



## Certified Professional Guardianship Board

Monday, April 11, 2016 (9:00 a.m. - 3:00 p.m.)  
SeaTac Office Center, 18000 International Blvd., Suite 1106,  
SeaTac, WA

### Proposed Meeting Minutes

#### Members Present

Judge James Lawler, Chair  
Commissioner Rachelle Anderson  
Mr. Gary Beagle  
Ms. Rosslyn Bethmann  
Dr. Barbara Cochrane (by phone)  
Ms. Nancy Dapper  
Judge Gayle Harthcock  
Mr. Bill Jaback  
Commissioner Diana Kiesel  
Ms. Carol Sloan  
Mr. Gerald Tarutis  
Ms. Amanda Witthauer

#### Staff

Ms. Shirley Bondon  
Ms. Kathy Bowman  
Ms. Carla Montejo  
Ms. Kim Rood

#### Attorney General's Office

Ms. Mary Tennyson

#### UW Guardianship Certificate Program

Ms. Malia Morrison  
Ms. Penney Sanders

#### 1. Welcome and Introductions

Judge James Lawler welcomed all present for the public comment and dialog portion of the meeting in Lower Plaza 16 at 9:00 a.m. Board Members each took a moment to introduce themselves.

Following the discussion of a number of topics introduced by members of the public, Judge Lawler called a break at 11:00 a.m. and directed all participants to Suite 1106 where the general board meeting would reconvene at 11:15 a.m.

Written comments provided by the public are located at the end of these minutes.

#### 2. Call to Order

Judge Lawler called the regular CPG Board Meeting to order at 11:15 am.

### 3. Chair's Report

#### Approval of Minutes

Judge Lawler asked for a motion to approve the minutes of the March 14, 2016 teleconference.

**Motion:** *A motion was made and seconded to approve the March 14, 2016 minutes. The motion passed. Abstained: Ms. Bethmann, who did not attend the March 14, 2016 teleconference.*

#### GAO Interview Questions

Ms. Bondon reported that she had been interviewed by representatives of the Government Accountability Office (GAO). GAO is conducting a study requested by Chairman Collins and Ranking Member McCaskill of the Senate Special Committee on Aging, regarding abuse perpetuated on incapacitated persons by their court-appointed guardians. Board members Mr. Beagle, Judge Harthcock, Commissioner Anderson and Ms. Bethmann each indicated they would agree to be interviewed. Mr. Bill Goldsmith and Ms. Glenda Voller, members of the public, were also interested in being interviewed.

### 4. Board Complaint Review

Sr. Assistant Attorney General (AAG) Mary Tennyson provided an update on the complaint against CPG Maureen Carroll. The CPG Board sought decertification of Ms. Carroll. The Hearing Officer recommended that Ms. Carroll's sanction consist of the following:

1. A prohibition on acceptance of new guardianship appointments for six months;
2. A Letter of Admonishment;
3. Review of her guardianship forms by an experienced attorney within the next six months;
4. Mentoring and consultation for a period of 12 months from an experienced certified professional guardian;
5. Additional training in the next six months on court procedures;
6. Auditing of her guardianship files by AOC for six months; and
7. Examination of her other fulltime job commitments.

On behalf of the Administrative Office of the Courts (AOC) Staff, Assistant Attorney General (AAG) Chad Standifer submitted a pleading asking the Board to affirm the Hearing Officers' recommendation and ordering Ms. Carroll to pay a portion of the cost associated with her disciplinary proceeding.

Mr. Richard Furman, attorney for Ms. Carroll, submitted a pleading opposing the AAG's request for Ms. Carroll to pay cost.

**Motion:** *A motion was made and seconded to affirm the Hearing Officer's recommendations. Abstained: Commissioner Anderson. The motion passed.*

The Board will issue an Order documenting the decision. Senior AAG Tennyson will prepare a draft for Judge Lawler's signature.

