

# November 20, 2014 Meeting Minutes

# Certified Professional Guardianship Board

Monday, November 20, 2014 (8:00 a.m. – 9:00 a.m.)

Telephone Conference

## Proposed Meeting Minutes

### Members Present

Judge James Lawler, Chair  
Commissioner Rachelle Anderson  
Commissioner Diana Kiesel  
Mr. Gary Beagle  
Ms. Rosslyn Bethmann  
Dr. Barbara Cochrane  
Mr. Andrew Heinz  
Mr. William Jaback  
Ms. Carol Sloan  
Mr. Gerald Tarutis

### Members Absent

Judge Robert Swisher  
Ms. Nancy Dapper

### Staff

Ms. Carla Montejo  
Ms. Sally Rees  
Ms. Kim Rood

### 1. Call to Order

Judge Lawler called the meeting to order at 8:05 a.m.

### 2. Welcome and Introductions

Judge Lawler welcomed Board members and members of the public to the meeting.

### 3. Approval of Minutes

Judge Lawler asked for changes or corrections to the October 20, 2014 proposed minutes. Mr. Beagle asked that there be an addition to the minutes to reflect the conversation that took place regarding the guardianship complaint procedure proposed by the Elder Law Section of the WSBA. The conversation took place during the Chair's Report. Administrative Office of the Courts (AOC) staff will prepare for Mr. Beagle's approval.

**Motion:** *A motion was made and seconded to approve minutes with the above referenced addendum from the October 20<sup>th</sup>, 2014 meeting. The motion passed.*

### 4. Chair's Report

- **WAPGs proposed changes to GR 23 and also to GR 31.1.** This is a process that will go through the Rules Committee of the Supreme Court. Judge Lawler met with Justice Johnson and Justice Owens regarding this matter. The proposed changes included would be to change the membership of the Board to 15, with five members being Certified Professional Guardians. Other proposed changes were regarding the investigation process, and to continue the present protection from disclosure for unfounded complaints. Judge Lawler reviewed the history of the Board; when the Board was started there were 14 to 15 members and that became too unwieldy, so over the

years the Board has reverted to the current number of 13 members. Judge Lawler related that history to the Justices along with information regarding the number of complaints, and how the complaints are investigated. Judge Lawler also gave perspective on how the Board and the Committees work. Judge Lawler commented that these proposed changes are in the beginning stages.

- **Guardianship Complaint Procedure proposed by the Elder Law Section of the WSBA.** Judge Lawler noted that these are changes to RCW 11.88.120, Modification or termination of guardianship – Procedure. Judge Lawler stated that if someone wanted to remove a guardian, this is the statute used. This statute also deals with the notification by the court to the CPG Board. (The requested changes are in the meeting materials). Judge Lawler stated that there was concern by CPGs with the last line of the suggested change, “Any further action taken by CPGB shall be consistent with the court order.” Judge Lawler stated it would be a good thing to have these steps clarified for the guardians and for the people who might be complaining against them or otherwise involved.
- **Legislation Limiting a Guardian’s Ability to Limit Contact between an Incapacitated Person and Another Person.** Judge Lawler noted that there are a number of changes that have been proposed. The premise of the changes are that a CPG should not be able to isolate an incapacitated person (IP) from family or friends, and the only reason to do so would be to protect the IP. When this was put into practice, originally, this could be done without notice, but only for the time necessary to file a petition for a court order. In the proposed language it states no more than 30 days.

Judge Lawler asked the members of the Board whether they felt the time frame of 30 days was sufficient. It was deemed sufficient.

A Board member questioned whether there was some definition of “substantial harm” and whether that could be referenced in the CPG Board Minutes? Mr. Beagle noted that if you looked on the National Guardianship Association website, the definition of substantial harm would be included in the Standards of Practice. (You may find it at [http://guardianship.org/documents/Standards\\_of\\_Practice.pdf](http://guardianship.org/documents/Standards_of_Practice.pdf))

- **Proposed Rules – Responses to Request for Public Comment.** Comments will be made available at the next Board meeting.

## 5. Executive Session (*Closed to the public*)

## 6. Reconvene and Vote on Executive Session Discussion (*Open to Public*)

**Appeals Panel<sup>1</sup>**

Mr. Heinz presented the recommendation to the Board on behalf of the Appeals Panel.

**Motion:** *A motion was made and seconded to reverse the denial of Clare Brown’s application to be a certified professional guardian. The motion passed.*

**Standards of Practice Committee<sup>2</sup>**

Staff presented two Agreements Regarding Discipline to resolve CPG Board Grievances # 2011-038 and 2011-042.

**Motion:** *A motion was made and seconded to approve the Agreement Regarding Discipline for Paula Zamudio for Letter of Admonishment. The motion passed.*

**Motion:** *A motion was made and seconded to approve the Agreement Regarding Discipline for Marykay Lamoureaux for a Letter of Reprimand. The motion passed.*

**7. Wrap Up and Adjourn**

Meeting was adjourned at 8:50 a.m. The next Board meeting will be an in-person meeting held on Monday, January 12<sup>th</sup>, 2015 at the SeaTac Office Center, 18000 International Blvd., Suite 1106, SeaTac, WA.

