
Certified Professional Guardianship Board
Postmortem Review Committee

Final Recommendation Report

April 2015

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Executive Summary

Introduction

The Certified Professional Guardianship Board (Board) is the regulatory authority responsible for regulating the practice of professional guardians in Washington State. Since 2000, the Board has established the criteria for the certification of professional guardians, guardianship standards of practice, and rules and regulations. The Board is also charged to adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians and to take or decline to take disciplinary action and impose disciplinary sanctions based on the findings of its investigation. The Board includes representatives from professional guardians, attorneys, advocates for incapacitated persons, courts, state agencies, and other stakeholders employed in medical, social, health, financial, or other fields pertinent to guardianships.

The Superior Court is responsible for appointing guardians for vulnerable adults who, due to serious physical or mental disabilities, require help making decisions about their daily lives and/or finances. After adjudication of incapacity, the court is ultimately responsible for their care. The Superior Court wants to be sure that every person under a guardianship receives good care. To accomplish this important monitoring function, after appointment the Superior Court reviews guardianship appointments on a regular basis.

The Board and the Superior Court share responsibility to supervise professional guardians. Generally speaking, when the two entities work together, the local court, if needed, will act to protect the incapacitated person involved in a specific case and the Board will act by imposing remedial action, if needed, to protect the public interest.

The local court is in the best position to take any immediate action, if needed, to protect the interests of the incapacitated person. This could include removal of the guardian and the appointment of a successor. Pursuant to statute, the court may appoint a guardian ad litem to investigate issues within a guardianship, or convene a hearing with all parties to discuss and resolve issues.

Pursuant to GR 23, the Board has jurisdiction to determine whether there has been a violation of the Standards of Practice for Professional Guardians. Its process complements the process followed by the court. While the Board's disciplinary process may move more slowly, it has broad authority to fashion remedies to address guardian misconduct and protect the public in the future. The Board may require remedial education, installation of a case management system, imposition of a prohibition of acceptance of new cases and other remedies. The Board may place a guardian on probation with monitoring requirements and can ultimately de-certify a professional guardian.

Charge to the Review Committee

Methodology

The Review Committee performed a review of documents held by the Board and the court which were specific to guardianship appointments involving a decertified professional guardian. Documents were used to reconstruct the chronology of each guardianship appointment and determine if the information provided was useful and accurate; and if additional information would have been useful.

Recommendations

The following recommendations address the concerns discovered during the document review. The committee did not fully develop each recommendation, but provides a framework for future discussion and input from other stakeholders.

Recommendations for the Court and the Administrative Office of the Court

Recommendation 1: Draft a court rule/statute to assist courts in determining how to calculate the value of the guardianship fiduciary/surety bond needed.¹ Courts should bond absent exigent circumstances.

Background:² A fiduciary or surety bond is court-ordered protection or a guarantee that a guardian will fulfill his or her financial and guardianship responsibilities for the benefit of the incapacitated person up to the value of the bond. It is a form of insurance that protects the incapacitated person subject to guardianship from poor investments, theft or defalcation by the fiduciary. By issuing a bond, the bonding agency agrees to repay the incapacitated person any money that might be lost because of the guardian's actions or mistakes.

Guardians of the person only rarely have to get a bond, because they have no legal authority to handle money in their limited role of managing health care and person issues. If a guardian of the person had access to funds, a bond should be ordered and the guardianship should be expanded to a guardianship of the estate, which includes authority over finances. Most guardians of the estate are required to post a bond, unless the incapacitated person's assets are very limited and the judge decides that a bond is not needed. If this is the case, the order will require a guardian to inform the court if additional funds have been received into the guardianship estate, so the court may then set an appropriate bond. The Order Appointing should state whether a bond is needed.

¹ Guardians also manage special needs trust, and any rule regarding bonds should apply to trustees and personal representatives in probates. No one's assets should ever be exposed to the misdeeds of a guardian or trustee.

² Dick Sayre contributed to the Background for Recommendation 1.

A guardian's ability to obtain a bond depends on his or her financial situation. The proposed guardian must be financially responsible, which may be determined based on the guardian's credit rating, income and resources, debt, and whether they have ever filed for bankruptcy. As a general rule, a person who has filed for bankruptcy prior to appointment as a guardian will be denied a surety bond because bonding companies require a personal guaranty from the bond holder. And so, as part of the guardianship process, the guardian ad litem must inquire as to whether the proposed guardian has any history of bankruptcy and, if so, the guardian ad litem should then ascertain whether that person can be bonded. If they cannot be bonded, they should not be appointed as a guardian of the estate if the estate has assets in excess of \$3,000.

The amount paid to get a bond and maintain it, called the annual premium, is based on the amount of the bond itself. Some states use a formula as to premium costs (see Appendix A showing the California system). Absent legal requirements such as those in California, the companies set premiums based upon potential exposure. The higher the bond, the greater the potential exposure to the bonding company in the event of a claim, which will increase the size of the premium, just like any other insurance. The amount of the bond is set by the judge; the amount of the premium is set by the bonding agency. Annual premiums are paid from the incapacitated person's assets and should be included in the annual expense budget approved by the court. If a guardian pays the initial premium for establishing the bond from his or her personal funds, the guardian will generally request reimbursement from the estate of the incapacitated person by a petition to the court.

The amount of the bond, and thus the amount of the premium, can be reduced by a process called 'bonding and blocking'. Our statutes require a court to set bond in an amount sufficient to protect the incapacitated person; however, if the estate is substantial, setting a bond over all of it may be very costly to the incapacitated person and might actually be a violation of the fiduciary duty of the guardian's duty to preserve and wisely manage funds under his or her control.

Bonding and blocking is an example of an approach to reduce the cost of the bond premium without exposing the incapacitated person to risk. It is done when the estate is reduced to an amount over which the guardian has access. The rest of the estate is not accessible except by court order. Here, the court will set a bond sufficient to manage 12 months of care and expenses for the incapacitated person based upon a budget presented by the guardian and approved by the court. Assets and funds in excess of this amount will be 'blocked' by the court. For example, if the guardianship estate has \$500,000 in assets, the cost of the bond premium would be substantial given the risk imposed upon the insurance company. If the court determined that the annual needs of the incapacitated person were only \$25,000, the court may authorize the guardian to access a maximum of \$25,000 per year, based upon estimated needs for that period of time, and direct the guardian and banks to block the balance. If this is done, the court can set bond at \$25,000 and *substantially* reduce the bond expense to the incapacitated person where that extra expense would have served no beneficial purpose. Blocking orders normally require the guardian to file a 'Receipt of Blocked Account' with the

court, which is signed by the bank or brokerage confirming blocked status to verify that the blocked funds are indeed blocked and inaccessible to the guardian. The court will hold the banks or investment companies liable for any loss if they fail to follow the blocking orders. The guardian may still manage and invest the blocked accounts under direction of the court; however, the guardian cannot access any funds in excess of the bond without providing the court an accounting showing how the bonded funds were spent, and then obtain an order to ‘refill’ the bonded guardianship account. To use our example, if the guardian had a \$25,000 bond and the balance of the funds were blocked, the guardian would put \$25,000 into a guardianship operating account and would pay care costs and expenses from that account, but could not access the remaining \$475,000 because access would be blocked. Once the guardian exceeds the \$25,000 in the operating account (which is the bond maximum), he or she would petition the court to transfer another \$25,000 to the operating account for payment of expenses, or might ask to increase the bond to a higher amount if more money was needed on an annual basis. To get the refill, the guardian would have to do an accounting showing how the first \$25,000 was spent.

Statement of Need: The value of the bond must be sufficient to mitigate the risk to the incapacitated person. The bond amount should correspond to the value of the risk. There is a need to balance the cost of securing the bond in terms of premium cost, which is born by the incapacitated person and the cost of harm to the incapacitated person caused by a guardian’s mistake, which, if not covered by the bond, will be shouldered by the incapacitated person with limited recourse to the guardian in many cases. Setting the right bond amount and using blocking orders to reduce the size of the premium is an essential component in protecting the estate of the incapacitated person (see Appendix A for examples of state statutes addressing calculation of the bond amount).

Recommendation 2: Guardians ad Litem (GAL)

2a. Revise statute to provide more particularity regarding special expertise and training required of GALs.

2b. Develop a selection process that includes matching GAL skills and expertise to the specific needs of the alleged incapacitated person.

Background: As the eyes and ears of the court, the guardian ad litem (GAL) plays a critical role in the guardianship process. This position has significant responsibility and is asked to perform the following tasks: (1) investigate the need for guardianship; (2) identify the triggering issue, or reason for guardianship; (3) research less restrictive alternatives; (4) determine the risk of harm; (5) determine whether there is a need for clinical evaluation; (6) determine if the alleged incapacitated person would like legal representation; (8) determine who might provide important information and/or testimony; (9) recommend limitations to guardianship and/or elements of a guardian plan, as well as evaluate capacity. In the simplest terms, this position is the doorkeeper of guardianship. Appointment of a GAL is specifically addressed in RCW 11.88.090. The

statute requires appointment of a GAL to represent the best interests of the alleged incapacitated person upon receipt of a petition for guardianship.

A GAL must:

- (1) Be selected from a registry maintained by the court pursuant to a consistent rotation system.**³ RCW 11.88.90 4(a).

The court may deviate from the registry only in exceptional circumstances to be set forth in the Order Appointing. RCW 11.88.90 4(a).

- (2) Be free of influence from anyone interested in the guardianship proceeding.** RCW 11.88.90 3(a).

- (3) Have the requisite knowledge, training, or expertise to perform the duties required.** RCW 11.88.90 3(b).

- (4) File a Statement of Qualifications within five days of receipt of Notice of Appointment.** RCW 11.88.90 3(b).

Statement of Need: Investigating the need for guardianship may require experience with elderly persons who may be cognitively impaired for many reasons, including dementia. It may require experience with persons with developmental disabilities, mental illness and cognitive impairment due to a medical condition or drug abuse. Assessing these conditions requires very specialized knowledge and experience. The current GAL selection process does not sufficiently address the need for GALs to receive specialized training. It is not person-centered and does not focus on the needs of the alleged incapacitated person. California provides an alternative to the appointment of one person to function as a GAL.⁴

Recommendation 3. Implement robust guardianship monitoring tools.

Background: Judicial officers hearing guardianship cases are overseeing the activities of those making recommendations or decisions on behalf of others. Judicial officers ensure that guardians follow the rules and regulations which include; providing timely, complete and accurate reports, protecting the interests of the incapacitated person, advocating for the incapacitated person, providing for the health care and financial needs of the incapacitated person, and making decisions based on the substituted

³ House Bill Report for ESSB 6257 dated February 29, 1996 improved guardian and GAL systems to protect minors and incapacitated persons. The bill provided that the court must select Title 11 GALs by systematic rotation, except in extraordinary circumstances such as particular expertise. Systematic rotation is described as selection of a person who is next on the list.