5. **Executive Session (closed to public)**
6. **Reconvene after Executive Session (open to the public)**

#### **Vote on Executive Session Discussion**

**Motion:** *A motion was made and seconded to offer an Agreement Regarding Discipline to the Guardian in Grievance No. 2013-042. The Guardian would agree to move for a new court order for fees for the last reporting period approved that excludes all work done to defend the grievance by the Guardian, including both guardian and legal fees. The Guardian will also be asked to refrain in the future from charging for any work involved in defending against a grievance and to commit to seek court approval and giving notice to all notice parties before taking on dual roles as both guardian and attorney for the guardianship. The Guardian will be allowed 15 days following receipt of the proposal to either accept or reject the resolution.*

**Voting - In Favor:** Mr. Tarutis, Ms. Witthauer. **Opposed:** Ms. Bethmann.  
**Abstained:** Comm. Anderson, Mr. Beagle, Ms. Dapper, Judge Harthcock, Mr. Jaback, Comm. Kiesel, Ms. Sloan.  
**Not Present:** Dr. Cochrane. *The motion passed.*

#### **7. UW Guardianship Certificate Program Update**

Ms. Malia Morrison and Ms. Penney Sanders provided the Board with an update on the UW Guardianship Certificate Program. For the first time in the history of the Program, people have been put on a waitlist to enroll. It was also reported that the Program has an approximately 79% completion rate. Students evaluate instructors quarterly. The stipend of \$150 to compensate for travel time in excess of 1.5 hours to classes in Bellevue worked well and was awarded to 15 students last year. Curriculum will be reviewed 2016-2017.

Two informational sessions are offered each summer. While attendance varies, these sessions are typically attended by 20-25 individuals.

Ms. Morrison stated there is a need to provide information about making Certified Professional Guardianship a career. Ms. Morrison offered to collaborate with the Board to draft "Frequently Asked Questions (FAQs)" to cover that information. Ms. Morrison also announced she will be leaving the program and that Mr. Ricardo Valdez will be taking over her role in May.

**8. GR 31.1 Primer**

This presentation was postponed, to be rescheduled at a future date.

**9. Grievances**

**Monthly Grievance Report**

Staff reported that seven new grievances have been opened since March 14, 2016 bringing the number of grievances opened in 2016 to 15. There are 33 grievances that remain open from 2015, 24 open from 2014 and 11 still open from 2013 for a total of 83 open grievances. During the past month, five cases were resolved with Hearing. One case was resolved with an Agreement Regarding Discipline (ARD).

**Annual Grievance Report / Historical Review**

Staff provided a historical review through the 2016 Annual Grievance Report. There are 33 outstanding grievances that were filed in 2015. There have been 37 cases that were closed either due to no actionable conduct or no jurisdiction. The board was reminded that a CPG can opt to voluntarily surrender in order to avoid further sanction. However, if that CPG wants to be reinstated at a future date, unsatisfied grievances can be reopened per the surrender agreement.

There have been very few complaints received through the courts. Most often, Standards of Practice (SOP) complaints are related to finances (paying bills, etc.) or failure to report timely to the court. More typically, these complaints are about the guardian's communication with the family and friends of the person in a guardianship.

It is believed that the number of grievances is climbing annually due to the increased knowledge of the ability to file a grievance. A minimum of two people would be required to handle a year's worth of grievances timely. A resolution of an administrative dismissal means the grievance was either incomplete or insufficient. The number of grievances closed due to no actionable conduct seems to remain the same year to year. Grievances closed due to no jurisdiction would be complaints against guardians ad litem, Lay Guardians or Trustees. A significant number of grievances are dismissed each year.

Judge Lawler commented that he felt the annual report is getting better every year.

**Priority of Grievance Investigations**

Staff provided a background on how grievances are prioritized for investigation. A terminated guardianship would have lower priority for investigation than an active appointment. Multiple grievances are often combined and investigated as a whole. If a grievant believes there is real potential for harm – physical or financial – or if a service can be lost, the grievant is encouraged to contact Adult Protective Services (APS) or the court directly. If it is known that APS is already involved in a complaint, that grievance would become a lower priority for investigation. Another

factor in prioritizing investigations is whether there is an existing grievance or past Agreement Regarding Discipline (ARD) that has been violated.

For all grievances, a letter requesting a response and a copy of the grievance are sent to the CPG. The Standard of Practice Committee supervises the grievance process.

When asked about the Board's budget, staff explained that the Board was intended to be self-sufficient, however, annual fees collected are not sufficient to fully fund the work of the Board. AOC has always provided additional funding for the Board's work.

