80-83 clients		4%

<sup>1</sup> Other counties 1-5%: Asotin, Benton, Chelan, Clallam, Clark, Cowlitz, Douglas, Grays Harbor, Island, Jefferson, Mason, Skagit, Thurston, Walla Walla, Whatcom, Whitman, Yakima.

## Client Demographics

Client information the survey requested included gender, age, ethnicity, employment, location and identification of psychological and medical issues.

A majority of all clients are female (51%). 45% are white, 39% Asian/Pacific Islander; 5% African-American; 3% Native American/ Eskimo/Aleut; 2% Hispanic/Latino; and 7% other.

A somewhat surprising showing was that 52% of clients are under the age of 66: 17% are 51-65 years old, 16% are 36-50, 12% are 19-35 and 7% are 18 years or younger. The majority of those over 65 are between the ages of 66 and 80 (30%), and 18% are over 80 years of age.

The results revealed a relatively high client employment rate: 13% are employed full-time and 26% are employed part-time. Nine percent are unemployed, 23% retired and 30% unable to work.

Clients' county residential locations were not necessarily consistent with where CPGs are located: 47% reside in King County; 13% in Spokane County; 6% in Snohomish County; 5% in Pierce County; 5% in Kitsap; 4% in Clark; 3% in Thurston. All other counties have less than 1%.<sup>2</sup>

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<sup>2</sup> No clients were reported residing in Clallam, Kittitas, Klickitat, Lincoln or Pend Oreille counties. The results are probably inaccurate on this point, as several large agencies and CPGs with large caseloads did not respond to the survey.

A majority of clients reside in community housing: 27% reside in a shared residence facility and 27% in a nursing home setting. 17% of clients rent, 24% own a condo or house, 1% are homeless and 4% reside in other arrangements .

Patience, respect, sensitivity, good assessment skills, all those qualities that are hard to teach in a didactic setting ... get to know the person you are serving and get to know as much as possible about their disability.

~ CPG survey response

## Income

One-third of the clients have a monthly income of \$2,000-\$3000; 21% have \$1,000-2,000 month; 28% have less than \$1,000 per month; and 18% have a monthly income greater than \$3,000.

## Client Psychological & Medical Conditions

Clients have one or more of a myriad of psychological and medical conditions. CPGs<sup>3</sup> were asked if they have *at least one client* with any given condition. The most common conditions or diagnoses reported were: dementia (57%); developmental disorder (40%); personality disorder (50%); heart disease

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<sup>3</sup>Agency results differed though not significantly. Total numbers of clients with specific psychological and medical conditions served by all reporting agencies are available at [http://www.courts.wa.gov/committee/?fa=committee\\_home&committee\\_id=129](http://www.courts.wa.gov/committee/?fa=committee_home&committee_id=129).

(66%); stroke (55%); traumatic head injury (47%); having been hospitalized for psychiatric treatment while under guardianship (56%); or a combination of medical and psychological issues that require care (92%).

### **Contracting for CPG Activities & Services**

CPGs manage money or assist with financial matters 85 percent of the time. In most cases, professional guardians contract with others to provide some services for the client. Most CPGs contract for activities of daily living (65%); transportation for activities and appointments (67%); and managing medications (60%). Activities such as shopping and running errands, participating in social activities & providing psychological support were provided by CPGs and contracted for on an equal basis.

The survey asked respondents to describe how they define and view their service and profession. This information is not only valuable to the Board in conducting its daily business of regulating the profession, but helps shape the Board's future regulatory, outreach and educational efforts.



Kandy Cain, *Untitled*

Being a CPG can be very rewarding, but at the same time can be very demanding. You need to have patience and good communication skills. You will be dealing with a variety of people and situations. Always expect the unexpected and be prepared for it.

~ CPG Survey response

## Certified Professional Guardian Board Members

### **Judge Marywave Van Deren, Chair**

Court of Appeals Division II

### **Ms. Robin H. Balsam**

Attorney, Certified Professional Guardian

### **Mr. Gary Beagle, MG-NGF**

Certified Professional Guardian

### **Ms. Ree Ah Bloedow**

Attorney, DSHS

### **Dr. Ruth F Craven, EdD, RN, FAAN**

Prof. & Assoc. Dean, UW School of Nursing

### **Ms. Nancy Dapper**

E.D., Alzheimer's Assoc.

### **Judge M. Karlynn Haberly**

Kitsap County Superior Court

### **Mr. Hank Hibbard**

Attorney at Law

### **Mr. John Jardine**

Certified Professional Guardian

### **Mr. Michael J. Longyear**

Attorney, Certified Professional Guardian

### **Ms. Lori A. Petersen**

Certified Professional Guardian

### **Judge Kimberley Prochnau, Vice Chair**

King County Superior Court

### **Prof. Winsor Schmidt, J.D., LL.M.**

WSU Dept. Health Policy & Admin.

