

Guardianship and Conservatorship Program Regulations

102 Definitions

102.1 “Applicant” means any individual or agency that submits an application to become a CPGC or a Certified Professional Guardian and Conservator Agency.

102.2 “Agency” means any legal entity in the state of Washington authorized by its formation documents to act as a fiduciary, guardian, or conservator (full or limited).

102.3 “Conditional approval” is the status granted by the Board to applicants that meet application requirements with the exception of any identified outstanding obligation(s). Conditionally approved applicants must complete all additional outstanding obligations, as identified by the Board, in order to attain certification. Conditional approval shall not authorize an applicant to identify him/herself as a certified professional guardian and conservator or a conditionally approved certified professional guardian and conservator.

102.4 “Designated CPGC” means the identified certified professional guardian and conservator(s) within an agency who have the final decision-making authority for individuals subject to guardianship or individuals subject to conservatorship or their estates on behalf of the agency.

102.5 “Experience working in a discipline pertinent to the provision of guardianship and conservatorship services” in GR 23(d)(1)(v) includes volunteer work experience that is supervised, verifiable and based on actual hours worked, except as otherwise set forth in these regulations. .

102.6 “Experience working in a discipline pertinent to the provision of guardianship and conservatorship services” in GR 23(d)(1)(v) does not include providing services for a family member.

102.7 “Experience working in a discipline pertinent to the provision of guardianship and conservatorship services” in GR 23(d)(1)(v) includes experience in which the applicant has developed skills that are transferable to the provision of guardianship and conservatorship services.

102.8 “Decision-making or the use of independent judgment on behalf of others” in GR 23(d)(1)(v) is not limited to decision making or use of independent judgment on behalf of individuals subject to guardianship or conservatorship.

102.8.1 “Decision-making” is the act or process of deciding something. Components of the decision-making process include: defining the problem or issue; collecting relevant information and data; exploring and weighing options; choosing the optimal option; planning and executing the option; and taking appropriate follow up action.

102.8.2 “Independent judgment” is:

In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct and acting or making a decision after the various possibilities have been considered. The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources.

The exercise of discretion and independent judgment implies that one has authority to make an independent choice, free from immediate direction or supervision. However, discretion and independent judgment can be exercised even if the decision or recommendation is reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions being made have to be final or free from review. The fact that one's decisions may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that one is not exercising discretion and independent judgment. *Source: US Department of Labor*

102.9 “Fees and Filing Requirements Table” refers to the listing of Board-approved fees for the various CPGC and agency application and reporting requirements identified in these Regulations. The Fees and Filing Requirements Table is accessible to the public online at http://www.courts.wa.gov/programs_orgs/guardian.

102.10 “GR 23” refers to Washington State Court General Rule 23 which establishes the scope and authority of the CPGC Board, minimal qualifications for guardian and conservator and agency applicants, and mandatory ongoing guardian and conservator and agency disclosure requirements. Washington State Court Rules are found at www.courts.wa.gov/court_rules