

The purpose of this correspondence is to share my personal experience of the guardianship process in response to the request for public comment regarding the Stakeholder Communications Plan. Last year, my mother became incapacitated due to dementia. Her condition came on so suddenly that it took my family and I by complete surprise. She was 65 and living alone in Los Angeles. I talked to her every few weeks on the phone and had seen her the previous year but she didn't show any major warning signs. The next thing I knew, I got a call telling me she was in the hospital and after immediately flying down to Los Angeles, I learned that she was completely incapacitated.

Over the next few days and weeks I was deluged with information about conservatorship and caring for an incapacitated family member. All of a sudden, I was overwhelmed with immense responsibility and had no idea where to start. I spoke to several doctors, social workers, and lawyers trying to sort out what I exactly had to do just to take care of my mother, but most of what they told me led me down the wrong path. Finally, I spoke to a lawyer in Seattle who suggested it would be easier, quicker, and cheaper to move my mother up to Washington and begin the guardianship process from there.

My mother was not married nor did she sign power of attorney to anyone, and I wasn't listed on any of her accounts. So now I not only had to find an assisted living facility for her, but I also had to find the money to pay for it as well as her other expenses, not to mention my own, until guardianship was granted and her bank allowed me to use her funds. My uncle helped as much as he could, and my boyfriend and I paid for the rest. Without them, I honestly cannot say what would have happened as her assisted living was growing impatient with late rent payments a month before the guardianship hearing was scheduled.

Our lawyer was [REDACTED] of the [REDACTED] firm in Seattle. She was extremely helpful and qualified counsel, and probably the first person I met in this process who really sounded like she knew what she was talking about. The guardian ad litem appointed by the court was [REDACTED]. I had hoped that he was as qualified at his job, however, this was not the case. The entire guardianship process was brand new to me and everyday there seemed to be something I had to learn or someone I had to call or a new roadblock to overcome. [REDACTED]

[REDACTED] answered almost every question I had except a few that she recommended I ask [REDACTED]. My boyfriend and I emailed and left phone messages with Mr. [REDACTED] without receiving any response or acknowledgment. Finally we called and interrupted him during a meeting and were able to get a quick response in the short time he had. During the time before our court date, my mother's assisted living grew more and more impatient with her overdue rent payment. We explained to them our unfortunate situation of not having access to her funds until guardianship is granted, and being out of personal funds to use in the interim. We contacted our lawyer to ask if it was possible to get an earlier court date. She contacted Mr. [REDACTED] with the request as it was necessary to have his completed report if we were to have our hearing sooner. The only piece of information missing from his filing was a report from my mother's physician, Dr. [REDACTED]. He contacted the doctor's office with the request and awaited their response. After some time my boyfriend and I contacted the office to ask about the status of the report. We found out that they hadn't received anything from [REDACTED]' office. We informed him and he sent it again. Days went by and still, Dr. [REDACTED] had not received the paperwork. Mr. [REDACTED] was not following up with the office to make sure the doctor was going to supply his report in time for the hearing. If we hadn't been communicating with the doctor's office for him, it is doubtful that the paperwork would ever be given to Dr. [REDACTED]. Finally at the 11<sup>th</sup> hour, he received the paperwork and was nice enough to work beyond his regular office hours to complete it in time for our original court date. To try for an earlier court date turned out to be useless and cost more in legal fees just to communicate the request to our lawyer and Mr. [REDACTED]. Furthermore, it is certain that without the help of myself and my boyfriend, the doctor's report would not be ready for Mr. [REDACTED] in time to complete his report by the original court date. To make matters even worse, he went over the amount of hours allotted by the court, thereby adding to his own fees. If

I protested his appointment as GAL, I risked delaying the process and seeing my mom evicted from her new home. If I brought legal action on him later, I risked putting more of mine or my mother's funds in jeopardy in the uncertainty of litigation.

I wrote a strongly worded letter to Mr. [REDACTED] detailing my disapproval of the work he had done as guardian ad litem for my mother and included it with the payment of his fees. I requested that he repay the money to my mother as he had clearly not done an adequate job in the case and in fact would not have even made his deadline without our help. He took the payment, but did not respond. My boyfriend and I decided to proceed further by filing a grievance with the Washington State Bar Association. [REDACTED] responded to the WSBA giving his own recollection of the events and denying any wrongdoing on his part, objected to the tone and appropriateness of our complaint, and added that we basically had our chance to protest his appointment prior to the guardianship hearing. We responded by giving even more details of the events, and added that there is very little opportunity for the petitioner to protest the guardian ad litem's appointment that doesn't add more uncertainty and jeopardy to the ward's funds that the petitioner is responsible to protect. The legal process for guardianship is supposed to protect the rights of the ward. In this case, and I would assume some others, it can do the opposite. This point was brought up in the letters to the WSBA. Mr. [REDACTED] responded by deeming the remarks inappropriate for the particular forum. He may have been right since our grievance was eventually dismissed as it was out of the jurisdiction of the department. Therefore it would seem that there is very little in terms of governance for making sure a GAL is doing their job to the best of their ability. Minimal or just barely adequate effort would seem to be acceptable by the court, but undermines the rights of the incapacitated. I don't know if I can provide a specific solution to this flaw in the system, and I realize that changing one vulnerability can produce new ones. It's clear though that something is wrong and needs to be changed so that what happened to my mother doesn't happen to anyone else in the future.