Guardianship and Conservatorship Program Rules Regulations

414 Delegation

414.1 If a Certified Professional Guardian and Conservator (CPGC) delegates a power to an agent, the CPGC shall exercise reasonable care, skill, and caution in:

414.1.1 Selecting the agent

414.1.2 Establishing the scope and terms of the agent's work in accordance with the guardian's plan or the conservator's plan;

414.1.3 Monitoring the agent's performance and compliance with the delegation

414.1.4 Redressing an act or omission of the agent which would constitute a breach of the guardian's or conservator's duties if done by the guardian or conservator

414.1.5 Ensuring a background check is conducted on the agent, or conducted on persons employed by the agent when those persons are providing services to the individual subject to a guardianship or conservatorship

RCW 11.130.125 Use of Agent by Guardian or Conservator

When determining the scope of a background check, the guardian or conservator should consider the abilities and vulnerabilities of the protected person and the specific task(s) that the employee or agent are being delegated.

A background check must include a criminal history check utilizing public or proprietary databases [2] that are available to the public.

[2] Examples of public or proprietary databases include, but are not limited to, the Washington State Patrol's "Washington Access to Criminal History" (WATCH), Superior Court databases (Odyssey, LINX, ECR Online), Department of Social and Health Services Public Disclosure Office, and the Federal Bureau of Investigations Identity History Summary Check (IdHSC).

Additionally, a background check should include a check of public or proprietary databases that report substantiated findings of abuse, neglect, or exploitation of a vulnerable adult.

When engaging licensed agencies that are required by law or regulation to obtain background checks on their employees, the guardian and conservator may rely on the declaration of the agency that they comply with State background check requirements.