### **Update on 11.88.120 Guardianship Complaint Process**

Ms. Bondon reported that the new complaint process provided for under RCW 11.88.120 allows anyone to submit a grievance to the court on a specific form. Grievances submitted on this form can be tracked, and to date, 15 grievances have been recorded. If a grievance is submitted by letter, however, it cannot be tracked. Unless the AOC is provided this information, it is unaware of the number of complaints courts may be receiving. Of the 15 known grievances submitted by the new complaint form, eight were against a CPG, seven were against Lay Guardians.

The grievance form is posted on the AOC website, and includes name of the individual at each court who should receive the form.

### **Website and Guardianship Application Update**

The application used by applicants seeking certification has been updated and questions clarified.

## Recap of Motions from April 11, 2016 Meeting

Motion Summary	Status
<b>Motion:</b> <i>A motion was made and seconded to affirm the Hearing Officer's recommendations.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to offer an Agreement Regarding Discipline to the Guardian in Grievance No. 2013-042. The Guardian would agree to move for a new court order for fees for the last reporting period approved that excludes all work done to defend the grievance by the Guardian, including both guardian and legal fees. The Guardian will also be asked to refrain in the future from charging for any work involved in defending against a grievance and to commit to seek court approval and giving notice to all notice parties before taking on dual roles as both guardian and attorney for the guardianship. The Guardian will be allowed 15 days following receipt of the proposal to either accept or reject the resolution.</i>	Passed

### 11. Wrap Up and Adjourn

Judge Lawler adjourned the meeting at 2:20 p.m.

The next CPG Board meeting will be held via Teleconference on May 9, 2016 at 8:00 a.m.

### Visitors/Members of the Public

Ms. Jennifer Roach  
Ms. Glenda Voller  
Ms. Mindi Blanchard  
Mr. Robert Hays  
Ms. Claudia Donnelly  
Ms. Terri Malolepsy  
Ms. Lori Eagle  
Mr. Dan Smerken  
Ms. Mary Henderson  
Mr. Tom Goldsmith





- Play hard ball- CPGs know the rules and they know what they can get away with
    - It's a business. Treat it like business fraud.
  - get laws passed that don't have any room for judicial discretion
  - Have standards about what is billable and what is not
  - Don't depend on the judges to be honest or even look at the bills.
  - Set max fees like DSHS does.
  - Have a fee review board. Don't let the judges OK fees. They don't look at them.
  
  - Work with Dept of Health to get care-givers educated-
    - CPG abusers hire those who don't understand the law
  - Place abusive guardians on the APS state wide abuse list.
    - A care-giver yells at a VA once or denies him one pill and they're on it.
    - A CPG isolated , over-drugged and bills all his income in fees-nothing happens
  
  - Handout in appropriate language for care-givers about ward's rights.
  - Fire agents who help the abuser. It is pretty straight forwards that someone can't be held against their will on a facility. Any agent who does not get on that at once should be fired- no excuses. Any agent who helped or ignores abuse should be fired. We can't afford to have people doing this important job, who have to be watched to make sure they are doing their job.
  - The public wants to know that they could be imprisoned too under the current system.
- Get the public behind the problem- Don't hide it from them.

**Don't waste more on training or re-training guardians**

Guardians don't need more training- get training for the judges. The course is comprehensive enough and very explicit on the kinds of abuse we are facing- held against their will, forced drugging, isolation and controlled conversation are all a violation of the Constitution. "I didn't know is not a reasonable excuse for abusing a VA. It is punishable in private situation and should be punished in business situations.) They will go right back to exploiting and abusing the wards once your back is turned.

**Crisis Situation** Get crisis funding for an emergency audit- at least 1/3 are possible abusers  
Funding to do a state wide audit- only 270 people to check on (do it more effectively) Financial crimes are easiest to audit and rarely would one be abused physically and not financially.

Start a **Foster guardianship system**, so that every suspect guardian's wards have access to filing additional information while the guardian is under investigation and be there to take over the guardianship if necessary. Don't be afraid to take over a guardianship. CPS does it even when family is involved. It's not going to hurt the ward to have a possible CPG removed temporarily. (No emotional trauma like family guardians.)

