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Certified Professional Guardian Board
c/o Administrative Office of the Courts
PO Box 41170
Olympia WA 98504-1170

Re: Proposed Changes to SOP 401

Dear CPG Board:

I appreciate the Board is trying to replicate the idea of a standby guardian (RCW 11.88.125) with the change to SOP 401.6. I question whether the standby guardian idea was ever really that useful. I think the proposed language does not create a "bright line rule" and is subject to interpretation. For example, how would the Guardian know, or the Board determine, if a contingency plan was "adequate"? How can a guardian/conservator address all the possible circumstances that could arise? How can a guardian/conservator "ensure" that their fiduciary duties are carried out in their absence? A Guardian cannot guarantee another's performance.

In my experience as an attorney for guardians (both lay and professional) and as a Guardian ad Litem for nearly 20 years, I have never sought letters of guardianship for a standby guardian per RCW 11.88.125 nor seen anyone else apply for letters for a standby guardian. I have had clients pass away, but was always able to timely find a family member (sometimes the person named as standby, but often not) to become the successor guardian.

Agency guardians are required to have two designated CPGs, in effect a standby guardian for each other. They often have staff, who while they may not be CPGs, are certainly more informed about the agency cases than some outside CPG standby guardian.

Starting in January 2022, if a CPG becomes unable to effectively perform their duties, the UGA allows for the appointment of temporary guardians. (RCW 11.130.130). The court may appoint a temporary guardian or conservator for up to six months if the guardian/conservator is not effectively performing their duties.

Appointment of a temporary guardian is similar to the concept of a standby guardian, with the added due process protection of a court hearing and notice to the person under guardianship/conservatorship. Unlike the standby guardianship statute, it results in a guardian/conservator who is ready and willing to undertake the duties.

Additionally, the temporary guardian provision allows the court to vet the qualifications of the temporary guardian.

The UGA also allows a guardian or conservator to delegate power to an agent under RCW 11.130.125. While the guardian or conservator cannot delegate all power to an agent, they could delegate sufficient power to cover any planned absences.

Instead of the language currently proposed, I would suggest the following:

401.6 A guardian or conservator should identify a staff member or outside professional guardian or conservator to act on their behalf for planned absences or when unavailable for decision-making and delegate the authority needed to that agent.

Thank you for your consideration.

Very truly yours,



DEBORAH JAMESON