⁴www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0744/Sections/0744.331.html

judgment and best interest standards. Generally, the judge in guardianship matters must be both a leader and a manager to assure that the court meet its responsibilities. The court's responsibilities in guardianship matters are threefold: (1) assuring that guardians, guardians ad litem and court staff are productive in carrying out their responsibilities; (2) assuring that institutional purposes and missions are achieved; and (3) assuring that the enterprise meets its social responsibilities.⁵ Although judicial officers have great responsibility, they are not solely responsible for satisfying the courts' obligations. They must rely on court staff – court administrators, clerks, etc. to achieve efficient and effective guardianship case management.

Excellent guardianship case management includes all transaction processing and management control activities related to the initiation, handling, and disposition of guardianship cases that come before the court. In addition, excellent guardianship case management includes verifying that the person is being properly cared for. Determining that the person under guardianship is being properly cared for requires expanding monitoring beyond a paperwork or accounting review to observation.

Statement of Need: Adequate guardianship monitoring reduces the amount of abuse, neglect and exploitation incapacitated persons under guardianship are exposed to. The unique nature of guardianships, as well as the increase in the population of those requiring guardians, highlights the need for more active court monitoring. A quote from the report, *'Guarding the Guardians: Promising Practices for Court Monitoring'* describes the need:

*"Adult Guardianship is a two-edged sword—a mechanism that protects some of the most vulnerable in our society from abuse, and an instrument that removes fundamental rights and thereby may increase opportunities for abuse of those we strive to protect. Court-appointed guardians step into the shoes of at-risk elders and dependent adults, making judgments about medical care, property, living arrangements, lifestyle and potentially all personal and financial decisions. Court monitoring of guardians is essential to ensure the welfare of the incapacitated persons, identify abuses, and sanction guardians who demonstrate malfeasance. Despite dramatic strengthening of guardianship statutory standards in recent years, judicial monitoring practices in many areas appear to be lax."*⁶

3a. Improve Periodic Reporting.

3a (1). Develop and require use of standardized formats for timesheets, double entry accounting spreadsheets and required supporting documents.

⁵ David C. Steelman, *Managing Probate Workload and Dockets*. Andover, MA: National Center for State Courts, Northeastern Regional Office, 1992, available at <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=14>

⁶ Naomi Karp & Erica Wood, *Guarding the Guardians: Promising Practices for Court Monitoring*, Public Policy Institute, Dec. 2007, available at http://www.aarp.org/money/estate-planning/info-2007/inb152_guardians.html

3a (2). Require use of web-based accounting program for submission of periodic reports.

3b. Develop a robust volunteer monitoring program.

Background: Excellent guardianship monitoring includes the ability to verify information provided in a report or accounting. Monitoring in most courts consists primarily of ensuring that the reports a guardian is required to file are filed in a timely manner, with less than desirable evaluation by the court of the reports' contents or accuracy. Recommendation 3a and 3b address verifying the content and accuracy of reports.

Guardians are statutorily required to file with the court an inventory, personal care plan, accountings and periodic reports, as well as reports regarding specified changes in condition. RCW 11.92.040. Some courts have adopted local guardianship forms, however, some statewide guardianship pattern forms are available on the AOC website. Use of pattern forms is not required and pattern formats for some forms, including timesheets and double entry accounting spreadsheets, are not available. The legacy Superior Court Management Information System (SCOMIS) is available to all and if used consistently can facilitate monitoring. Despite the availability of some pattern forms and SCOMIS there is a lack of consistent statewide court practices.

Due to the lack of consistent required accounting practices, each guardian develops his or her practice. The lack of consistency hinders the courts ability to provide effective oversight through reports. Generally, courts don't have the personnel (staff or volunteers) with the expertise needed to thoroughly review and audit reports and financial accounts in the manner necessary to discover losses or inappropriate expenditures.

In the late 80s, AARP created a model for a Volunteer Guardianship Monitoring Program that was used by several courts in Washington State. Today, Spokane Superior Court continues to successfully use this model to monitor guardianship under its jurisdiction. This is a time-tested proven model, which includes the following components:

1. A volunteer coordinator(s) is designated as manager or coordinator of volunteers. This person is responsible for:
 - Recruitment and selection of volunteers
 - Placement and scheduling of volunteers
 - Arranging initial and ongoing training
 - Tracking the progress of cases
 - Reporting program results
2. Volunteers. Volunteer researchers work with court records to prepare cases for assignment to volunteer visitors. Researchers obtain current addresses of

incapacitated persons and verify the status of the court file. Volunteers visit the incapacitated person, assess well-being and prepare a report for the court. Auditors conduct a systematic review of guardianship accountings.

Statement of Need: Required reports are essential to the court in ensuring that a guardian is fulfilling his or her duties. To ensure that the court receives complete and accurate information, in every case, consistent statewide practices should be implemented. Standardized forms containing the required elements are a first step toward implementing standardization that can be automated. A robust accounting system will save guardian and staff time by standardizing the reporting format, performing mathematical calculations and reducing paperwork. It will also allow ready access to expense and receipt details, minimize errors and possible exploitation and facilitate identification of overdue and incomplete reports. A volunteer monitoring program will supplement court staff and determine the accuracy of reports.

Recommendation 4. Develop standards for guardianship fees.

Background: It is undisputed that professional guardians should receive compensation for the services provided; however, the appropriate level of guardian compensation is a vexing problem. According to Mary Joy Quinn, Director of the Probate Court of San Francisco Superior Court and author of *Guardianships of Adults*,⁷ there are no state or national standards for fees. Each court determines how to establish guardianship fees. While many methods are used, most courts consider fees on a case-by-case basis and adhere to the “reasonableness” standard. Some courts establish fees based on a fraction or percentage of customary attorney hourly rates. Other courts glean guidance from the fee guidelines of banks and trusts. Other courts set fees by statute, court rule and administrative order. Regardless of the method used, courts lack the resources to thoroughly scrutinize all fees, therefore they rely on others to object to guardian’s fees. Absent an objection, fees are often approved as submitted.

In Washington State guardian compensation is specifically addressed in RCW 11.92.180. The statute requires the court to allow compensation for guardians and permits the court to set an amount that is “just and reasonable”. Fee petitions are not presumed reasonable. The guardian must prove that the services claimed were performed and that the fees requested are reasonable. The award of fees must be determined on the basis of the work performed and whether the work benefited the guardianship. “If the court finds that the guardian or limited guardian has failed to discharge his or her duties as such in any respect, it may deny the guardian any compensation whatsoever or may reduce the compensation which would otherwise be allowed.” The amount of the compensation allowed is within the discretion of the trial court. Said discretion is abused when the court’s decision is manifestly unreasonable.

Statement of Need: The most common abuse reported within guardianship is pilfering of an incapacitated person’s (IP) estate. Pilfering may include stealing from the IP, but

⁷ Mary Joy Quinn RN, MA, *Guardianships of Adults: Achieving Justice, Autonomy, and Safety*, Springer Publishing Company, New York, 2005, Page 92.

often refers to the perception that guardians are charging exorbitant fees for grocery shopping, gift buying, dog walking and other relatively mundane tasks. This abuse has seen little reform, because it is very difficult to address. The issue of fees and stewardship is apparent in private pay and public pay guardianships. In private pay guardianships while funds are available they are likely not unlimited, thus a plan is needed to make the best use of available funds. In public pay guardianships the issue is how to provide needed services to the greatest number of persons possible given the funds available.

The Committee offers no solution to this concern, but recognizes the need for substantive discussion with many stakeholders regarding the assessment of guardian fees. A brief review of solutions used in other states is provided in Appendix B.

Recommendations for the Certified Professional Guardianship Board

Recommendation 5. Errors and Omission Insurance.

- 5a. Require all professional guardians to obtain errors and omissions insurance regardless of caseload.**
- 5b. Require receipt of notification from insurance companies to the Certified Professional Guardianship Board when a guardian's insurance coverage expires or for nonpayment of premium.**
- 5c. Require guardians to file proof of new coverage by a date and time specified by the Board.**
- 5d. Require professional guardians to provide proof of caseload and dollars managed.**

Background: Errors and Omissions (E&O) Insurance provides coverage for, “any act, error or omission made by the insured guardian/fiduciary in providing or failing to provide services. Generally, covered errors and omissions include allegations of failure to properly supervise an incapacitated person, charging excessive fees, and failure to safeguard funds or property of the incapacitated person. Professional guardians are required to maintain a minimum of \$500,000 of Errors and Omissions Insurance which covers the acts of the guardian or agency, and employees of the guardian or agency, unless they have twenty-five or fewer guardianship case appointments at one time and manage less than \$500,000 total countable assets, in which case they are exempt”.⁸

⁸ “Countable guardianship assets” shall consist of all real property, money, stocks, bonds, promissory notes and other investments in all of the guardianship estates currently managed by the guardian or agency. The value of an asset shall be its fair market value. In determining the value of an asset, the value as determined by a county assessor, or public price listed on a recognized exchange, may be used as its fair market value. The value of an asset shall not be reduced by the amount of any encumbrance on the asset. Insurance policies and other securities shall be included at face value or as listed on a recognized exchange. Countable guardianship assets shall not include burial trusts, pensions, or personal property other than as described in regulation 704.4.”

Annually, as part of certification renewal, professional guardians submit the face sheet of their insurance as proof of coverage. Guardians are not required to provide the number of cases with countable assets that are managed. Often insurance coverage expires during the year and a professional guardian may not renew coverage until it is time to renew certification, or the caseload and/or assets managed exceed the exempt amounts. However, the Certified Professional Guardianship Board may not be informed about these changes.

Statement of Need: E&O insurance can be quite expensive, therefore, often if not required to purchase pursuant to regulation, some professional guardians opt not to purchase. If an uncovered guardian commits an error or omission, there may not be a way to compensate the incapacitated person for a loss resulting from the error and omission.

Recommendation 6. Reinstate audits of professional guardians and expand audits to include verification of accountings.

Background: On November 3, 2008, the Board adopted Disciplinary Regulation (DR) 520, authorizing the AOC to select certified professional guardians at least monthly and review the guardians' cases on the Superior Court Management Information System (SCOMIS) or other available case information resources. Within the Board's enabling authority, General Rule 23(c)(1)(ix), the Board is authorized to investigate to determine whether a professional guardian has violated any statute, duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. DR 520 is within that scope of authority.

For approximately twelve months after adopting DR 520, the Board conducted random audits. Forty percent of the cases managed by professional guardians were audited for timeliness. The audits discovered late filings and several grievances were filed as a result. The number of late reports as a percentage of audited cases in the six counties is: Kitsap—89% late, Clark—41% late, Snohomish—46% late, Pierce—18% late, Spokane—21% late, and King—7% late. It is believed that late filings may be an indication that there are other problems in the guardian's practice and will provide a flag for review to ensure standards are being met.

Statement of Need: The monitoring of a guardian is largely complaint driven. With few exceptions, current monitoring is largely reactive not proactive. A guardian's late filing or failure to file required reports is indicative that there are other problems with the management of the guardianship, which necessitates the need for some leadership in active monitoring. There is a real concern in the community that consistent monitoring of guardians does not occur, and the Board's action under DR 520 is an excellent solution to the concern, as well as a process to help guardians understand their reporting obligations before late filings or failure to file becomes a significant problem.