All wards under CPG should have a **contact that checks** on them regularly. Guardian angels (volunteers.)

**Be in the field.** The CPG Board, DSHS/APS and LTCO leaders need to get out there and learn what it's like to be a senior. Learn what it's like to have your friends be imprisoned in a dementia ward. Learn what it is like to be pushed into a facility against your will after years of hard work and documents that say you can stay in your home the rest of your life. seniors aren't another species. They are you in a few years.

**Educate those close to the IPs**

We have medical social workers, Senior center social workers, senior advocates yet they often don't know the law and don't respect senior rights.--Facility workers (care-givers) must be educated to understand rights.

**Informing the public.** Guardianship is not for taking the rights of adult away. They are not to be treated like the ward's children. Everyone must be told that IP has rights.





Mindi R. Blanchard, M. Ed., CPG  
President

Date: April 11, 2016  
To: Certified Professional Guardian Board  
From: Mindi R. Blanchard, M.Ed., CPG  
President, Bridge Builders, Ltd.  
RE: Annual Planning Meeting

Since this is the annual planning meeting, I would like to revisit some requests and present other requests:

1. **Improving the CPG Board's Perception of CPGs:** At the last annual planning meeting I asked the CPG Board for specifics on what would help them have a better view of CPGs in general. I again brought this up at a CPG Board meeting a few months later. To date, I have received no comment from the CPG Board on the topic.

This lack of response only puts guardians in a no-win situation. How can we guardians provide evidence of what you wish to see if you do not provide any input as to what will improve your general attitude toward professional guardians?

Again, I am asking for the CPG Board to provide guardians with what they want to see and this time I would like a date set when we guardians could expect to receive this information.

2. **Grievance Procedure:** In May 2015, I provided a critique of the current grievance process. Part of what I noted was that there was a need for policies and procedures to be developed so that all involved would be very clear on rights and expectations. This has not been addressed.

The current practice of a representative of the CPG Board calling the guardian and/or others involved in a guardianship each time someone calls the CPG Board to complain has got to stop. I have never before experienced a position that when an unhappy person complains, there is so much time spent trying to find validation for their complaints. At no time should a representative of the CPG Board call a CPG's guardianship attorney asking about the any guardianship case, which happened in my most recent case. Also, the GAL who had been involved in establishing the guardianship was also called.

P.O. Box 610 • Sequim • WA • 98382  
Phone: 360-683-8334 • Fax: 360-683-8358 • [www.bridgeblldr.com](http://www.bridgeblldr.com)

Offering a sympathetic ear to any complainant who is unwilling to file a formal grievance, undermines guardians' efforts to resolve the issues and destroys their credibility with the complainant. Once the complainant thinks that they have the ear of the CPG Board, they feel that they no longer have to work with the guardian and any hope the guardian might have in finding a resolution is gone. This practice of the CPG Board is making the guardian's job of dealing with issues related to client family and friends impossible. I have personally had this happen twice in less than a year and a half.

It is very common for family members to have high emotions when a third party guardian is appointed. Oftentimes, the guardian can make the family feel better about the situation by educating them regarding the process of establishing the guardianship and the guardian's responsibilities once the guardian is appointed. Some family respond in a positive way very quickly. Other family require more dialog and patience from the guardian. A small percentage seem to be determined to be unhappy no matter what the guardian does. In all cases, the guardian needs time to work through the issues with the family/friends.

If someone has a complaint, they should be told how to file a formal grievance and then the determination of whether a grievance case should be opened would be made according to the facts submitted. The representative that a complainant talks with should be telling the complainant that they cannot hear the complaints without a grievance being filed. CPGs should not have to worry about getting calls from a representative of the CPG Board or hear that said representative has been calling and asking questions of individuals associated with the guardianship in question whenever an unhappy person calls and complains. If the complainant doesn't want to file a formal complaint, that caller should be referred back to the CPG. This issue needs to be addressed immediately. Again, there needs to be clear policies and procedures developed so that we all know our rights and responsibilities regarding the grievance process and so that the process cannot be abused.

3. **Continuing Education:** I continue to have problems getting the categories I request approved for continuing education events. For example, for the March Bremerton conference I submitted the application but when I received the approval letter, a category had been changed without discussing it with me. It took several days to get it corrected. This happens on a regular basis.