**Recap of Motions from November 17<sup>th</sup>, 2014 Meeting**

<b>Motion Summary</b>	<b>Status</b>
<b>Motion:</b> <i>A motion was made and seconded to reverse the denial of Clare Brown’s application. The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to approve the Agreement Regarding Discipline for Paula Zamudio, CPGB # 2011-038 and 2011-042. The motion passed. Commissioner Kiesel abstained.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to approve the Agreement Regarding Discipline for Marykay Lamoureaux, CPGB # 2011-038 and 2011-042. The motion passed. Commissioner Kiesel abstained.</i>	Passed

<sup>1</sup> Members of the Appeals Panel did not vote.

<sup>2</sup> Members of the Standards of Practice Committee did not vote.

<b>Action Items</b>	<b>Status</b>
<i>None at this time.</i>	

# Correspondence



December 18, 2014

Hello Elder Justice Stakeholder,

Many experts have opined that the number of elderly individuals over age 65 will double over the next five to ten years. In addition, we know that persons with developmental disabilities are also living longer. These increasing numbers will likely impact the need for decision support services. Unfortunately, current systems are not ready to accommodate this need. Thus, I am writing to urge you to collaborate with the Washington State Supreme Court to submit an exceptional grant application for funding to establish a state Working Interdisciplinary Network of Guardianship Stakeholders (WINGS). The purpose of the stakeholder network is to (1) identify strengths and weaknesses in Washington State's current system of adult guardianship and less restrictive decision-making options; (2) address key policy and practice issues; (3) engage in outreach, education and training; and (4) serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life for adults in or potentially in the guardianship and alternatives system.

**Background.** Washington State has been a leader in adult guardianship reform, creating a robust certification process and a well-recognized Office of Public Guardianship. However, continuing challenges remain:

- Unlike with decedents' estates, guardianship cases may remain open for many years, and the needs of individuals change over time. Proactive court oversight is required.
- Sometimes when low-income at-risk individuals need guardianship services, there is no one willing to serve as the petitioner, resulting in a backlog of cases, and failure to act in emergencies.
- Conversely, individuals may unnecessarily lose rights under the guardianship process, when other less restrictive alternatives might suffice.

For these and other reasons, guardianship stakeholders in Washington need to act collaboratively to better serve people with little or no voice of their own.

**WINGS Groups.** In 2011, the National Guardianship Network (NGN) convened a historic *Third National Guardianship Summit* (including three participants from or formerly active in Washington). A key Summit recommendation urged the development of state Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) to galvanize reform.

With support from the State Justice Institute and the Albert and Elaine Borchard Foundation Center on Law and Aging, the NGN has invited the chief justice of each state to partner with community entities in establishing and maintaining such ongoing interdisciplinary problem-solving stakeholder networks.

In 2015, two states will receive a \$7,000 incentive grant plus technical assistance from the National Guardianship Network experts to develop a WINGS group. Experience in these and existing demonstration states will be used to promote ongoing WINGS groups in other jurisdictions, and the selected states will gain high visibility nationally.

Applications are due by Friday, January 23, 2015. The Supreme Court must partner with the State Unit on Aging under the Older Americans Act, the state Adult Protective Services office, and the federally-mandated state Protection & Advocacy agency or state Council on Developmental Disabilities. Applications that also include additional stakeholders will be favorably rated. The cover letter and Request for Proposals sent to Chief Justice Madsen are attached.

Now is the time to partner with the Court to establish WINGS in Washington. Such partnerships will be the real engine driving reform. The NGN has stressed that a strong proposal will include broad stakeholder support. I am writing to invite you to participate in an online meeting on one of the days listed below to learn more about the development and goals of WINGS groups and discuss how Washington can advance a strong proposal. Additional information about the online meeting is attached.

- January 6, 2015 – 4 to 5 p.m. Pacific
- January 7, 2015 - 11 a.m. to 12 p.m. Pacific
- January 8, 2015 – 9 to 10 a.m. Pacific

If you already understand the importance of partnering, do not require additional explanation, and are ready to partner, please provide a letter of commitment and collaboration stating your support for the grant application. Your letter should include a description of how you plan to collaborate with the Supreme Court and what you and your organization commit to do to support creating and sustaining a WINGS in Washington State. While any support and assistance is appreciated, financial support is strongly encouraged. NGN is not requiring applicants to provide matching funds; however, they indicate that a proposal that includes additional funds will be favorably rated.



A sample letter is included to assist, however you are encouraged to state your support in your words. Please e-mail letters of support to me at [shirley.bondon@courts.wa.gov](mailto:shirley.bondon@courts.wa.gov) by close of business January 19, 2015. Letters should be addressed to:

The Honorable Barbara Madsen  
Chief Justice of the Washington State Supreme Court  
Washington State Supreme Court  
PO Box 41170  
Olympia, WA 98504-1170

Sincerely,

A handwritten signature in black ink that reads "Shirley Bondon". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Shirley Bondon, Manager  
Office of Guardianship and Elder Services

Enclosures (5)

*P.S. I've attached a comprehensive list of the stakeholders we are reaching out to, please feel free to share this information with other stakeholders and encourage greater participation.*

November 12, 2014

**A. Frank Johns, CELA, CAP**  
Chair

**Peter G. Wacht, CAE**  
Executive Director

Member Organizations  
**AARP**

**ABA Commission on Law  
and Aging**

**ABA Section of Real  
Property, Trust and Estate  
Law**

**Alzheimer's Association**

**American College of Trust  
and Estate Counsel**

**Center for Guardianship  
Certification**

**National Academy of Elder  
Law Attorneys**

**National Center for State  
Courts**

**National College of Probate  
Judges**

**National Disability Rights  
Network**

**National Guardianship  
Association**

The Honorable Barbara A. Madsen  
Chief Justice  
Supreme Court of Washington  
Temple of Justice, 415-12th Ave., SW (98504)  
P.O. Box 40929  
Olympia, WA 98504-0929

**RE: Request for 2015 Proposals for Working Interdisciplinary  
Networks of Guardianship Stakeholders (WINGS)**

Dear Chief Justice Madsen:

A mark of court excellence is how the court works with its partners in the justice system and community on cases involving vulnerable individuals, such as the growing number of elders and those with disabilities who need decision-making support. The courts have recognized the need for guardianship reform and use of less restrictive options, which was among the elder issues addressed at the CCJ/COSCA conference in July.