Recommendation 7. Improve information available to the public regarding guardianship and professional guardians. Create guardian profile pages which

include specific information (i.e. caseload, insurance, staff size, discipline history).

Background: Consumers, professional and nonprofessional, want good information about guardianship, including how guardians are appointed, guardian duties and standards of practice, professional guardian fee structures, guardian education, experience and qualification, the rights of the incapacitated person and their family and friends, and how to complain about the conduct of a professional guardian.

Statement of Need: Consumers, professional and nonprofessional, must navigate the guardianship process to obtain protection and decision support for persons with diminished decision-making capacity. Everyday individuals struggle to find good information with which to make decisions. Absent credible information, consumers often enter the guardianship process with unrealistic expectations. When experience falls short of expectation, disappointment and dissatisfaction will result and public trust and confidence in the guardianship process will likely decrease.

Recommendation 8. Develop a process to coordinate oversight.

Background: A number of entities including the Superior Courts, the Certified Professional Guardianship Board, Adult Protective Services, the Long-term Care Ombudsman, the Department of Social and Health Services, the Social Security Administration, the Office of Veterans' Affairs and others interact with guardians and the individuals served by guardians regularly. These entities have direct knowledge of how guardians perform, the quality of guardianship services provided, which services are effective, as well as what information, training and service is needed to address the needs of persons under guardianship. However, often this information is only shared when an investigation is in process.

Statement of Need: Working together and improving communication can ensure resources and expertise are used to assist guardians in providing quality guardianship services. Working together can facilitate focused effort on improving guardianship education and training and decrease duplication of resources for investigation. Collaboration makes it possible to stretch limited resources.

Recommendation 9.⁹ Increase the number of qualified professional guardians providing guardianship services in Eastern Washington without compromising qualifications and standards.

Background: Two-hundred and eighty-eight certified professional guardians provide guardianship services in Washington State. Two-hundred and thirty-four or eighty-one percent of professional guardians reside in western Washington, heavily clustered around the state's population centers – King and Pierce counties. Fifty-four

⁹ Bruce Buckles contributed to the Background of Recommendation 9.

professional guardians or nineteen percent of professional guardians reside in eastern Washington, with thirty-one residing in Spokane County.

Providing guardianship services in eastern Washington comes with a unique set of challenges. There are hundreds of square miles to traverse involving multiple jurisdictions and with different court rules and policies. In addition, there are multiple yet functionally limited health care providers and health care facilities that are spread out by hundreds of miles. The lack of specialties - especially in mental health and geriatric medicine - are a constant challenge to access across a region that involves vast “frontier” areas. These factors separate clients from not only all types of providers, but decision makers, courts, and families. Guardians can spend an inordinate time on the road seeking to provide the basic needs of their clients.

Finally, the fundamental economics of a rural professional guardianship practice is theoretically challenged. The economies of scale in a rural practice are difficult to evaluate or obtain, in the face of ever changing client needs in this vast, yet limited domain. Hence, there is increased legal peril in the face of urgent consultations and decision making with many health emergencies.

Statement of Need:

In 2010¹⁰, 25 percent of Washington’s population lived in rural areas or small cities. Residents in rural areas of the United States are more likely to be underemployed and wages in rural areas are most likely lower than those in urban areas. While the cost of living is lower, poverty rates tend to be higher. The need for community safety nets is significant. To remain in rural areas, the elderly typically need assistance from others. Without assistance from family, friends and others, many will be forced to move to nursing homes. The limited availability of social services and other supports could mean moving the elderly to urban areas. Aging in place will likely not be possible without qualified decision support.

Conclusion

Implementing some of the recommendations will require financial resources, all will require human resources, time and collaboration. However, providing decision support is an important issue requiring persistence and cooperation to achieve significant benefit to persons needing assistance making critical decisions and the public.

¹⁰Bill Bishop, “The States of Rural America”, Daily Yonder, January 22, [Http://www.dailyyonder.com/how-rural-are-states/2012/04/02/3847](http://www.dailyyonder.com/how-rural-are-states/2012/04/02/3847). N.p., 22 Jan. 2015

Appendix A - State Statutes or Court Rules Addressing for Bond Calculations

- **Uniform Veteran's Guardianship Act 0 RCW 63.36.090**
<http://apps.leg.wa.gov/rcw/default.aspx?cite=73.36.090>
- **California Rule 7.207. Bonds of conservators and guardians**
http://www.courts.ca.gov/cms/rules/index.cfm?title=seven&linkid=rule7_207

Appendix B - State Statutes or Court Rules Addressing Guardian Fees

- **Arizona**
<http://www.eldersandcourts.org/~media/Microsites/Files/cec/mrozppt.ashx>
- **California** (Superior Court of California, County of San Francisco, Uniform Local Rules of Court -Rule 14)
<http://www.sfsuperiorcourt.org/sites/default/files/pdfs/Local%20Rules/RULES%20final%201-1-12%20Link%201.pdf>
- **Ohio (Rule 73.1)**
http://www.mcoho.org/government/probate/docs/FINAL_LOCAL_RULESrev11_4_13
- **Florida (Guardian Fee Guidelines)**
<http://www.fljud13.org/Portals/0/Forms/pdfs/ejc/fee%20packet-guidelines.pdf>
- **Texas - Standards for Court Approval of Attorney Fee Applications**
<https://www.traviscountytexas.gov/images/probate/Docs/attorneyfees.pdf>



Certified Professional Guardianship Board

January 2015

Re: Stakeholder Communications Plan

Dear Stakeholder:

January 12, 2015 the Certified Professional Guardianship Board adopted the attached communication process to facilitate increased involvement in developing standards, rules and regulations to guide the guardianship profession.

The Certified Professional Guardianship Board is the regulatory authority for the practice of professional guardianship in Washington State. The Board is charged with establishing the standards and criteria for the certification of professional guardians, as defined by [RCW 11.88.008](#).

To involve stakeholders in its work, the Board developed an information sharing process. The details of the process are explained in the attached Communications Plan¹.

Anyone can sign up to receive future communication by submitting the attached contact form² or sending an e-mail to Kimberly Bzotte at kimberly.bzotte@courts.wa.gov or requesting notification via the web. Please click on the following link to request notification via the web.

http://www.courts.wa.gov/programs_orqs/Guardian/?fa=guardian.proposed

Please share this information with other organizations and individuals who may wish to be added to the Board's list of stakeholders and receive future communication. A copy of the Certified Professional Guardian Board Public Comment Guidelines is attached.³

Thank you for your attention and collaboration. Should you have any questions about the process, Board procedures and/or regulations, the staff listed below are available to answer your questions.

Shirley Bondon, shirley.bondon@courts.wa.gov, 360-705-5302

Carla Montejo, carla.montejo@courts.wa.gov, 360-705-5320

Sally Rees, sally.rees@courts.wa.gov, 360-704-4062

¹ Attachment A – CPGB Stakeholder Communication Plan

² Attachment B – Contact Information Form

³ Attachment C – Public Comment Guidelines

Attachment A

Certified Professional Guardianship Board Communication Plan

A. Purpose:

Stakeholders including family members of incapacitated persons, professional guardians, senior and disability advocates and others are seeking greater involvement in developing standards, rules and regulations to guide the guardianship profession. To continue effectively and efficiently performing its regulatory mission, the Certified Professional Guardianship Board developed this Communications Plan to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

B. Communication Objectives:

1. Develop understanding and appreciation for the shared goal of protecting the public.
2. Build understanding, trust and support for the rulemaking process.
3. Create a process that is transparent and helps stakeholders understand what the Certified Professional Guardianship Board does and hold it accountable.

C. Targeted Audiences:

	Stakeholder Name
1.	Board Members per General Rule 23
2.	Certified Professional Guardians
3.	Washington Association of Professional Guardians (WAPG)
4.	Incapacitated Persons
5.	Family Members and Friends of Incapacitated Persons
6.	WSBA – Elder Law Section Executive Committee
7.	County Bar Associations/Elder Law Sections
8.	Superior Court Judges’ Association Guardianship and Probate Committee
9.	Guardians Ad Litem
10.	Alzheimer’s Association
11.	WA Health Care Association & Leading Edge

	Stakeholder Name
12.	Traumatic Brain Injury (TBI) Council
13.	Long-term Care Ombudsman
14.	Lay/Family Guardians
15.	Guardianship Monitoring Programs
16.	AARP
17.	Disability Rights Washington (DRW)
18.	National Association of Mental Illness (NAMI)
19.	Association of Area Agency on Aging
20.	Department of Social and Health Services—APS, DDA, HCS, DBHR
21.	SCORE
22.	OPG Stakeholder Listserv
23.	Supreme Court
24.	Legislators
25.	Developmental Disabilities Council
26.	Washington State Residential Care Council of Adult Family Homes
27.	SEIU Healthcare
28.	Arc of Washington
29.	Superior Courts
30.	Columbia Legal Services
31.	Other Stakeholders that may be identified later.

D. Communication Strategy:

The Board plans to use five broad communications channels—board meetings/teleconferences, stakeholder engagement meetings, public comment periods during regular board meetings, the Web, and email to share information and seek input and feedback into the development of rules, regulations and Standards of Practice for the practice of professional guardianship.

Board Meetings/Teleconferences

Stakeholders are encouraged to attend Board meetings and teleconferences. The Board meets the second Monday of each month, except for February, July and December or when a holiday conflicts. Generally, the Board meets in person at the SeaTac Office Facility, 18000 International Blvd, SeaTac, WA in January, April, June and October. The April meeting is

usually the Board's annual planning meeting, in which stakeholders participate. Teleconferences are generally held in March, May, August, September and November. Teleconferences are conducted via Adobe® Connect™ a web conferencing platform for web meetings, eLearning, and webinars. Participation instructions are provided on the meeting agenda, which is posted on the Web approximately one week before each meeting. The Board's meeting calendar is also posted on the Web, to view see http://www.courts.wa.gov/programs_orgs/guardian/?fa=guardian.CPGBoard.

Public Comment Periods

Each in-person meeting includes a public comment period. Comment guidelines are provided below. Individuals who participate in the public comment period will be encouraged to provide staff a written copy of the comments made during the comment period, which staff will attach to meeting minutes.

Regulation 600, the procedure for adoption, amendment and repeal of regulation also provides an opportunity to provide written comments. The notice and comment portion of Regulation 600 is provided below.

Public Comment Guidelines

A public comment period shall be held at all regularly scheduled in-person meetings of the Certified Professional Guardianship Board. The public comment period shall be the first item on the agenda after the chair report, shall not exceed thirty minutes total and will be subject to the following general guidelines:

1. Speakers must sign in to speak and must list name and topic.
2. No speaking when others are speaking.
3. Only the Chair may interrupt.
4. No personal attacks or accusations.
5. Comments will be limited to three minutes per speaker.
6. No repetition of comments from previous meetings.
7. Written comments may be submitted in lieu of, or in addition to public comments.