I propose that the CE Committee change the rules so that the categories are less rigid. It would be easier on everyone. I propose that instead of the rigid three categories, that a CPG would need a *minimum* of 4-hours Ethics and 4-hours Emerging Issues each reporting period. Any additional Ethics and Emerging Issues credits would be put into the General category up to 24-credit hours per reporting period. Then the carry forward rule would be followed. This would save a tremendous amount of time and frustration for all involved.

4. **The Guardian Institute:** I started the Guardian Institute in 2013 and it was approved as a 501(c)3 public charity non-profit right before the 2016 New Year. This non-profit has been developed to provide much needed support for low income guardianship clients as well as being a clearinghouse for much needed resources and support for all guardians, lay and professional.

When I initially started the Guardian Institute and introduced the concept to the CPG Board, I was told that the Board wanted to be kept apprised. The best way for the Board to be kept apprised would be for the Board to receive the monthly newsletter. However, when I sent a newsletter to Shirley Bondon with a request to send it along to the Board, I was told that this could not be done. I would suggest that you change this policy so that the Board can follow what the Guardian Institute is doing because I think that we will be doing some pretty exciting things.

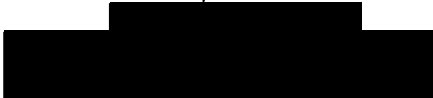
Respectfully Submitted,



Mindi R. Blanchard, M.Ed., CPG

Chair's Report  
New Board Member, Barbara West  
Requesting Letters of Interest  
Correspondence

**BARBARA A. WEST**  
3117 NE 85th Street  
Seattle, WA 98115



## **EXPERIENCE**

### **Inslee, Best, Doezie & Ryder, P.S. Bellevue, WA**

December 1, 2013 - present  
Shareholder

### **PRACTICE EMPHASIS**

- Estate Planning and Elder Law
- Probate, Trust and Power of Attorney Litigation
- Actions for the Protection of Vulnerable Adults
- Guardianship

Work with clients of all ages to develop comprehensive plans to meet long-term financial goals, including business planning and transition strategies, generational planning and charitable giving. Assist families to resolve conflicts over care or finances of an aging or ill loved one. Represents parties in litigation over the use or abuse of powers of attorney, the need to protect a vulnerable adult, contested estates (wills and trusts), and guardianships.

### **Vandenberg Johnson & Gandara, PLLC Seattle, WA**

February 2011- December 2013  
Of Counsel

### **Short, Cressman & Burgess, PLLC Seattle, WA**

January 2008- February 2011  
Shareholder

### **Reed, Longyear, Malnati & Ahrens, PLLC Seattle, WA**

January 2000-December 2007  
Shareholder

### **Law Office of Barbara A. West, Inc., P.S. Seattle, WA**

January 1997-December 1999

## **EDUCATION**

Seattle University School of Law, J.D., cum laude, 1990  
University of Connecticut, B.A., 1979

## **PROFESSIONAL AND CIVIC INVOLVEMENT**

King County Bar Association, Guardianship & Elder Law Section, *CLE Chair (2001), Member*; Real Property, Probate and Trust Section, *Member*

Washington State Bar Association, Elder Law Section, *CLE Committee Chair (2001-2002); Section Chair (2002-2003); Member*

## **BAR/COURT ADMISSIONS**

Admitted Washington, 1991

Admitted Oregon, 2014

Elder Law, Guardianship & Estate Planning\*

Elder Law, Guardianship & Estate Planning\*

# Certified Professional Guardianship Board

## BOARD VACANCY - *Response Date: July 1, 2016*

### 1) OPENING

On October 1, 2016, there will be two openings on the Certified Professional Guardianship Board. One position is open to any **certified professional guardian** who has an interest in serving and a demonstrated commitment to incapacitated persons in Washington State, and one position is open to a member of the public who **advocates for the interest of the elderly**.

In developing procedures and policies, the Board is committed to considering diverse opinions. Therefore, the Board is interested in members from diverse backgrounds, those with diverse experience and knowledge, as well as diversity in geographic location throughout the state of Washington.