In 2012, the Conference of Chief Justices and the Conference of State Court Administrators passed a resolution encouraging each state court system to review and consider implementation of the 2011 *Third National Guardianship Summit Standards and Recommendations* – including the development of “Working Interdisciplinary Networks of Guardianship Stakeholders” (WINGS).

In 2013, the National Guardianship Network supported the establishment of WINGS groups in four states. In the attached **2015 Round II Request for Proposals**, NGN invites the highest court in in two additional states to take a leadership role in adult guardianship reform – and specifically in the creation of an ongoing WINGS group. Under the WINGS project, NGN will support the court in partnering with key community stakeholders to assess the state’s system of guardianship and less restrictive options, address policy and practice issues, and begin to serve as an ongoing problem-solving mechanism. Courts selected for the 2015 WINGS project will:

- Receive \$7,000 in support toward the establishment of a state WINGS group – which can be applied toward convening meetings, commissioning research, conducting initial needs assessments and engaging in outreach;
- Receive at least one technical assistance visit by an NGN expert;
- Increase public trust and confidence in the role of the courts for at-risk individuals who may need help and support in decision-making;
- Be at the forefront of reform and gain national visibility as a model for other courts; and
- Advance CCJ and COSCA policy.

The Honorable Barbara A. Madsen

November 12, 2014

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The National Guardianship Network, established in 2002, consists of 11 national organizations dedicated to effective adult guardianship law and practice, including the National Center for State Courts and the National College of Probate Judges.

The due date for applications is January 23, 2015. Your response to the RFP will demonstrate your interest and leadership to ensure that the growing number of elders, individuals with intellectual disabilities, and persons with mental illness or brain injuries receive the decision-making support they need.

Sincerely,

A. Frank Johns, Chair  
National Guardianship Network



## Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) -- 2015 Request for Proposals from State Courts

**Background:** In October 2011, the National Guardianship Network (NGN) convened the Third National Guardianship Summit, a landmark consensus conference funded by the State Justice Institute and the Borchard Foundation Center on Law and Aging (a program of the Albert and Elaine Borchard Foundation). See [www.nationalguardianshipnetwork.org](http://www.nationalguardianshipnetwork.org). A key Summit focus was the need for ongoing, coordinated court-community partnerships to drive changes in adult guardianship and alternatives through the collective impact of multiple state entities. By combining the efforts of all stakeholders, states can improve judicial processes, better protect individual rights, encourage less restrictive decision-making options, and promote fiduciary standards and guardian accountability.

The Summit recommended that states create Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). The creation of state WINGS is squarely in line with policy of the Conference of Chief Justices and the Conference of State Court Administrators. For additional information about WINGS, see

- WINGS article in the National Center for State courts *Trends in State Courts 2014*, at [http://www.ncsc.org/~media/Microsites/Files/Future%20Trends%202014/Wings-Court%20Community%20Partnerships\\_Erica%20Wood.ashx](http://www.ncsc.org/~media/Microsites/Files/Future%20Trends%202014/Wings-Court%20Community%20Partnerships_Erica%20Wood.ashx); and
- *WINGS Tips: State Replication Guide for Working Interdisciplinary Networks of Guardianship Stakeholders*, National Guardianship Network (2014), at <http://www.naela.org/NAELADocs/PDF/NGN/Wings%20Implementation%20Guide.pdf>

To foster WINGS, NGN, in 2013, selected four state court grantees to receive incentive funding and technical assistance – in New York, Oregon, Texas and Utah. WINGS groups in these states have begun initial work and are ongoing. Through the **2015 WINGS Round II Request for Proposals**, the National Guardianship Network seeks to enhance the WINGS collective impact concept through selection of and assistance to two additional state courts that did not receive funding support in 2013.

**Purpose:** The aim of this Project is for the state’s highest court to partner with community stakeholders in establishing and maintaining WINGS groups. Such an ongoing stakeholder network will: (1) identify strengths and weaknesses in the state’s current approach to adult guardianship and less restrictive decision-making options; (2) address key policy and practice issues; (3) engage in outreach,

education and training, including, for example, training on supported decision-making; and (4) serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults affected or potentially affected by guardianship and other decision-making alternatives, and provide the support they need.

**Eligible Applicants:** Eligible applicants are the highest court of each state that did not receive 2013 NGN funding, in collaboration with key community stakeholders. Stakeholders must include, at a minimum, the State Unit on Aging under the Older Americans Act, the state Adult Protective Services office, the federally-mandated state Protection & Advocacy agency or state Council on Developmental Disabilities, and a Social Security designee to be selected by the Social Security Administration. Applications that also include additional stakeholders such as the following will be favorably rated: state guardianship associations (including family guardian representation), regional Veterans Affairs (VA) offices, the public and private bar, the long-term care ombudsman, and aging & disability resource centers (ADRCs).

States that already have created problem-solving groups similar to WINGS are eligible to apply, but reviewers will consider existing sources of funding and assistance in evaluating the need for support.