### **Commissioner Joseph F. Valente**

Spokane County Superior Court

### **Judge Chris Wickham**

Thurston County Superior Court

### **Ms. Suzanne Thompson Wininger**

Attorney, DSHS Region 6

### **Ms. Sharon York**

ARC of Washington



Patrick Scudero, *Flower*

### **Additional Information**

For more information regarding the Certified Professional Guardian Program, please visit the AOC website at [www.courts.wa.gov/programs&orgs](http://www.courts.wa.gov/programs&orgs) or contact Sharon Eckholm, AOC Liaison to the Board at (360) 704-4031 or [sharon.eckholm@courts.wa.gov](mailto:sharon.eckholm@courts.wa.gov).



Update on Disciplinary Actions

CPGB Number	Members of Review Panel	Nature of Allegations	Disposition
2003-002	Commissioner Aronow (ret.) John Jardine Dick Sayre	Handling of guardianship funds, etc.	Settlement Agreement—monitoring compliance
2003-011	Judge Hogan Michael Longyear Tom O'Brien	This grievance involved allegations of noncompliance with reporting requirements and failure to act or timely act upon a variety of estate and person issues for incapacitated persons	Settlement Agreement—monitoring compliance
2004-004 2004-014 Company on cases	Commissioner Aronow (ret.) Winsor Schmidt John Jardine	This grievance involved allegations of misappropriation of client funds. Funds from client trust accounts transferred to agency's account without court order and failure of agency to pay rent	Investigation Ongoing
2004-005	Jerry Reilly Judge Hogan Lori Petersen	The Board was informed that a CPG, who is also an attorney, had been admonished by the Washington State Bar Association for certain conduct but who had not disclosed this disciplinary matter to the AOC as required by GR 23.	Settlement Agreement with letter of admonishment
2004-006	None.	The Board received a grievance alleging that the CPG had conflicts of interest and had mismanaged assets of the guardianship.	Dismissed—no jurisdiction over grievance.

CPGB Number	Members of Review Panel	Nature of Allegations	Disposition
2004-008		The Board received a grievance from Adult Protective Services against a CPG on an active case.	Dismissed.
2004-012		A grievance was received alleging a CPG was mismanaging the estate and mistreating the incapacitated person.	Dismissed—grievance referred to superior court.
2004-013	Commissioner Aronow John Jardine Dick Sayre	A grievance was received alleging a CPG is mismanaging the estate of an incapacitated person and that the CPG never filed an inventory or personal care plan for the incapacitated person.	Settlement Agreement with letter of reprimand approved by Board.
2004-014	None	This grievance involved allegations of the misappropriation of funds and failure to account. The guardian was not a CPG.	Dismissed—no jurisdiction over lay guardians.
2005-003	None	This grievance involved allegations that guardian failed to apply in a timely manner for VA benefits and placed client funds in a pooled account.	Superior court investigated. Dismissed—no grounds for disciplinary action.
2005-006	None	This grievance involved allegations that guardian verbally abused incapacitated person. Superior court investigated.	Dismissed.
2005-007	None	This grievance involved allegations of negligent care against the guardian.	Dismissed.

<b>CPGB Number</b>	<b>Members of Review Panel</b>	<b>Nature of Allegations</b>	<b>Disposition</b>
2005-009	Jerry Reilly Hank Hibbard Lori Petersen	This grievance involved allegations of financial mismanagement. Court removed guardian from case and entered judgment against guardian.	Investigation Ongoing
2005-011	None	Guardian alleged to have mismanaged incapacitated person's property and failed to keep in contact with IP's family.	Dismissed—no grounds for disciplinary action—superior court approved guardian's final report and accounting.
2005-012	None	This grievance involved allegations that the guardian mismanaged the property of the incapacitated person.	Dismissed—no grounds for disciplinary action—superior court approved guardian's actions.
2005-014	See 2004-004 above	This is a companion case to 2004-004. This grievance involved allegations that guardian was in default on its rent.	Investigation Ongoing.
2006-001	None	This grievance involved allegations of mismanagement of funds	Dismissed: no grounds for disciplinary action. Actions of guardian were approved by superior court with jurisdiction over the guardianship case.
2006-002	None.	This grievance involved allegations against a guardian ad litem	Dismissed—CPG Board has no jurisdiction over guardians ad litem.
2006-003 2006-006 (company on cases)	Hank Hibbard Michael Longyear Sharon York	This grievance involved allegations of failure of guardian to file some reports with court; failure to document time spent in one case.	Settlement agreement. One of CPGs decertified for failure to comply with continuing education requirements.
2006-004	None	This grievance involved allegations of allegations of financial mismanagement	Dismissed—no grounds for disciplinary action.