### 2) RESPONSIBILITIES, NOMINATION, APPOINTMENT AND TERM

To achieve the greatest protection for the estates and affairs of incapacitated persons in Washington State, the Certified Professional Guardianship Board adopts and implements regulations governing certification, minimum standards of practice, training and discipline of professional guardians. The Board also investigates all grievances and determines what disciplinary action to take. To learn more about Board visit:

[http://www.courts.wa.gov/programs\\_orgs/guardian/](http://www.courts.wa.gov/programs_orgs/guardian/)

The Chief Justice of the Washington State Supreme Court makes all appointments to the Board based on a list of nominees submitted by the Board. Generally, an appointment by the Supreme Court to the Board is for a three-year period, however, occasionally individuals are appointed to complete the term of a board member who is resigning before his or her term ends. In this instance, the persons selected will be appointed to fill a full three-year term. The term for this appointment is October 1, 2016 to September 30, 2019.

### 3) CURRENT MEMBERS

The Board includes representatives from the following areas of expertise: professional guardians, attorneys, advocates for incapacitated persons, courts, state agencies and those employed in medical, social, health, financial or other fields pertinent to guardianships.

### 4) SCHEDULED MEETINGS

The Board currently meets eight to ten times per year—four times in-person on the second Monday of the month at the Administrative Office of the Courts' (AOC) SeaTac office and four to five times by conference call. The in-person meetings are from 9:00 am to 3:00 pm and the conference calls are from 8:00 am to 9:00 am. One of the in-person meetings is a long-term planning meeting.

### 5) ADDITIONAL TIME COMMITMENT

The Board operates via a committee structure. Committees include Applications, Education, Regulations, and Standards of Practice. Each Board member serves on at least one committee. Committees usually meet by phone on a monthly or quarterly basis.



**6) ATTENDANCE POLICY**

Members of the Board are expected to attend meetings on a regular basis, in accordance with the Board's attendance policy (80% per year). A Board member should inform the Board chair or one of the AOC liaisons to the Board when they are not able to attend either an in-person or phone conference meeting and provide the basis for the absence.

**7) EXPENSES RELATED TO SERVICE**

Approved travel and other expense related to serving on the Board incurred by the member may be reimbursed.

**8) CONFLICT OF INTEREST**

All applicants should be aware of the need to avoid conflict of interest when serving on the Board. The Board's Conflict of Interest Policy is located at [http://www.courts.wa.gov/content/publicUpload/Guardian%20Application/CPGB\\_Recusal\\_Procedure.pdf](http://www.courts.wa.gov/content/publicUpload/Guardian%20Application/CPGB_Recusal_Procedure.pdf)

**9) HOW TO APPLY**

To express your interest in being nominated, please send the materials listed below to Shirley Bondon, AOC liaison to the Board via e-mail to [shirley.bondon@courts.wa.gov](mailto:shirley.bondon@courts.wa.gov), or U. S. Mail to:

**Certified Professional Guardianship Board  
c/o Administrative Office of the Courts  
P. O. Box 41170  
Olympia, WA 98504-1170**

Applications should include your résumé and a brief statement that includes the following:

- Why you are interested in being considered for the CPG Board.
- Your experience with Title 11 guardianships.
- Your professional, volunteer and community qualifications.

Please be aware that submitting an application of interest does not guarantee appointment. In developing procedures and policies, the Board would like to consider diverse opinions. Therefore, the Board is interested in members from diverse backgrounds and cultures, those with diverse experience and knowledge, as well as diversity in geographic location throughout the state of Washington. When considering appointments, the Board may seek to maintain a certain balance in representation. The Board may consider many factors including, but not limited to geography, experience, expertise and education.

**10) DEADLINE**

Application materials must be received on or before July 1, 2016.

Dear CPG Board Members,

Thanks for having a public meeting,  
but if you want to hear what the public has to say you need to actually let them talk. (Most of the Board members were very polite.)

Being corrected frequently breaks the train of thought and wastes a lot of time. It is the habit of lawyers (or those who used to be lawyers) to get picky about every single word. That's good for your job, but makes it hard for those who aren't lawyers to communicate with you. I have had one of those "fair" pro-se hearings that was talked about where I got in trouble for talking too long, but the judge and the lawyer kept interrupting me to correct or object to every word. A 10 minute statement can take 30-40 minutes that way. As an example: once it was pointed out that I meant Certified "Professional" guardian instead of "Public" guardian, why interrupt and correct my mistake every time? It wastes time and destroyed my attempt to explain the problems in the field.