**Awards and Requirements:** Two states each will receive \$7,000 in support for the establishment of WINGS, plus technical assistance from the National Guardianship Network, including one site visit. Experience in these sites, along with the four states selected in 2013, will be used to promote ongoing WINGS groups in other jurisdictions; and the selected states will gain high visibility nationally.

States must agree to the following:

- Create a steering committee to plan the first WINGS meeting. The steering committee must at least include representatives from the required three state stakeholders, plus a Social Security representative to be selected by SSA, and should show additional diversity to get sufficient buy-in throughout the state;
- Convene at least two planning calls of the Steering Committee and NGN representatives before the initial WINGS meeting; and two calls following the initial meeting;
- Hold the initial WINGS meeting within six months of the award; and at least one additional meeting within the following six months;
- Include an NGN expert at the initial WINGS meeting to give national perspective;
- Submit a budget for use of the \$7,000, and submit timely invoices to receive reimbursement of expenses; and
- Submit one brief progress report following the initial meeting, and one five-page final report following the end of the 18-month project period (March 31, 2016).

States that can contribute additional matching funds, including supporting the cost of a second NGN site visit, will be favorably rated in the selection process.

**Sponsoring and Funding Entities:** The WINGS Project is sponsored by the National Guardianship Network (NGN), which includes eleven national organizations dedicated to effective adult guardianship law and practice, and promotion of less restrictive decision-making approaches: AARP, the American

Bar Association Commission on Law and Aging, the American Bar Association Section of Real Property, Trust and Estate Law, the Alzheimer's Association, the American Collage of Trust and Estate Counsel, the Center for Guardianship Certification, the National Academy of Elder Law Attorneys, the National Center for State Courts, the National Collage of Probate Judges, the National Disability Rights Network, and the National Guardianship Association. The ABA Commission on Law and Aging is coordinating the WINGS Project on behalf of NGN.

Funding for the WINGS Project is provided by the State Justice Institute, the Borchard Foundation Center on Law and Aging, and the National Guardianship Network.

See attached application form.

**APPLICATION:** Applications are due by **January 23, 2015**. Applicants must provide contact information and must address the items listed below, which will serve as the basis for by evaluation by a diverse NGN selection committee. Applications should be no longer than three pages. Letters of commitment and collaboration outlining the role of stakeholders are required. Applications should be emailed to: [Erica.Wood@americanbar.org](mailto:Erica.Wood@americanbar.org); for questions call 202-662-8693.

**State:**

**Court Project Point Person:**

Name  
Court  
Address  
Phone  
Email

**Name and Signature of State Chief Justice:**

Name  
Signature

**Principal Project Stakeholders and Contact Information**

- 1.
- 2.
- 3.

**Letters of Collaboration.** List letters of collaboration attached to the proposal.

**a. Statement of Need.** (30 of 100 evaluation points) Explain the need for WINGS in your state; outline key issues.

**b. Project Approach** (50 of 100 evaluation points)

- Describe any current collaborative efforts and how the project will build on or coordinate with such initiatives.
- How will the project establish and convene a WINGS group? What key tasks will be involved?

How will the state WINGS group set priorities, as well as goals and objectives?  
(Examples of WINGS priorities might include: encouraging a range of decision-

making options less restrictive than guardianship, including methods of supported decision-making; bolstering court monitoring and data collection; assisting family guardians; promoting guardian standards and best practices; developing standardized forms and web resources; and fostering education and cross-training.)

- What kinds of technical assistance will the project need from NGN?
- To what extent is WINGS presented as: (a) an *ongoing* entity; and (b) a *problem-solving* entity? What are plans for WINGS sustainability? How frequently will WINGS and any subgroups meet, and through what modes?

**c. Budget** (20 of 100 evaluation points)

- How will the project use the \$7,000 support funds? Submit brief budget. (Funds could be used, for instance, for commissioning research, conducting an initial needs assessment, conducting outreach, and convening meetings - including meeting space, food, selected expenses.)
- In addition to the \$7,000 in support funds, what other resources can be devoted to the project?
- How will the WINGS group be sustained beyond the grant period?



# Save the Date

- January 6, 2015 – 4 to 5 p.m. Pacific
- January 7, 2015 – 11 a.m. to 12 p.m. Pacific
- January 8, 2015 – 9 to 10 a.m. Pacific

*(please join only one call)*

Plan to join an online meeting with the  
**Office of Guardianship and Elder Services**  
to discuss how you and your organization  
can become a contributing member of a  
**Working Interdisciplinary Network of Guardianship  
Stakeholders (WINGS)**

## To RSVP

Click on the link below or paste it into your browser.

<https://www.surveymonkey.com/s/ofes>

The online meeting will consist of a brief PowerPoint presentation followed by a brief Question and Answer session.

## To Join the Meeting

Click on the link below or paste it into your browser.