600 Procedure for the Adoption Amendment and Repeal of Regulations

601 Intent.

The intent of the Certified Professional Guardian Board (Board) is to give notice and the opportunity for public comment whenever the Board intends to adopt, amend, or repeal its regulations, except as otherwise stated in these regulations.

602 Notice.

602.1 Except as otherwise stated in these regulations, the Board will give notice whenever it intends to adopt, amend, or repeal a regulation (regulation change). The Board must give notice at least thirty (30) calendar days before the meeting at which the Board intends to act on the proposed change. The notice will include the following information:

602.1.1 The text of the proposed change to the regulations. The notice may also include an explanation of the purpose of the proposed change.

602.1.2 The date, time and place of the meeting at which the Board intends to adopt the proposed change.

602.1.3 The name, address and telephone number of the person to whom written comments on the proposed change may be sent via U.S. mail. In the Board's discretion, the Board also may accept comments via electronic mail.

602.1.4 The date by which comments must be received by the Board.

602.2 To give notice of a proposed regulation change, the Board will do the following:

602.2.1 Publish the notice electronically on the Board's website.

602.2.2 Send the notice to the Washington Association of Professional Guardians.

602.2.3 Send an announcement via electronic mail to the state's certified professional guardians, stating that notice of a proposed regulation change is on the Board's website.

602.2.4 Give notice in any other manner that the Board deems appropriate.

Stakeholder Engagement Meetings

Stakeholder engagement meetings/teleconferences are defined as small group meetings with target audiences. A stakeholder group may host an engagement meeting and invite board members to participate or a Board member may host an engagement meeting and invite stakeholders to participate. The meeting host will be responsible for all meeting arrangements and cost, including reporting back to the Board.

Web

The Board will post request for comments on the Guardianship Program webpage and stakeholders are encouraged to email written comments, which will be posted on the Web for public viewing. Comments must adhere to posting guidelines.

See http://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.display&fileName=rulesindex

Email

AOC staff will obtain email addresses for the stakeholders identified on the stakeholders' list and utilize the list to send the following:

- a) News articles;
- b) Stakeholder Engagement Meeting Announcements;
- c) Informational emails; and
- d) Requests for written comments.

E. Initial Process:

To initiate communication and inform stakeholders of the process, AOC staff will complete the following:

1. Develop a contact list for stakeholders, organizations and individuals;
2. Send the following to all contacts:
 - i. A letter explaining the plan to seek input;
 - ii. The Communications Plan;
 - iii. The first request for comment and back up materials; and
 - iv. Public comment posting guidelines.

The following tables describe key audiences, stakeholder types, involvement types and the communication mediums that will be used to communicate with each.

Table 1 – Stakeholder Communications

	Stakeholder Name/Contact	Stakeholder Types	Involvement Types	Communication Media
1.	Board Members per GR23	Decision-Makers	Representatives	All
2.	Certified Professional Guardians	Person Affected Subject Matter Experts	Consultants	All Email (listserv)
3.	Washington Association of Professional Guardians (WAPG)	Persons Affected Subject Matter Experts	Advisors	All
4.	Incapacitated Persons	Persons Affected Subject Matter Experts	Consultants	?
5.	Family Members and Friends of IPs	Persons Affected Subject Matter Experts	Consultants	All
6.	County Bar Associations/Elder Law Sections	Subject Matter Experts	Advisors	All
7.	WSBA – Elder Law Section Executive Committee	Subject Matter Experts	Advisors	All
8.	Superior Court Judges’ Association Guardianship and Probate Committee	Subject Matter Experts	Advisors	Email (listserv)
9.	Guardians Ad Litem	Subject Matter Experts	Consultants	Stakeholder Meetings Web
10.	Alzheimer’s Association	Subject Matter Experts	Advisors	All
11.	WA Health Care Association Leading Edge	Subject Matter Experts	Advisors	All
12.	TBI Council	Subject Matter Experts	Advisors	All
13.	Long-term Care Ombudsman	Subject Matter Experts	Advisors	All
14.	Lay/Family Guardians	Subject Matter Experts Persons Affected	Consultants	All Email (listserv)
15.	Guardianship Monitoring Programs	Subject Matter Experts Person Affected	Advisors	Web Email
16.	AARP	Subject Matter Experts	Advisors	All
17.	Disability Rights Washington	Subject Matter Experts	Advisors	All
18.	National Association of Mental Illness	Subject Matter Experts	Advisors	All
19.	Association of Area Agency on Aging	Subject Matter Experts	Advisors	All
20.	DSHS – APS, DDA, HCS, DBHR	Subject Matter Experts	Advisors	All
21.	SCORE	Subject Matter Experts	Advisors	All

	Stakeholder Name/Contact	Stakeholder Types	Involvement Types	Communication Media
22.	OPG Stakeholder Listserv	Persons Affected Subject Matter Experts	Persons to Inform	Email (listserv)
23.	Supreme Court	Decision-Makers Decision Blockers		Stakeholder Meeting Email
24.	Legislators	Decision-Makers Decision Blockers	Persons to Inform	Email
25.	Developmental Disabilities Council	Subject Matter Experts	Advisors	All
26.	Washington State Residential Care Council of Adult Family Homes	Subject Matter Experts	Advisors	All
27.	SEIU Healthcare	Subject Matter Experts	Advisors	All
28.	Arc of Washington	Subject Matter Experts	Advisors	All
29.	Superior Courts	Persons Affected	Persons to Inform	Web Email (listserv)
30.	Columbia Legal Services	Subject Matter Experts	Advisors	All

Table 2. - Stakeholder Types

Stakeholder Types	Description
Decision-Makers	Those with the formal power to make decisions.
Blockers	Those with the power to block decisions.
Persons Affected	Those affected by decisions.
Subject Matter Experts	Those with relevant information or expertise.

Table 3. - Stakeholder Involvement Types

Involvement Types	Description
Represent	Representatives of particular stakeholder groups might be members of the regulatory body. The assumption is that these individuals can effectively speak about the interest of the group community they represent.
Consultants	Individuals are consulted about their perspectives and concerns. Their views are considered by the decision-makers when making decisions. Comment coordinators may be assigned to consult with; forum discussions may be held or surveys administered.
Advisers	Group stakeholders form advisory panels, meet to discuss issues and share advice with the regulatory body. (Formal Group)
Inform	Some stakeholders need to be informed about issues and plans via listservs, the website etc., but not invited to play an active role.

Attachment B

Contact Information for Certified Professional Guardianship Board Stakeholder Communication

Individual Stakeholder Information

Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	

Organization Stakeholder Information

Organization Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	
Communication should be sent to the email address above.	<input type="checkbox"/> Yes <input type="checkbox"/> No
# Members	

Organization Contact Person Information

Name	
Mailing Address	
City ST ZIP Code	
Phone	
Email Address	
Communication should be sent to the email address above.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please email or mail this form to:

Certified Professional Guardian Board

P.O. Box 41170-1170

Olympia, WA 98504

or

guardianshipprogram@courts.wa.gov

If you have questions, please contact Kimberly Bzotte a kimberly.bzotte@courts.wa.gov

Attachment C



Certified Professional Guardianship Board Public Comment Guidelines

Oral Public Comments

A public comment period shall be held at all regularly scheduled in-person meetings of the Certified Professional Guardian Board. The public comment period shall be the first item on the agenda after the chair report, shall not exceed thirty (30) minutes total and will be subject to the following general rules:

1. Speakers must sign in to speak and must list name and topic.
2. No speaking when others are speaking.
3. Only the chair may interrupt.
4. No personal attacks or accusations.
5. Comments will be limited to three minutes per speaker.
6. No repetition of comments from previous meetings.
7. Written comments may be submitted in lieu of, or in addition to public comment.

Written Public Comments

Written public comments that are provided in response to a Request for Public Comment, which meet the following guidelines, will be posted by AOC staff on the Guardianship Program website at:

http://www.courts.wa.gov/programs_orqs/Guardian/?fa=guardian.proposed

Comments should:

1. Not exceed 1500 words.
2. Be double spaced in 12 point type.
3. Be on letter size paper (8 ½ x 11 inches).
4. Include no tabs or dividers, except that colored letter-size paper may be used for dividers between sections.
5. Clearly identify the Request for Comment topic being addressed. Each communication should include a subject line identifying the Request for

Comment topic being addressed; failure to do so could prevent posting of comments.

6. Include no personal attacks or accusations.
7. Include no profanity.
8. Be sent to one of the following addresses:

Certified Professional Guardian Board

P.O. Box 41170

Olympia, WA 98504-1170

or

guardianshipprogram@courts.wa.gov

Should you have any questions about the process, Board procedures and/or regulations, the staff listed below are available to answer your questions.

Shirley Bondon, shirley.bondon@courts.wa.gov, 360-705-5302

Carla Montejo, carla.montejo@courts.wa.gov, 360-705-5320

Sally Rees, sally.rees@courts.wa.gov, 360-704-4062

2014

Certified Professional Guardianship Board



Grievance Report

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CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD GRIEVANCE REPORT 2014

INTRODUCTION

We are pleased to present the 2014 Certified Professional Guardianship Grievance Report. We make this report available to all with the goal of increasing public awareness of the grievance process. We hope that the disclosure of these grievances will facilitate understanding of the rules and standards applied and the most common concerns of grievants.

Pursuant to legislative mandate, the Washington State Supreme Court established a certification process and procedure for professional guardians by promulgating General Rule (GR) 23. GR 23 created a Certified Professional Guardian ship Board¹ to implement the activities necessary to develop a process to certify individuals who choose to become professional guardians. The Supreme Court, however, retains primary jurisdiction over the Board and its functions:

- The Supreme Courts retains jurisdiction over all professional guardians who practice in the state of Washington. GR 23(b).
- The Supreme Court appoints all members to the Board. GR 23(c)(1)(i).
- The Supreme Court designates the Chair of the Board. GR 23(c)(1)(iii).
- The Supreme Court enters the order certifying an individual or agency as a certified professional guardian. GR 23(c)(2)(v).
- The Board may seek Supreme Court enforcement of an order or subpoena that it issued. GR 23(c)(2)(x)(c).
- The Supreme Court approves the Board's expense budget. GR 23(c)(3).
- The Supreme Court, pursuant to its statutory authority to direct the administrative office of the courts, instructs the Administrative Office of the Courts (AOC) to provide administrative support to the Board and authorizes AOC to contract with other agencies or organizations on behalf of the Board. GR 23(c)(8).
- The Supreme Court extends quasi-judicial immunity to the Board where the Supreme Court would have immunity in performing the same functions. GR 23(c)(5).

The Board is charged with all the substantive duties of certification:

- Processing applications;
- Implementing standards of practice;
- Establishing a training program;
- Adopting regulations for continuing education;
- Approving or denying certification; and
- Investigating grievances and issuing disciplinary sanctions.