I had some comments which might not have been relevant, but were in my train of thought and there could have been some information that would have been helpful. I couldn't finish because there were so many questions about Larry which I didn't want to get into other than reference. Then when I tried to explain the aspect of what seems illegal to the public I got so badly corrected I just gave up. (The majority of the committee was very polite and listened.)

It makes me believe that the Board is run by a few people who put everyone else's comments down, so that no one dares to offer any statements. What was that vote with  $\frac{3}{4}$  abstaining? That was weird. That shouldn't happen. Sounds like it had been a heated argument by a few people and most didn't want to get involved. Do board members who don't talk legalese get their ideas stomped on regularly?

It is important to hear what is going on in the trenches so to speak. It's important to know what the public is coming up against as well as the guardians. It's great that YOUR courtroom is working correctly, but why are you protecting the horrible things that are happening elsewhere? Don't you want to know?

Mindy was talking about the stress of dealing with yelling family which is not a violation of SOP, but certainly needs to be recognized in defense of a guardian's situation. Glenda's point is very important. The public does think of a guardian as "mom or dad" and that the IP must obey the guardian. This is one of the problems I ran across in Larry's case. The care-giver's thought that it was OK to discipline Larry and that he has no rights, but court judges never want to believe that there are corrupt judges out there.

I'm sure you have heard Claudia's story before, but have you actually listened to it. I think it may have been Glenda (someone in the back who is a guardian) who said that she had to drop her mother off at a mental facility. We all understand the issue and no one even flinched, but what she did was illegal. It violates state and federal law and the guardian standards of practice. It states very specifically they there is a process which needs to be followed to commit someone to a facility, but facilities don't know that and Claudia's mother never got a trial to commit her. Anyone who understands that they are being contained in a facility can't by law be placed there without a trial and proper procedure followed. That's what the law states and SOP. The law may not be perfect, but if we decide we can break it in one case it means nothing. It may be you be "dropped off" at a facility some day? Will it make you feel better that your children will cry about it?

And please don't treat people like they are crazy because they tell you something that would never happen in your court. Carol Sloan knows a little about Larry's case. I was received politely without criticize when I told her (a few months ago) that one of her agents helped lock Larry in the dementia ward. APS agents are social workers. Some can't even read medical records correctly. Non have a legal background. Probably none have an accounting background. Ms. Sloan never made me feel like I was stupid or like I was inventing something. I do have the records. DSHS does get sued for agent misconduct regularly. Also don't assume the courtroom next to you is treating citizens the same way you are. The public are your eyes- let them talk uninterrupted. It is scary that your properly trained and knowledgeable investigators are sometimes turning the case over to an untrained social worker (APS agent) and depending on them to do investigative work. It's illogical and dangerous. Larry has had 3 judges sign off on cruel and unusual punishment and exploitation and you may scoff when you read this, but if you send it back to the court without an investigator staring down the offending judge anything sent will be stamped "unfounded complaint." Why would a judge who purposely or accidentally OKed abuse say they were wrong? Once you're a lawyer you are never wrong just ask your family and friends. It's a necessary personality type for court, but stifles a committee's work. You may say "if the court won't do anything we can't." Yes, you can. You can pull licenses and you can change or request the SOP to be changed to force abusive guardians out of the system quickly. Saying "it will always be abused" means you don't care that YOU will be abused when you are older.

Sometimes by just listening to new ways of thinking about the problem a committee that has boxed itself in to "we can only do this" might find different ways of doing things that aren't so limiting and can be more productive. Everyone who showed up wants seniors to live well. You really don't want to be in the helpless position of someone like Larry before you find out the bad side. Educating the Board and the public is important.

I am more than happy to write a report on the scary side of guardianship with case examples, but won't bother unless I can be assured that the board would consider it something they should know about. I will do if is you allow ALL your members to discuss it openly without criticism otherwise it is a waste of my time.