<http://aoceccl.adobeconnect.com/oges/>

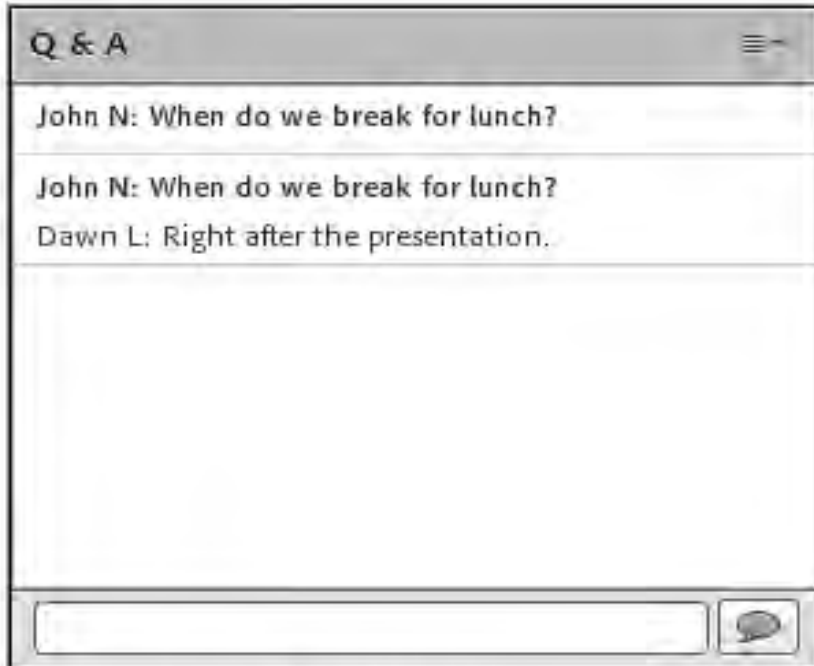
Sign in with your name as a guest. You will see another screen with some caveats. Click “Ok” and you will be in the meeting room. You may also be told that you need to install an Adobe flash player, follow the installation if you want to proceed. If you have followed the above viewing instructions and are still not able to join the meeting room, please call 360.705.5314.

**If you have never attended an Adobe Connect Pro meeting before, click on the link below and follow the instructions:**

[http://admin.adobe.acrobat.com/common/help/en/support/meeting\\_tes t.htm](http://admin.adobe.acrobat.com/common/help/en/support/meeting_tes t.htm)

## To submit a question

1. In the Participant View , type your question in the text box at the bottom.
2. To the right of the text box, click the Send Question button , or press Return.



*Participant view of the Q&A pod*

The host will attempt to answer all questions. If time does not permit, answers will be e-mailed to all registrants.

Name (Individual or Organization)  
Mailing Address

January 19, 2015

Honorable Barbara Madsen, Chief Justice  
Washington State Supreme Court  
PO Box 41170  
Olympia, WA 98504-1170

Dear Chief Justice Madsen:

I am writing to express support for the Washington State Supreme Court's grant proposal to create a "Working Interdisciplinary Network of Guardianship Stakeholders" (WINGS). The proposed project will provide a foundation for future public policies, laws and/or programs that will enhance the quality of life for persons with disabilities and the elderly.

The elderly, persons with disabilities and their family face unique challenges in planning their futures, ensuring their safety and well-being, and making medical and end of life decisions. Initiatives in state law and policy should be undertaken to ensure that an array of decision-making options and resources are available. Guardianship and alternatives to guardianship should be accessible to all who need them, including those who have no family to help, or money to purchase assistance. Guardianship and alternatives must also be carefully monitored to ensure quality support, and guard against neglect, abuse, and financial exploitation. This project provides the mechanism for all interested stakeholders to contribute to solutions in a meaningful way.

I (We) commit to participate respectfully and thoughtfully in the dialogue and to collaborate in a meaningful way. I (We) will partner with the Supreme Court and agree to (Please insert options from the list below or offer other support):

- provide \$ \_\_\_\_\_ to help fund the project
- volunteer to serve on an issue committee
- recruit other participants
- perform research
- provide free use of a meeting facility
- provide subject matter expertise
- provide administrative support

Based on Washington State's history addressing guardianship issues, I (We) are confident that the WINGS project will also result in the development of best practices to improve the guardianship system.

Sincerely,

Your Name

# Stakeholder List

## Organizations (alphabetized)

1. AARP
2. Advisory Council on Aging and Disability
3. Aging and Disability Services
4. Allies in Advocacy
5. Alzheimer's Association (Western and Central Washington Chapter)
6. **Autism Empowerment**
7. Autism Speaks
8. Behavioral Health & Wellness
9. Centers for Independent Living (ACIL-WA)
10. Coalition of Responsible Disabled
11. Columbia Legal Services
12. Community Bankers of Washington
13. Department of Housing and Urban Development (Seattle Regional Office)
14. Department of Social and Health Services
15. Developmental Disabilities Council
16. Disability Rights Washington
17. Division of Vocational Rehabilitation
18. ElderCare Alliance
19. Gonzaga Law School Clinical Program
20. Governor's Committee on Disability
21. Home Care Association of Washington
22. Identity Theft and Financial Elder Abuse Unit, Pierce County
23. King County Prosecutor's Office
24. Kitsap County Vulnerable Task Force
25. Leading Age
26. Long Term Care Advisory Councils
27. Muckleshoot Indian Tribe
28. National Association of Mental Illness (NAMI)

29. Navos Health
30. NW Credit Union Association
31. NW Health Law Advocates
32. NW Justice
33. Parent to Parent Programs
34. Partnerships for Action. Voices of Empowerment
35. People First of Washington
36. Professional Guardians
37. **Puget Sound Advocates for Retirement Action**
38. Residential Care Services
39. Seattle Police Department
40. Seattle University Law School Clinical Program
41. Selected Senators and Representatives
42. Self Advocates of Washington (SAW)
43. Self Advocates in Leadership (SAIL)
44. SIEU Local 775
45. Snohomish Co Vulnerable Adult Task Force
46. Social Security Office (Regional and Federal)
47. Solid Ground Washington
48. State Long-Term Care Ombudsman
49. State Unit on Aging/Adult Protective Services
50. Tacoma Area Coalition of Individuals with Disabilities
51. The Arc of Washington State
52. Thurston County VATF
53. United Friends Group Homes
54. University of Washington (UW Guardianship Certificate Program)
55. UW/Eastern Washington University School of Social Work
56. VALU (Vulnerable Adult Links United)
57. Veteran's Administration (State and Federal)