In any certification program, a grievance process is requisite to maintaining the standards and integrity of the process. The role of the professional guardian is to protect the incapacitated person. By definition, the incapacitated person may not be able to understand or execute the

¹ The Board is a board of the judicial branch and is therefore exempt from compliance with the Washington Administrative Procedures Act. RCW 34.05.010.

actions needed to protect himself or herself. It is vital to protecting the public that a professional guardian's actions be open to review:

The guardian shall recognize that his or her decisions are open to the scrutiny, criticism, and challenge of others. Subject to orders of the court, the guardian alone is ultimately responsible for decisions made by the guardian on behalf of the incapacitated person.

Standards of Practice 402.1.

This report summarizes the Board's efforts to investigate grievances received from the public regarding certified professional guardians or certified professional guardian agencies.

THE GRIEVANCE PROCESS

Purpose and Scope

GR 23(a) recites its purpose and scope as:

This rule establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008 and prescribes the conditions of and limitations upon their activities. This rule does not duplicate the statutory process by which the courts supervise guardians nor is it a mechanism to appeal a court decision regarding the appointment or conduct of a guardian.

GR 23(c)(2) outlines in greater detail the duties assigned to the Board in receiving and reviewing grievances:

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. The Board may take disciplinary action and impose disciplinary sanctions based on findings that establish a violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

Among the many regulations governing the certified professional guardians are the Disciplinary Regulations 500 et seq. These regulations detail the grounds for disciplinary action and the procedures for investigation, review, settlement, and hearing.

How the Grievance Process Works

Knowing how the Board defines a grievance and a complaint is key to understanding the grievance process.

A “grievance” is a written document filed by any person with the Board, or filed by the Board itself, for the purpose of commencing a review of the professional guardian’s conduct under the rules and disciplinary regulations applicable to professional guardians.

A “complaint” is the document filed by the Board during a disciplinary proceeding for the purpose of bringing the matter before a hearing officer for a factual hearing on the issue of whether or not the professional guardian’s conduct provides grounds for the imposition of disciplinary sanctions by the Board.

If a grievance is not dismissed or resolved without a formal proceeding, it will become a complaint.

Any person may file a grievance with the Administrative Office of the Courts (AOC) regarding a certified professional guardian or a certified professional guardian agency. Grievances may be completed on-line on the Washington Courts website at www.courts.wa.gov, or by submitting a written grievance to AOC.

AOC staff reviews the grievance and makes an initial determination if the Board has jurisdiction over the issues raised. AOC provides the professional guardian or agency identified with a copy of the grievance and requests a response.

To ensure that the Standards of Practice Committee (SOPC), the committee of board members responsible for supervising the grievance process, has the information needed to determine if a grievance should be dismissed or action taken, AOC may perform other necessary investigation of the grievance including interviewing the grievant, interviewing the professional guardian, and obtaining relevant records or documentation from any person or entity. AOC then reports the results of its investigation to the Standards of Practice Committee (SOPC).²

The SOPC reviews the reports and takes action on the grievance. The SOPC may request further action as designated from AOC staff, dismiss the grievance, request that the Board file a complaint, or request that the Board enter into an Agreement Regarding Discipline.

AOC forwards a grievance involving an active guardianship case that is not dismissed by the Board’s disciplinary committee to the appropriate superior court with a request that the court review the matter, take any action necessary including modification, removal of the guardian, and clarification of rights and duties and report to the Board.

Dismissed grievances, including the investigative records, are available upon request; however, before disclosure, identifying information about the grievant, the incapacitated person, and professional guardian and agency are redacted. All grievances dismissed during the twelve months prior to a request will be provided with each request.

An Agreement Regarding Discipline is a conditional settlement agreement negotiated between the SOPC and the certified professional guardian (or agency). Once an agreement has been

² The Standards of Practice Committee is comprised of at least three (3) members of the Board including at least one judicial officer or attorney and at least one certified professional guardian. DR 505.1.

reached, it is presented to the Board in Executive Session for review. The Board then votes to approve or deny the Agreement in open session. The Board's decision is recorded in the meeting minutes. Approved Agreements are posted on the Washington Courts website for public disclosure.

If a settlement cannot be reached, the SOPC may request that the Board file a complaint regarding disciplinary action against the certified professional guardian. Filing of a complaint commences a hearing process not dissimilar to an administrative hearing. Once filed, the complaint is of public record and is posted on the website. All subsequent proceedings are open to the public.

AOC contracts with a hearing officer (administrative law judge) to conduct the remainder of the hearing proceedings. The administrative law judge must prepare a written findings of fact, conclusions of law, and recommendations to the Board regardless of the disposition of the matter. The Board then reviews the findings, conclusions, and recommendation and determines what further action to take.

GR 31.1 Impact

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

Per GR 31.1, standards for public access to records of the Certified Professional Guardianship Board have been revised to allow for greater access to records concerning grievances filed against certified professional guardians.

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.

Proposed Posting Rule

April 13, 2015, the Board will consider the following rule for posting grievances and complaints. According to the proposal, dismissed grievances will not be posted.

Posting Records. For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, any order on appeal by the professional guardian, and all attachments or exhibits to the foregoing records shall be posted for public access on the website of the Administrative Office of the Court.

Flow chart of grievance process.



Structure and Funding

The Supreme Court delegated primary responsibility to the Board to investigate and sanction professional guardians regarding continued certification however, the Supreme Court retains primary jurisdiction over professional guardians practicing in the State of Washington. Any Board recommendation of suspension or decertification resulting from a disciplinary proceeding must be filed with the Supreme Court. The Supreme Court must review such a recommendation after consideration of the transmitted record. By written order, the Court may adopt, modify, or reverse the Board's recommendation.

The Supreme Court approves the Board's budget. Funds from application fees, annual recertification fees, and any other revenue are used to defray expenses. Board members do not receive any compensation for service. Board members are only reimbursed for actual and necessary expenses incurred in the performance of their duties.

The Supreme Court has instructed AOC to provide administrative support to the Board. Staff members who provide support to the Board are AOC employees and receive compensation and benefits according to the human resources policies of AOC at large.

Disciplinary Actions/Sanctions

Any disciplinary sanction against a certified professional guardian or agency is undertaken with only the utmost gravity. A sanction is only appropriate upon a finding of a preponderance of the evidence that the guardian has engaged in professional conduct in violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians, and that conduct caused, or potentially could cause, harm to the incapacitated person, the public, or a legal proceeding. Alternatively, any conduct that adversely reflects on the guardian's fitness to serve as a guardian, such as criminal activities or deceit, may result in disciplinary action or sanctions regardless of actual or potential harm.

Disciplinary Regulations (DR) 515 Sanctions and Remedies authorize five types of sanctions to be issued against a certified professional guardian:

- Decertification,
- Suspension,
- Prohibition against taking new cases,
- Reprimand, or
- Admonishment.

All five sanctions constitute disciplinary action and are open to public disclosure. If the Board approves of a sanction against a certified public guardian, an announcement of disciplinary action is sent to all superior courts in Washington. The disciplinary action is maintained in the guardian's file and posted on the Washington Courts website at:

http://www.courts.wa.gov/programs_orgs/guardian/

Decertification

Decertification is the most severe sanction. If a professional guardian is decertified, RCW 11.88.008 limits the number of guardianship cases for which a guardian may accept compensation to two (2).

The Disciplinary Regulations describe factors to be considered for decertification:

DR 515.2.1 Decertification is generally appropriate when a professional guardian engages in:

515.2.1.1 Professional misconduct; or deceive the court; or cause serious or potentially serious injury to a party...,

515.2.1.2 Felonious criminal conduct,

515.2.1.3 Any other intentional misconduct involving dishonesty, fraud, deceit, or misrepresentation...,

515.2.1.4 Gross incompetence as demonstrated by a pattern or practice of late filings, accounting errors, case tracking, or other violations of the SOPs, and where the guardian has not corrected the behavior despite previous attempts by the courts or the board to correct the behavior.

To warrant the sanction of decertification the guardian actions must have intentionally violated one or more Standards of Practice or other specified regulation. As a fiduciary, a guardian has the duty to act primarily for another's benefit, selflessly, and with undivided loyalty. Conduct intended to benefit his/herself or involving dishonesty, fraud, deceit or misrepresentation may result in decertification.

A guardian may also be decertified for gross incompetence. The certification process is to establish a baseline of competency among professional guardians. Professional conduct that falls below such a baseline may be deemed "gross incompetence." In considering whether actions constitute gross incompetence, the Board may apply a "reasonableness" standard.

A guardian who has demonstrated a pattern and practice of a particular behavior that falls below the Standards of Practice may also be decertified for gross incompetence. DR 506.4 authorizes the Standards of Practice Committee to direct a guardian to take corrective actions where an issue is of minor significance or of a nature not potentially harmful to clients or other persons. However, repeated failure to meet a SOP may rise to the level of gross incompetence.

For example, a guardian may not file an annual report on time. A few instances are likely correctible and unlikely to cause a client harm. The SOPC may request that the guardian participate in additional training, audit the guardian's cases on a frequent basis, or set up monitoring by an independent third party for a period of time.

However, if the guardian's conduct persists despite these or other attempts to correct the behavior, the pattern and practice of late filing may arise to the level of gross incompetence and warrant decertification.

Administrative Decertification

Guardians are required to renew their certification annually and complete 24 credit hours of continuing education biennially. Failure to comply with these professional responsibilities may result in administrative decertification.

DR 522 Administrative Decertification

If the board decertifies a professional guardian for an administrative reason, including but not limited to the professional guardian's failure to: pay required fees, satisfy the continuing education requirements, provide proof of insurance or waiver of insurance, or file required information with the board, any pending disciplinary grievance against the professional guardian may be dismissed. ... Information that a grievance was pending at the time of administrative decertification shall be placed in the guardian's licensing records and shall be available to the public.

Once the renewal deadline has passed, AOC provides a notice to the guardian to comply. In addition to completing the renewal process, the guardian may be required to pay a late fee. Failure to timely complete these actions and file the appropriate applications and disclosures with AOC is a basis for disciplinary action against a guardian for noncompliance. If the guardian fails to comply, the guardian may be decertified upon approval of the Board.

Prohibition on taking new cases/Suspension

In some cases, an appropriate sanction may be to place limits on the professional guardian's on-going practice. These limitations may be temporary pending a change in the guardian's circumstances or an ongoing limitation or suspension of the guardian's practice.

DR 515.2.2 Prohibition against taking new cases or suspension for a period of time, or both, is generally appropriate when a professional guardian engages in:

515.2.2.1 Professional conduct incompatible with the Standards of Practice and causes injury or potential injury to a party, the public, or the legal system, or causes interference or potential interference with a legal proceedings, or

515.2.2.2 Criminal conduct that seriously adversely reflects on the professional guardian's fitness to serve.

Reprimand

A reprimand typically does not disrupt a guardian's practice; however, it indicates a serious error in a guardian's conduct. Repeated actions that warrant multiple reprimands may rise to the level of gross incompetence and subject the guardian to decertification.

DR 515.2.3 A letter of reprimand is generally appropriate when a professional guardian engages in:

515.2.3.1 Professional misconduct incompatible with the Standards of Practice and causes injury to a party, the public, or the legal system, or causes interference with a legal proceeding, or

515.2.3.2 Any other misconduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the professional guardian's fitness to practice.