Please be more open to hearing the problems without prejudgments.  
For many seniors you are currently the ONLY solution to stop the abuse.

Sincerely,  
Jennifer Roach  
Director, Parkinson School For Change  
A 501(c)3 -Advocating for the rights of people with Parkinson's and those with Parkinson like symptoms

Updates  
Grievance Status Report  
National Updates

**CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES**

Status as of April 30, 2016

<b>Grievances (Investigations)</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>Total</b>
Open-Needing Investigation (March 30, 2016)	15	33	24	11	83
Resolved w/o ARD or Hearing	2			2	4
Resolved w ARD					
Resolved w Hearing					
Reopened Grievances					
New Grievances (opened since late report)	7				7
Investigated Grievances					
Open-Needing Investigation (April 30, 2016)	20	33	24	9	86

Closed or Investigated

<b>Year Received (Resolutions)</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>Total</b>
Dismissal - Administrative					
Dismissal - No actionable conduct	1			2	3
Dismissal - No jurisdiction	1				1
Dismissal - Insufficient					
Admonishment					
Reprimand					
Suspension					
Decertification					
Administrative Decertification					
Terminated - Death of Guardian					
<b>Totals Closed or Terminated since last report</b>	2	0	0	2	4

<b>Summary Current Activity</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>Total</b>
Opened since last report	7				7
Closed w/o ARD/Hearing	2			2	4
Closed w ARD					
Closed w Hearing					

Callie T. Dietz  
State Court Administrator

## NATIONAL DECISIONAL SUPPORT UPDATES

May 2016

### NATIONAL PROJECTS

#### Department of Justice Launches 10 Regional Elder Justice Task Forces<sup>1</sup>

March 30, 2106, the Department of Justice announced the launch of 10 regional Elder Justice Task Forces. The taskforces will bring together federal, state and local prosecutors, law enforcement, and agencies that provide services to the elderly, to coordinate and enhance efforts to pursue nursing homes that provide grossly substandard care to their residents.

The Elder Justice Task Forces will include representatives from the U.S. Attorneys' Offices, state Medicaid Fraud Control Units, state and local prosecutors' offices, the Department of Health and Human Services (HHS), state Adult Protective Services agencies, Long-Term Care Ombudsman programs and law enforcement.

The 10 Elder Justice Task Forces will be launched in the following Districts: Northern District of California, Northern District of Georgia, District of Kansas, Western District of Kentucky, Northern District of Iowa, District of Maryland, Southern District of Ohio, Eastern District of Pennsylvania, Middle District of Tennessee and the **Western District of Washington**.

The Elder Justice Task Forces will be spearheaded by the DOJ's Elder Justice Initiative. The Elder Justice Initiative coordinates and supports the Department's law enforcement efforts and policy activities on elder justice issues. It plays an integral role in the department's investigative and enforcement efforts against nursing homes and other long-term care entities that deliver grossly substandard care to Medicare and Medicaid beneficiaries. The Elder Justice Initiative will be providing litigation support and training to the Elder Justice Task Forces. Learn more about the Justice Department's Elder Justice Initiative at <http://www.justice.gov/elderjustice/>.

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<sup>1</sup> Summarized from a March 30, 2016 Press Release from the Department of Justice



## **Older Americans Act Reauthorization Act of 2015 passes US Senate <sup>2</sup>**

April 7, 2016, Congress passed the Reauthorization of the Older Americans Act. The bill will now be sent to President Obama for his signature.

Among other provisions, the reauthorization would:

- Provide services to Americans age 60 and over, targeting those with the greatest social and economic need;
- Provide home-delivered nutrition services, group meals, family caregiver support, and community service employment;
- Ensure all long-term care residents have access to the long-term care ombudsman program which advocates and resolves complaints for residents; and
- Provide services to prevent the abuse and neglect of seniors.

Congress first passed the Older Americans Act (OAA) in 1965 in response to concern by policymakers about a lack of community social services for older persons. The original legislation established authority for grants to States for community planning and social services, research and development projects, and personnel training in the field of aging. The law also established the Administration on Aging (AoA) to administer the newly created grant programs and to serve as the Federal focal point on matters concerning older persons.

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<sup>2</sup> Description summarized from a press release from the US Special Committee on Aging