58. Washington Association of Elder Law Attorneys (WAELA)
59. Washington Association of Area Agencies on Aging (W4A)
60. Washington Association of Prosecuting Attorneys
61. Washington Association of Sheriffs and Police Chief
62. Washington State Attorney General (Medicaid Fraud Control Unit)
63. Washington State Bankers Association
64. Washington State Bar Association (Elder Law Sections)
65. Washington State Health Care Association
66. Washington State Hospital Association
67. Washington State Medical Association
68. Washington State Parent to Parent
69. Washington State Post Master
70. Washington State Residential Care Council
71. Washington State Senior Citizen's Lobby
72. AmeriCorps/Senior Corps

### **Stakeholder Listservs**

1. Association of Washington State Court Administrators (AWSCA)
2. Certified Professional Guardianship Board (CPGB)
3. Superior Court Guardianship Monitoring Programs
4. Superior Court Judges' Association (SCJA)
5. Washington Association of Professional Guardians (WAPG)
6. Washington State Association of County Clerks (WSACC)

### **Citizens who have expressed an interest in the past.**

Names not listed.

Shirley, we were asked to reply to the board regarding a move to require a court order to prevent a family member from seeing their incapacitated family member.

I am opposed to getting a court order for this because of the time it takes to get it, that could lead to an unsafe situation which would be untenable. However, as a new guardian, I see the situation and do agree that there are examples of abuses. A family relationship is very complex and even a dysfunctional relationship can have value to an incapacitate person. I inherited two cases where a VAPO was filed and (I think) misued to prevent family from being together.

1. An incapacitate mother had a VAPO filed. I believe this is under review even now with the board. The hospital, the AFH and the previous guardian are all in agreement that this mother should not see her daughter. I disagree with them and have been having supervised visits with mother and daughter. The mother and the daughter both ask and beg for the contact. I do not think the mother is realistic about her daughter and she does not act in compliance with the care plan (she has done whatever the daughter wanted for her whole life). It is my approach to invite the mother to the next care plan and try to get her to be the standard bearer for the care plan. I know it may not work, but there is still some value in this relationship for both mother and daughter and I am willing to invest some time so they can have that relationship.

2. Another mother and daughter VAPO order was inherited. There is no question that the daughter took advantage of her mother financially and will again if given an opportunity. The VAPO is written so the daughter can see her mother only when the guardian allowed it and when the IP was "bad" she was punished by visits being taken away. I allow them to see each other as much as they want, to call when they want. I do assure that they are not shopping when money is allowed unless I am there. The IP is thriving and she is much less resentful. She had a manic episode and left the building and no one knew where she was, it took me over an hour to find her. She expected to be "punished" but I explained to her why I was concerned and asked that she not do that again, that I could take her shopping if she wanted to go and called to try to get her medication changed to even out the manic episodes. She is doing much better although it may require another adjustment to assure that the manic episodes remain evened out. If so, she can function independently.

Even though those examples are of people using the court system, I think they were still wrong and have worked to isolate the IP more than was necessary. CPGs tend to apply their feelings instead of looking at the dysfunction and seeing some value in the relationship.

I have a couple of examples where I have not allowed someone to see an IP.

1. A 69 year old woman who has dementia had a 23 year relationship with a domestic partner. One evening when he was not present, she told the CNA in the nursing home he hit her. I was called, the police were called. Police did nothing, it was quite evident that it had not happened in the present if it happened at all. I went to see her, she said the same thing, and showed punching in the face and kicking. The nursing home and I

both would not allow him to see her. I went every day for the next six days. She had no outside influence from family, friends, the partner or any other person. The story she told was the same every day. I made every attempt to find out where she was in relation to time and place. Consistently she was 10-11 years in the past. I questioned her about the accusations and about her father and her husband abusing her. I went to the home and went through the home with the domestic partner. She had been due to go home in a couple of weeks with him. The home was absolutely filthy. In the end, I made the decision to not let him see her. Any mention of him led to crying and she never asked to see him. He insisted that it was a lie and if he could just see her it would be all cleared up. I talked to her about that and she was frightened of seeing him, she just absolutely shrunk in her chair and would not communicate at all. I think it was in her best interest not to see him. Whether she was in the present or living in the past, he frightened her now and she was totally unable to defend herself emotionally. She is in counseling now because she has been abused most of her life. She also has a son in his 40s that is a heroin addict. He went off one night and I will not let him see her. It is not forever, but I will not let him be verbally abusive. I would let him see her supervised because he is still her son and she could be removed if he lost it.

Getting a court order does not protect the IP from isolation, the court takes the word of the CPG. Perhaps much more stringent guidelines for CPGs. I think we need to understand that there can be value in relationships we do not understand and to realize we may need to facilitate those relationships. It is too easy to isolate IPs and requires time and commitment to maintain relationships. I think the first one above was done for the convenience of the hospital and the guardian. The IP said that her mother brought her marijuana, but there was no evidence, no smell, nothing and yet, it is legend in her records. The IP is delusional so even reporting it should have come with questions.