Admonishment

Admonishment is the lowest sanction available. Admonishment is appropriate in minor or single events of misconduct.

DR 515.2.4 A letter of admonishment is generally appropriate when a professional guardian engages in professional misconduct incompatible with the standards of practice and not rising to the level justifying a reprimand.

Remedies

In addition to the five sanctions, the Board may implement various remedies for the purpose of ensuring the guardian complies with the duties, standards, and requirements of a professional guardian. For example, the Board may place a guardian on probation, prohibit the guardian from taking new cases, or require the guardian complete additional training. The Board may also require monitoring on a periodic basis or mentoring with regular reports back. Finally, the Board may always review a guardian's caseload through internal audit.

Dismissal

All grievances received by AOC are investigated as appropriate. AOC may dismiss grievances in limited circumstances: administratively and for lack of jurisdiction.

AOC may dismiss a grievance for administrative reasons. The most common administrative dismissal occurs because the grievant decides not to pursue the grievance. The withdrawal of a grievance does not mandate administrative dismissal; however, circumstances may indicate that dismissal is appropriate.

Second, the Board's jurisdiction is limited to certified professional guardians or agencies acting in the capacity of a guardian.³ For example, grievances may be filed regarding a guardian ad litem's investigation and report. Some certified professional guardians also act as trustees. However, the Board has no jurisdiction to investigate a grievance in these circumstances. If the Board clearly has no jurisdiction, AOC will promptly dismiss the grievance and may notify the entity with jurisdiction.

The most common basis for dismissal is that the guardian's conduct does not rise to the level of a violation of a Standard of Practice. Following AOC's investigation and report, the SOPC may dismiss any grievance and is not required to obtain Board approval. However, the SOPC may present a grievance to the Board if there has not been a clear consensus on dismissal, or the SOPC believes that the Board should be consulted for other reasons.

In some grievances, the SOPC determines that a guardian's conduct may not clearly violate a Standard of Practice; however, the guardian's conduct or practice may be improved with additional training, counseling, or other remedial steps. If the guardian complies with the SOPC's direction, the matter is then reported to the Board for approval of the correction. If the Board approves of the SOPC's actions, the grievance may be dismissed with no sanction reported on the guardian's file.

Alternatively, if the guardian does not comply with the SOPC's recommendation, the SOPC may reconsider the grievance, request additional investigation, and the noncompliance may constitute an addition factor in whether to proceed to the level of a sanction.

Termination

Termination of a grievance is distinguished from dismissal as discussed above. Termination is not based on an investigation and determination on the merits of a grievance. Termination of open grievances serves primarily to conserve the Board's efforts once a CPG is no longer acting as a professional guardian.

As discussed above, a CPG may be decertified for either violation of a Standard of Practice or noncompliance with certification maintenance requirements, including annual certification fee and disclosure, continuing education, or E&O insurance requirements. Once the CPG has been decertified and no longer acting as a guardian, there is no longer a substantial risk of harm to the public.

Similarly, a CPG may request to be on inactive status or to voluntarily surrender of his/her certification. The CPG must comply with all statutory and court-ordered requirements for discharge as a guardian prior to completing transition to inactive status or surrender. Once the former CPG has been discharged, s/he may not accept any new clients or engage in work as a CPG.

³ The limited exception is if the guardian's conduct indicates a lack of fitness to be a guardian, such as criminal actions or fraud unrelated to their guardian duties.

A former CPG may petition for reinstatement or return to active status. At that time, AOC may reinitiate investigation in any terminated grievance pursuant to DR 504.1.

GRIEVANCES AT A GLANCE 2014

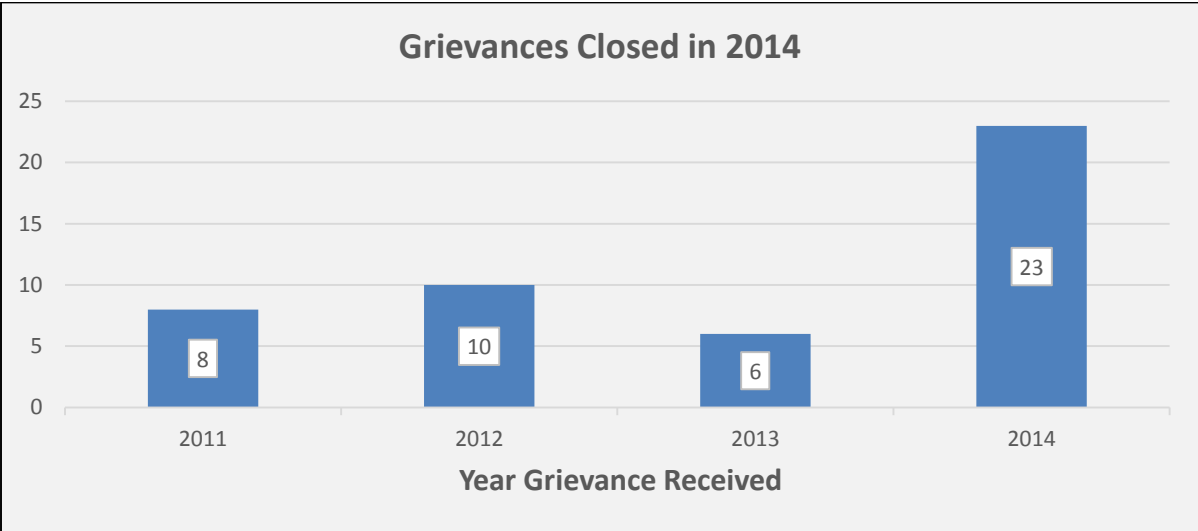
In 2014 the Board opened sixty-one (61) grievances. Of those, twenty-three (23) grievances were closed by December 31, 2014. Three more cases were terminated. Of the grievances received, sixteen (16) were closed for lack of jurisdiction. The majority of the cases dismissed for lack of jurisdiction – nine (9) - were filed against guardian ad litem. Three (3) grievances dismissed for lack of jurisdiction were filed against lay guardians, and four (4) against other persons who were not professional guardians.

Forty-five (45) grievances required resolution on the merits. Six (6) were closed by the end of the year for no actionable conduct and one (1) was an administrative dismissal. Currently, there are thirty-five (35) cases still pending. The grievances involved twenty-eight (28) guardians or guardianship agencies, approximately 9% (nine percent) of the professional guardians in Washington State. In 2014 there were two hundred and eighty-two (282) professional guardians in Washington State. Several guardians were involved in multiple grievances.

2014 CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

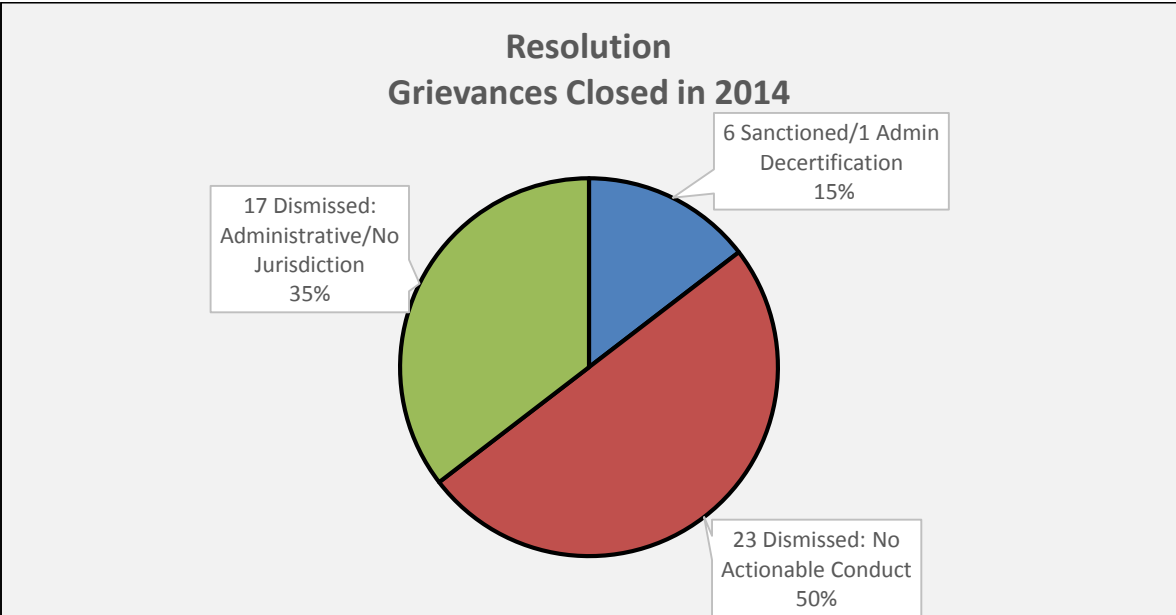
Grievances	2014
Total Opened	61
Total Closed	23
Total Terminated	3
EOY - Pending	35

The chart below shows the number of grievances closed in 2014 progression by year opened. Grievances that proceed to hearing require substantially more time. No hearings have been held for any grievance opened in 2013 or 2014.



Resolution

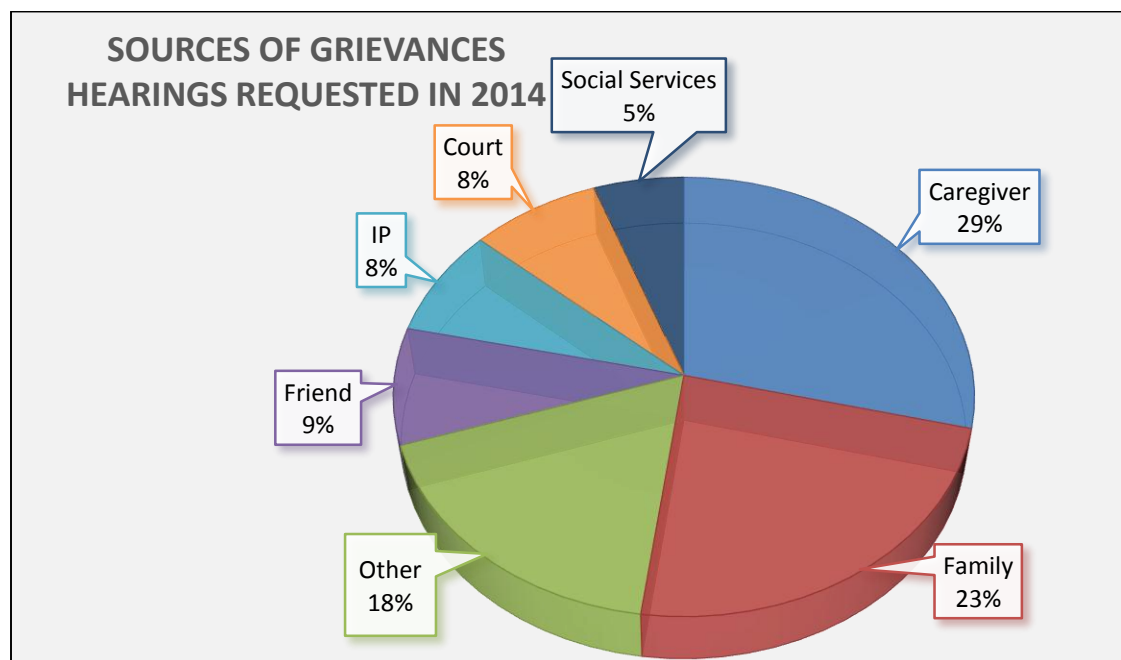
Grievances were closed in 2014 that had been received between 2011 and 2014. Approximately 85% of the grievances closed were dismissed; about 35% were dismissed for lack of jurisdiction, and in 50% of the dismissed grievances no actionable conduct was found. Sanctions were imposed in 15% of grievances closed in 2014.