<b>CPGB Number</b>	<b>Members of Review Panel</b>	<b>Nature of Allegations</b>	<b>Disposition</b>
2006-005	None	Guardian alleged to have removed Incapacitated Person from care facility against medical advice.	Dismissed—no grounds for disciplinary action
2006-006			See 2006-003 above
2006-007	None	This grievance involved allegations of the guardian taking property from the incapacitated person. Guardian was no longer a CPG.	Dismissed—no jurisdiction over grievance. Matter referred to superior court with jurisdiction over the lay guardian.
2006-008	None	This grievance involved allegations that the guardian failed to locate relatives.	Dismissed—no grounds for disciplinary action.
2006-009	None	This grievance involved allegations against an attorney, not a CPG.	Dismissed—no grounds for disciplinary action.
2007-001	None.	This grievance involves allegations of failure (1) timely pay IP accounts; (2) reg. visits IP; (3) adequately communicate with family & caregivers	Dismissed—no grounds for disciplinary action.
2007-002	None.	Negligence	Superior court reviewed. Dismissed—no grounds for disciplinary action.
2007-003	None	Complaint re: Guardian ad Litem	Dismissed—no jurisdiction.
2007-004	None	Court decision re: incapacitation	Dismissed—no jurisdiction.
2007-005	None	Telephone call request for grievance form	No grievance filed.
2007-006	None	Guardian allegedly was abusive to IP	Dismissed—no grounds for disciplinary action.

<b>CPGB Number</b>	<b>Members of Review Panel</b>	<b>Nature of Allegations</b>	<b>Disposition</b>
2007-007	Robin Balsam Judge Kim Prochnau Prof. Winsor Schmitdt	Multiple issues – see Formal Complaint	Formal Complaint issued. One guardian voluntarily resigned prior to complaint. Agency decertified.
2007-008	Judge James Orlando Gary Beagle Commissioner Steven Gaddis (ret.)	This grievance involves allegations of placement of IP in care facility; failure to monitor IP	Dismissed—no grounds for disciplinary action.
2007-009	Elizabeth Turner Hank Hibbard Judge Chris Wickham	This grievance involves allegations of failure to timely file reports; unsubstantiated fees	Investigation ongoing.
2007-010	None	This grievance involves allegations of sale of IP condominium for less than market value	Dismissed—no grounds for disciplinary action.
2007-011	None.	This grievance involves allegations of failure pay care facility & monitor IP	Dismissed. CPG Decertified for failure to meet CEU
2007-012	Judge Haberly Mike Longyear Elizabeth Turner	This grievance involves allegations of conflict of interest	Dismissed—no grounds for disciplinary action.

<b>CPGB Number</b>	<b>Members of Review Panel</b>	<b>Nature of Allegations</b>	<b>Disposition</b>
2007-013	None.	This grievance involves allegations of CPG healthcare decisions	Dismissed—no grounds for disciplinary action.
2007-014	None	This grievance involves allegations of failure to timely pay IP bills at assisted living facility	Dismissed—no grounds for disciplinary action.
2007-015	None	This grievance involves allegations that website of CPG was misleading as to business being an agency.	Dismissed—no grounds for disciplinary action..
2007-016	None	This grievance involves allegations of non-payment of attorney's fees for representation of IP	Dismissed—no grounds for disciplinary action.
2007-017	Lori Petersen Sharon York Robin Balsam	This grievance involves allegations that the guardian is self-petitioning for appointment and failing to provide documents to incapacitated persons without findings.	Investigation ongoing
2007-018	None.	This grievance involves allegations of failure to maintain IP Medicaid benefits; monitor IP personal care; and respond to IP's desire to move	Dismissed—guardian decertified for failure to comply with continuing education requirements.
2007-019	None	This grievance involves the guardian's self reporting of a WSBA grievance, which was investigated. WSBA determined there were no grounds for disciplinary action.	Dismissed—no grounds for disciplinary action.
2007-020	None.	This grievance involves allegations of conflict of interest; failure to prepare budget to meet IP needs	Dismissed—no grounds for disciplinary action.

<b>CPGB Number</b>	<b>Members of Review Panel</b>	<b>Nature of Allegations</b>	<b>Disposition</b>
2007-021	Judge Prochnau John Jardine Carol Hunter	Self-disclosure DSHS finding of neglect IP – CPG to challenge	Investigation ongoing
2007-022	None	This grievance involves allegations of inappropriate restrictions / determinations against IP's family; care facility placement; medical treatment	Dismissed—no grounds for disciplinary action.
2007-023	Judge Orlando, Chair Judge Casey Tom O'Brien	Self-disclosure of fine imposed for late filing documents	Dismissed—no grounds for disciplinary action.
2007-024	None	This grievance involves allegations of allowing facility to isolate IP from family. IP's condition is deteriorating due to the inadequate care at the facility.	Superior Court entered order finding guardian's conduct to be appropriate and there to be no grounds for the complaint. Dismissed—no grounds for disciplinary action.
2007-025	None	Guardian allegedly not paying facility or pharmacy; guardian not responding to requests	Investigation ongoing
2007-026	None	Guardian alleged to have failed to file reports, failed to pay rent of IP, purchased personal items with IP's funds, inappropriate conduct with IP relative.	Investigation ongoing

CPGB Number	Members of Review Panel	Nature of Allegations	Disposition
2007-027	None	Guardian allegedly did not deliver order appointing a guardian to IP; Alleged mismanagement of funds and failed to account	Dismissed—no grounds for disciplinary action.

This grievance update chart includes matters from prior years. It had been the practice to report only on cases opened in the particular year and not provide status on cases that continued into the next calendar year. This report includes cases that were not included in prior annual reports.

This grievance update chart also includes all of the matters in 2006 which were inadvertently left out of the 2006 Annual Report.