It is not a popular opinion, but I think some CPGs are impressed with their abilities to control and make decisions. One of the CPGs from my class told a woman who interviewed us both that "he would be making all her decisions for her". I think it is my job to discuss the issues and help her come to the best decision. There is a huge world of difference in those positions. I think he is a good man, we just see the job differently.

Sorry it is so long, it is a complex issue.

Thanks,  
Ronda Hill



Public Comments Re  
Communications Plan  
SOP 413  
Recusal Policy

## **The Communications Plan**

### **Public Comments:**

#### ***Janiece Hope***

I would like to comment on how much of a ridiculous fiasco being a guardian is in Washington, but this isn't my PROFESSION. It's my unfortunate hobby and I'm very livid about how difficult we make it. I have almost no choice but to hire a low grade lawyer or deal with almost constant harassment from the courts over absolutely stupid cr@p that keeps me from doing what really matters for those I am charged with caring for. On top of that I'm not going to negotiate a 40 page essay on how to make a comment that is introduced by saying that this process will change.

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#### ***Christina Hajdu***

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] 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.

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## **Ownership of Professional Guardianship Agencies**

***Carol Davis***

Comment for the Guardianship Board Meeting Nov. 10, 2014, concerning ownership of professional guardianship agencies.

My opinion is that professional guardianship agencies should be owned & operated by state certified guardians.

Or have the "state" take over and run all guardianship programs.

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Date: November 13, 2014

From: Mindi R. Blanchard, M.Ed, CPG  
President, Bridge Builders, Ltd.  
Sequim, WA 98382

To: Certified Professional Guardian Board

RE: Conflicts of Interest/ Recusal Process

[ELECTRONICALLY SUBMITTED]

This “Conflicts of Interest/ Recusal Process” seems extremely convoluted to me. If implemented, I’d be surprised if the CPG Board could get anything done.

If we are honest with ourselves, no one sits on any board for purely altruistic reasons. Everyone who sits on a board has their own agenda, whether it is promoting something they feel strongly about, having an axe to grind and thinking being on a board is the way to do something about it, getting another item that they can put on their curriculum vitae, making connections in the pursuit of a career goal; the list can go on and on. The bottom line is that everyone has his or her own agenda. That’s just the way we are.

My concern is that the CPG Board seems to be getting so caught up in processes and procedures that they have lost sight of what the CPG Board was developed for: To improve the industry of guardianship.

Yes, the CPG Board is a regulatory board but let me quote the CPG Board’s Mission:

“The Certified Professional Guardianship Board develops, adopts and implements regulations governing certification, minimum standards of practice, training, and discipline of professional guardians, to protect the public and facilitate the delivery of competent and ethical guardianship services.”

I believe that the CPG Board is missing some important parts of their Mission. From a CPG’s point of view, the CPG Board has gotten so focused on the regulations and discipline that they have lost sight of *the training and the facilitating of the delivery of competent and ethical guardianship services.*

It is far harder to figure out how to train individuals to improve their performance than to find fault with the current performance. Training doesn’t just mean requiring a certain amount of hours of continuing education. The CPG Board should be actively working to develop and/or identify trainings that address the repeated problems that they see and developing guidelines for CPGs to use that will help them conduct themselves in a more competent and ethical manner. To just say “don’t do X” isn’t enough; the CPG Board needs to be developing ways to train CPGs to improve their performance. As it is, CPGs are getting so wrapped up on “watching-their-back”

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November 13, 2014, Mindi R. Blanchard, M.Ed., CPG

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that it adversely affects their ability to do their jobs properly. This is leading to CPGs getting fed up and quitting.

I have read disciplinary agreements where a CPG is required to take additional hours of continuing education as part of their discipline but unless that continuing education specifically addresses the problem, it is just punitive and costly with no useful purpose.

Because dealing with challenging human dynamics is such a pervasive problem for guardians, during the Spokane and Bremerton conferences I arranged for workshops in mediation. From the positive responses that these workshops received on the evaluations, CPGs are desperate for the type of trainings that actually teach skills.

In my opinion, the time to start teaching these skills is during the CPG Certification Program. I am sure that there are other skill based trainings out there that could also be implemented, which would go a long way to getting new CPGs started on the right track. These skills would also provide a regular venue if a CPG is disciplined because of a lack of knowledge in an area where there is an established training workshop, the CPG could be required to attend that particular workshop during the next Certification Program.

I encourage the CPG Board to worry less about processes and procedures and to accept the challenge of following their full mission. There needs to be a balance between regulation, discipline and appropriate training for CPGs to assist them in understanding how to provide the delivery of competent and ethical guardianship services.

There will always be conflicts of interest, whether overt or covert, on any board. If each board member made a conscious commitment to addressing all aspects of their mission, even the areas that may be uncomfortable, the conflict of interest issue would take care of itself.