Resolution⁴	2011	2012	2013	2014	Total
Dismissal - Administrative				1	1
Dismissal - No actionable conduct	1	10	6	6	23
Dismissal - No jurisdiction				16	16
Admonishment	4				4
Reprimand	2				2
Suspension					
Decertification					
Administrative Decertification	1				1
Total Closed	8	10	6	23	47

Sources of Grievances.

Any person may file a grievance regarding the conduct of a certified professional guardian. The Board may on its own authority file a grievance against a guardian either as a result of a random audit or concerns that have been brought to the Board's attention.



⁴ The data on resolution is calculated on each individual grievance closed. A sanction against a single professional guardian, however, may have been based on multiple grievances. For example, there were six grievances that were opened in 2011 which were closed in 2014, but there were two CPGs involved in one of the grievances, each of whom received a different sanction. Therefore, there were 7 sanctions in those six cases.

In 2014 most grievances were requested by family members (51%). The second most common group who requested grievances were caregivers or care facilities (19.5%) It is not surprising that the two groups of individuals who have the most frequent and the closest contact with the incapacitated person are most likely to see conduct that causes them concern.

A minor source for grievance requests is “Social Services” (4.8%). Social Services includes Adult Protective Services (APS), Developmental Disability, social workers, and/or other medical personnel. Most commonly concerns are referred first to APS, which has its own intake and investigation process. Although both APS and the Board are concerned about the protection of vulnerable individuals, their purposes and remedies are different.

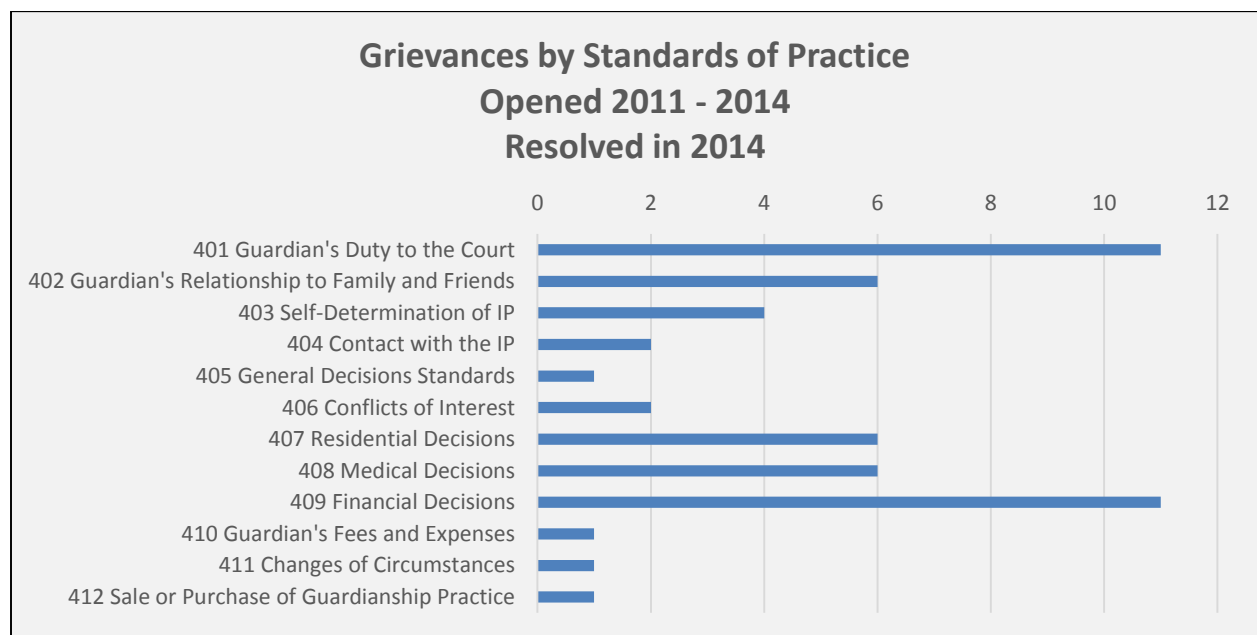
Grievances by Standards of Practice

Grievances are evaluated against the Standards of Practice, which are fairly comprehensive statements of the professional conduct expected from professional guardians. The Standards of Practice may be found in their entirety at:

http://www.courts.wa.gov/content/publicUpload/CPG/20131014_SOP_Regulations.pdf

The Standards of Practice cover the broad range of a professional guardian’s responsibilities. In 2014 the two largest number of grievance violations involved either the failure to manage the Incapacitated Person’s financial affairs, or for the guardian to appropriately carry out his/her duties and follow all laws.

Generally grievances about financial matters fall into one or more of these subcategories: 1) mismanagement of the estate; 2) failure to timely pay bills; or 3) failure to apply for public benefits. The other significant category of violations arose from the guardian’s failure to perform duties and discharge obligations in accordance with applicable Washington and federal law and the requirements of the court. A guardian’s duty to the court includes timely filing of all required annual reports to the court, maintaining current letters of guardianship, and timely filing of a designation of stand-by guardian.



GRIEVANCE CASE SUMMARIES

Pending Disciplinary Actions

Decertification - Pending⁵

CPGB No. 2012-039 Emerald City Guardianship Services [11249] and Crystal Jordan [CPG No. 10941] [King County], decertified for failure to have designated two certified professional guardians for the agency and to notify the Board within five days of not having two CPGs; to charge guardian fees in addition to compensation received from the Office of Public Guardianship; to provide IP with basic clothing; to visit the IP regularly or make arrangements for qualified visits; to properly manage the financial affairs of the IP to meet his personal needs; and for making multiple false statements under oath. SOP 404.1, 404.1.1, 404.2, 406.1, 406.2, 409.1, 409.2, 409.3, 409.4, 410.2, CMR 706.1, CMR 706.3, DR 515.2.1.1 and DR 515.2.1.3.

Suspension - Pending⁶

CPGB No. 2010-005 and 2010-006 Lori Petersen [CPG No. 9713] [Spokane County], suspension for failure to consider the views and opinions of professionals, family and friends knowledgeable about the IP, to consult with IP and respect the feelings, values and opinions of the IP, and to consult with IP before relocating to a new residence. SOP 402.2, 403.2, and 407.7. The CPG appealed the suspension to the Supreme Court. The Supreme Court affirmed the findings, but remanded the case to the Board for consideration of the proportionality of the discipline imposed. The Board reviewed the case. It petitioned the Supreme Court 1) to affirm the Board's sanction against Lori A. Petersen of one year suspension as proportional; 2) to affirm the Board's recommendations for the remedy of monitoring for 24 months following the end of the suspension at Lori A. Petersen's expense; and 3) to affirm the Board's recommendation that the CPG pay costs to the Board in the amount of \$7,500.00.

Hearings - Pending

CPGB 2012-002, 2012-013, 2012-038, 2012-045 and 2012-046 Maureen Carroll [CPG No. 10908] [King County], alleged failure to file timely reports, to appoint standby guardian, and to report change of status regarding the need for Errors and Omissions Insurance. SOP 401.1, 401.3, 401.5, 401.6 and CMR 704.6.

CPGB 2012-044 Holly Surface [CPG No. 11393] [King County], alleged failure to disclose to the court that the CPG was employed by the law firm seeking her appointment as certified professional guardian for the IP, and failure to disclose to the court prior to providing direct legal services to the IP. SOP 406.1; 406.3, 406.4 and former 403.1.

CPGB 2013-052, 2013-060 and 2014-003 Pamela Privette [CPG No. 9714] [Thurston], alleged failure to perform duties and discharge her obligations as a guardian, failure to file court reports in a timely manner and in an accurate and truthful form, to acquire Letters of Guardianship prior

⁵ The Court affirmed and adopted the Board's recommendations in 2015.

⁶ The Court affirmed and adopted the Board's recommendations in 2015.

to acting as a guardian, to competently manage the property and income of the estate primarily for the benefit of the IP, to apply for all public and insurance benefits for the IP and maintain the IP's eligibility, to seek court approval prior to advancing herself and others fees, to properly disclose all compensation received, and to comply with a prior Agreement Regarding Discipline. SOP 401.1, 401.2, 401.3, 401.5, 409.1, 409.4, 410.2 and 410.3.

Grievances Resolved in 2014

Below are brief summaries for the grievances investigated and closed by the Certified Professional Guardian Board in 2014.

Agreements Regarding Discipline (sanctions) are of public record and posted on the Washington Courts website at: <http://www.courts.wa.gov/programs/orgs/guardian/>. Although dismissals are not subject to public disclosure at this time, they are summarized below without the identity of the guardian.

The five types of sanctions authorized in the Disciplinary Regulations are discussed above. As briefly discussed in footnote 4 above, a sanction is issued against the professional guardian. Multiple grievances may support issuance of a sanction. All grievances associated with a particular sanction are noted in each entry below.

Administrative Decertification

CPGB No. 2011-038 and 2011-042 Reliable Guardianship Agency [CPGA No. 11286] [Lewis County], administratively decertified for failure to designate two certified professional guardians. CMR 706.4.

Reprimand

CPGB No. 2011-038 and 2011-042 Marykay Lamoureaux [CPG No. 10455] [Lewis County], reprimanded for failure to perform her duties and discharge her obligations in accordance with the court's orders, to comply with the approved budget, to manage the estate to provide for the needs of the incapacitated person, to properly account for guardian's fees, and for advancing fees without court approval. SOP 401.1, 401.5, 409.1, 409.4, 410.1, 410.2, and 410.3.

Admonishment

CPGB No. 2011-032 and -047 Sarah Mills [CPG No. 11155], [King County], admonished for failure to manage IP's estate for her benefit, to provide services and incur fees so as to preserve the IP's estate, and to ensure continuity of care to the IPs during the sale or transfer of an agency. SOP 406.1, 409.1, 409.4, 410.1, and 412.1.

CPGB No. 2011-038 and 2011-042 Paula Zamudio [CPG No. 10691] [Lewis County], admonished for failure to perform her duties and discharge her obligations in accordance with the court's orders, to manage the estate to provide for the needs of the incapacitated person, to properly account for guardian's fees, and for advancing fees without court approval. SOP 401.1, 409.1, 409.4, 410.1, 410.2, and 410.3.

Dismissal

CPGB No. 2011-041 [Snohomish County], alleged failure to place the IP in an appropriate residential facility, and to be available for a medical emergency; dismissed for no actionable conduct. SOPs 407.6 and 408.5.

CPGB No. 2012-006 [Spokane County], alleged failure to properly manage public benefits and the estate for the IP's benefit; dismissed for no actionable conduct. SOP 409.1 and 409.7.

CPGB No. 2012-015 [Benton/Franklin County], alleged failure to manage the estate to provide for IP's needs; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2012-016 [Benton/Franklin County], alleged failure to manage the estate to provide for IP's needs; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2012-019 [Kitsap County], alleged failure to make appropriate medical decisions and to appoint an attorney for IP; dismissed for no actionable conduct. SOP 408.1 and 411.4.

CPGB No. 2012-031 [Clallam County], alleged failure to competently manage the IPs' estate for the IPs' benefit and to protect and preserve the estate; dismissed for no actionable conduct. SOP 409.1, 409.4, and 409.11.

CPGB No. 2012-041 [Spokane County], alleged failure to properly notify court and obtain approval of sale of guardianship agency; dismissed for no actionable conduct. SOP 412.

CPGB No. 2012-042 [Spokane County], alleged failure to timely notify the Board of change in agency's designated CPG; dismissed for no actionable conduct. CMR 706.3.

CPGB No. 2012-043 [Thurston County], alleged failure to assure proper preventive health care for IP; dismissed for no actionable conduct. SOP 408.4.

CPGB No. 2012-047 [Kitsap County], alleged failure to make appropriate medical decisions for IP; dismissed for no actionable conduct. SOP 408.1.

CPGB No. 2012-049 [Pierce County], alleged appearance of a conflict of interest; dismissed for no actionable conduct. SOP 406.1 and 406.2.

CPGB No. 2013-014 [Spokane County], alleged failure to perform duties and discharge obligations in accordance Washington law; to consult with friends and family regarding IP's health and condition; and to assess the IP's physical appearance and condition; dismissed for no actionable conduct. SOP 401.1, 402.2, and 404.1.1.

CPGB No. 2013-031 [Clark County], alleged failure to assure IP resided in the least restrictive environment which was appropriate and available and to research and evaluate the IP's residential alternatives; dismissed for no actionable conduct. SOP 407.1 and 407.8.

CPGB No. 2013-041 [Spokane County], alleged failure to communicate with family members and to protect IP's personal property; dismissed for no actionable conduct. SOP 402.2, 406.9, and 409.11.

CPGB 2013-047 [Clark County], alleged failure to make the most appropriate residential placement for the IP and to treat IP with respect, and to acknowledge preferences of the IP; dismissed for no actionable conduct. SOP 403.2, 403.3, and 407.1.

CPGB No. 2013-055 [Spokane County], alleged failure to accurately report IP's public benefits and to provide services and incur fees to reflect the duty to conserve the estate of IP; dismissed for no actionable conduct. SOP 401.5 and 410.2.

CPGB No. 2013-059 [Snohomish County], alleged failure to consider views of family; to treat the IP's feelings, values, and opinions with respect; to maintain regular communication with service providers, caregivers, and others attending to IP; and to consult with IP regarding relocation to a new residence; dismissed for no actionable conduct. SOP 402.2, 403.2, 404.1.2, and 407.7.

CPGB No. 2014-02 [King County], alleged failure to perform duties and discharge obligations in accordance with Washington law by guardian ad litem; dismissed for lack of jurisdiction. SOP 400 and 401.1.

CPGB No. 2014-04 [Yakima County], alleged failure to perform duties and discharge obligations in accordance with Washington law by guardian ad litem; dismissed for lack of jurisdiction. SOP 400 and 401.1.

CPGB No. 2014-006 [Kitsap County], alleged failure to provide requested financial information to the IP; to apply the Substituted Judgment Standard based upon person's historic preferences; to avoid a conflict of interest and refrain from providing direct services to IP; to select a residential placement to enhance IP's quality of life; and to protect and preserve the guardianship estate; dismissed for no actionable conduct. SOP 403.6, 405.1, 406.4, 407.1, and 409.11.

CPGB No. 2014-010 [Thurston County], alleged failure to ensure that the incapacitated person was in a safe and appropriate residential setting by lay guardian; dismissed for lack of jurisdiction. SOP 401.1 and 404.1.1.

CPGB No. 2014-011 [Snohomish County], alleged failure to make decisions in the best interest of the beneficiaries by guardian ad litem; dismissed for lack of jurisdiction. SOP 401.1 and 405.2.

CPGB No. 2014-012 [King County], alleged failure to communicate with family and apply substituted judgment standard in decision-making; dismissed for no actionable conduct. SOP 402.2 and 405.1.

CPGB No. 2014-013 [King County], alleged failure to investigate and take family's opinion into consideration by guardian ad litem; dismissed for lack of jurisdiction. SOP 400 and 402.2.

CPGB 2014-017 [Clark County], alleged interference with the relationship between the IP and his wife, to permit the IP and his wife to leave the facility without third party supervision, to fail to provide the IP with requested treats and personal items, to include the IP and his wife in care conferences, and to assist the IP to facilitate an appropriate change in the guardianship; dismissed for no actionable conduct. SOPs 403.1, 403.2, 403.3, 403.6, 403.8.1, 409.1, 407.1, 409.2 and 411.1.

CPGB 2014-018 [Cowlitz County), alleged failure to arrange for independent representation for the IP; and to promote the health of the IP; and claim that the guardian lost an important report; dismissed for no actionable conduct. SOPs 402.1 and 401.2.

CPGB No. 2014-019 [Clark County], alleged provision of direct services as housekeeper, sale of the IP's possessions without court direction, and reliance on religious reasons for determinations made on IP's behalf by lay guardian; dismissed for lack of jurisdiction. SOPs 403.1, 406.3, and 406.1.

CPGB No. 2014-021 [King County], alleged a certified professional guardian (CPG) while acting as a guardian ad litem advanced appointment of a guardian for an IP without revealing that the CPG was representing the prospective guardian in an unrelated matter; dismissed for lack of jurisdiction. SOP 406.1, 406.2, and 406.3.

CPGB No. 2014-022 [Kitsap County], alleged failure to be available for a medical emergency experienced by the IP and to arrange transportation home from hospital; dismissed for no actionable conduct. SOPs 408.4, 408.5; and 404.1.1.

CPGB No. 2014-023 [Walla Walla County], alleged failure to provide DSHS with needed information, delaying approval of Medicaid; dismissed for no actionable conduct. SOP 409.7.

CPGB 2014-026 [King County], alleged failure to provide the IP with food, dental care and a clean residential placement; dismissed for lack of jurisdiction. SOPs 404.1.1 and 408.4.

CPGB 2014-027 [King County], alleged failure to investigate and monitor the alcohol abuse of a child's father by guardian ad litem; dismissed for lack of jurisdiction. SOP 404.1.

CPGB 2014-032 [Pierce County], alleged failure to adequately investigate reported sexual abuse of child by guardian ad litem; dismissed for lack of jurisdiction. SOPs 401.1, and 404.1.1.

CPGB 2014-033 [Cowlitz County], alleged failure to comply with the duty assigned by court order to investigate what was in the best interest of the child by guardian ad litem; dismissed for lack of jurisdiction. SOPs 401.1, and 404.1.1.

CPGB 2014-042 [Kitsap County], alleged failure to comply with the duty assigned by court order to investigate what was in the best interest of child by guardian ad litem; dismissed for lack of jurisdiction. SOP 401.1, and 404.1.1.

CPGB 2014-048 [Kittitas County], alleged failure to manage the IP's financial affairs and to cooperate with DSHS to establish eligibility for Medicaid; dismissed for lack of jurisdiction. SOPs 409.1 and 409.7.

CPGB 2014-053 [Pierce County], alleged verbal and physical abuse of a child and isolating him from other family members by the child's mother; dismissed for lack of jurisdiction. SOPs 401.1, and 404.1.1.

CPGB 2014-054 [Thurston County], alleged interference with the mail of the wife of the IP and refusal to release IP's funds following IP's death; administrative dismissal as grievant had raised these identical claims in an earlier grievance. SOP 404.1, and 409.1.

CPGB 2014-055 [King County], alleged removal of the IP from her preferred residence and placement in a facility far from IP's family and friends by lay guardian; dismissed for lack of jurisdiction. SOPs 407.1, 407.3, and 402.2.

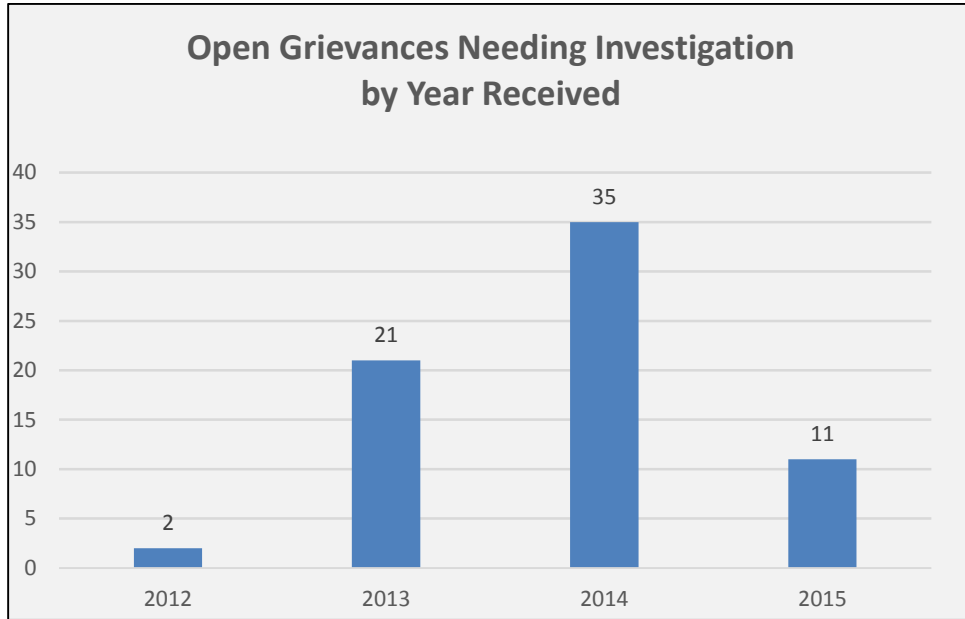
CPGB 2014-057 [Broward County, FL], alleged failure to comply with court duty to investigate best interest of the child by guardian ad litem in Florida; dismissed for lack of jurisdiction. SOPs 401.1.

Termination.

CPGB No. 2011-036, 2013-053, 2013-056 and 2013-057, Emerald City Guardianship Services [CPGA No. 11249] and Crystal Jordan [CPG No. 10941] [King County], terminated due to decertification of agency and guardian (see CPGB No. 2012-039 *above*).

CPGB No. 2013-010, 2013-058, 2014-008, 2014-028, and 2014-058 [King County], terminated due to CPG's voluntary surrender.

Appendix A



Appendix B