Respectfully Submitted,

*Mindi R. Blanchard*

Mindi R. Blanchard, M.Ed., CPG

# Grievance Updates

## CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

Status as of 11/30/14

Grievances	2014	2011-13	Total
Opened	59	70	129
<i>ARD/Hearing/Other</i>	5	17	22
Closed	22	18	40
Pending	32	35	67

Resolution	2014	2013	2012	2011	Total
Dismissal - Administrative	1		2		3
Dismissal - No actionable conduct	5	4	8	1	13
Dismissal - No jurisdiction	16	1			1
Admonishment				1	1
Reprimand				1	1
Suspension					-
Decertification					-
Administrative Decertification					-
Other					-
	22	5	10	3	18
		<b>Total closed</b>			40

Current Month's Activity	Nov-14
Opened	2
<i>ARD/Hearing/Other</i>	
Closed	2



## CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

Status as of 12/31/14

<b>All Grievances</b>	<b>2014</b>	<b>2011-13</b>	<b>Total</b>
Opened	61	70	<b>131</b>
<i>ARD/Hearing/Other</i>	5	17	<b>22</b>
Closed	22	18	<b>40</b>
Pending	34	35	<b>69</b>

<b>Resolution by Year</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>Total</b>
Dismissal - Administrative	1		2		3
Dismissal - No actionable conduct	5	4	8	1	13
Dismissal - No jurisdiction	16	1			1
Admonishment				1	1
Reprimand				1	1
Suspension					-
Decertification					-
Administrative Decertification					-
Other					-
	<b>22</b>	<b>5</b>	<b>10</b>	<b>3</b>	<b>19</b>
		<b>Total closed</b>			<b>40</b>

<b>Current Month's Activity</b>	<b>Dec-14</b>
Opened	2
<i>ARD/Hearing/Other</i>	
Closed	-

# Potential Planning Meeting Topics

## Possible 2015 Planning Meeting Topics

### 1. Background Checks – RAP Back

The Washington State Patrol is proposing legislation to update the language concerning enhancements for criminal history record information. If adopted, the RAP Back Program facilitates automatic receipt of updated criminal background for an additional fee. If enrolled, AOC on behalf of the Board could receive updated background information for all professional guardians. Participation in the program addresses concerns expressed in a September 2010 Government Accountability Office (GAO)<sup>1</sup> Report regarding criminal background checks of guardians.

If the Board decides to participate, it must pay a one-time fee for each professional guardian. Fee options are:

- \$29.75 for 2 year enrollment
- \$33.50 for 5 year enrollment
- \$40.50 for indefinite enrollment

The indefinite enrollment is the best deal. If the Board decides to participate, enrollment could be achieved with a one-time increase in the recertification fee for existing professional guardians and a permanent increase in the certification fee for new professional guardians.

WSP is hosting a Criminal Records Division Conference in March where WSP is teaming up with the Washington State Department of Social and Health Services in creating a Background Check Community of Practice (CoP). The premise of the CoP is to have agencies that conduct state and federal background checks through WSP meet to discuss standardizing background check trainings and material, discuss what has and hasn't worked for your background check unit, brainstorm new ideas to improve and streamline current processes, and provide an opportunity for WSP to conduct trainings and answer questions. This session is the kick-off meeting for CoP and will discuss current legislation proposals including an update on the status of RAP Back.

### 2. Disciplinary Regulation

The Regulation Committee completed its review, and staff is preparing a complete version for AG review. After Board review, the regulation will need to be submitted to stakeholders for public comment.

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<sup>1</sup> <http://www.gao.gov/assets/320/310741.pdf>

### 3. Report on Communications Plan

The Communications Plan process has been used on two occasions. Perhaps the Board should evaluate.

### 4. GR 31.1 Implementation

GR 31.1, the Supreme Court's rule governing access to administrative records, was adopted in 2013 and is scheduled for implementation in 2015.

According to the AOC website GR 31.1 makes the following changes regarding disclosure of Certified Professional Guardian records.

- The standards for public access to records of the Certified Professional Guardian Board have been revised to allow for greater access to records concerning grievances filed against certified professional guardians. See section (l)(12) below:

**(l) Exemptions.** In addition to exemptions referred to in section (j), the following categories of administrative records are exempt from public access:

(12) The following records of the Certified Professional Guardian Board:

- (i) Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process. Investigative records related to a grievance become open to public inspection once the investigation is completed.
- (ii) Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.
- (iii) A grievance shall be open to public access, along with any response to the grievance submitted by the professional guardian or agency, once the investigation into the grievance has been completed or once a decision has been made that no investigation will be conducted. The name of the professional guardian or agency shall not be redacted from the grievance.

A plan is needed to implement this change.

## **5. Guardianship Postmortem Review Report**

In 2012 a certified professional guardian was decertified for violating standards of practice and later was accused of improper handling of the estates of two incapacitated persons she served. In an effort to evaluate the Board's regulation of professional guardians and develop process improvements, the Chair of the Board scheduled a postmortem review of the guardianship appointments involved. The review committee was charged to:

- Learn from this set of circumstances.
- Review and analyze the guardianships from guardian selection to decertification.
- Recommend changes to prevent issues like this occurring in the future.

The review committee was not charged to prosecute a case against the Board, the guardian or the court. The review should provide lessons learned for the Board, the courts and guardians. When the review began, a criminal case against the guardian was ongoing; however it was resolved. The review is complete, and a draft report is in process.

## **6. UW Guardianship Certificate Program**

Per the University of Washington Professional and Continuing Education (UWPCE) contract with AOC, UWPCE agrees to survey all past attendees of the UW Guardianship Certificate Program to solicit suggestions and recommendations to improve the program. UWPCE will present the results of the survey to the CPG Board during its April 2015 meeting. At this time, UWPCE will also report on actions taken to improve the following:

1. Student introduction to and basic understanding of the practice of guardianship, prior to the first in-person class.
2. Developing a common vocabulary.
3. Accuracy of printed and online materials.
4. Effectiveness of in-person class time.
5. Control of classroom discussions.
6. Relevant and timely instructor feedback to students.
7. Instruction on court reporting.
8. Instructions to and follow-up with presenters.

## **7. Review Annual Grievance Report**

Compare changes in numbers, sources, and common allegations from prior year's report to 2014.