

# Meeting Minutes

May 10, 2021

# Certified Professional Guardianship Board

Monday, May 10, 2021

Zoom Meeting

8:00 am – 9:00 am

## Meeting Minutes

### Members Present

Judge Grant Blinn  
Judge Robert Lewis  
Judge Diana Kiesel  
Ms. Rita Forster  
Ms. Amanda Froh  
Ms. Amanda Witthauer  
Ms. Rosslyn Bethmann  
Ms. Lisa Malpass  
Mr. Dan Smerken  
Dr. K. Penney Sanders

### Members Absent

Judge Rachelle Anderson  
Dr. Rachel Wrenn  
Ms. Susan Starrfield

### Staff

Ms. Stacey Johnson  
Ms. Thai Kien  
Ms. Kay King  
Ms. Rhonda Scott  
Mr. Christopher Fournier  
Ms. Eileen Schock  
Ms. Kathy Bowman  
Ms. Brandy Walker

**Guests** – see list on last page

### 1. Meeting Called to Order

In the absence of Board Chair Judge Anderson, Vice Chair Judge Blinn called the May 10, 2021 Certified Professional Guardianship Board (Board) meeting to order at 8:07 am.

### 2. Welcome, Roll Call and Approval of Minutes

Judge Blinn welcomed all those present. Hearing no suggested changes or corrections, a motion was made and seconded to approve the minutes of the Board meeting held on April 12, 2021 as written. The motion passed.

Motion: *A motion was made and seconded to approve the April 12, 2021 Certified Professional Guardianship Board meeting minutes as written. The motion passed unanimously.*

### 3. Chair's Report

In the Chair's absence, Judge Blinn moved on to the next agenda item.

### 4. Transition Planning

Ms. Johnson reported that several members' terms will end September 30, 2021. She has reached out to Board members eligible to serve another term and inquired if they would like to continue to serve. Ms. Roz Bethmann is not eligible to serve another term which opens a Board

position for an advocate for persons under guardianship. DSHS nominated another person to fill Ms. Rita Forster's position. Ms. Amanda Froh's first term ends at the end of September. Ms. Froh has chosen not to serve another term. WSBA will nominate a new member to fill Ms. Froh's position. Judge Anderson has nominated Judge Kiesel to fill the Chair position beginning October 1, 2021. Judge Kiesel accepted the nomination.

Ms. Bethman asked Ms. Johnson to send out an announcement to individuals for consideration regarding the Board's open position. Ms. Johnson agreed that she would send the open position announcement to the Board stakeholder listservs.

## **5. Regulations Committee Report**

Judge Kiesel thanked the committee members for all of their hard work on proposed regulations changes. As the UGA does not provide for stand-by guardians for adult guardianships, the Regulations Committee has proposed draft Regulation 401.6 which suggests a guardian and/or conservator should develop contingency plans, in case the guardian or conservator is unavailable to serve.

On behalf of the Regulations Committee, Judge Kiesel moved to publish Regulation 400.1 through 400.7 and 401.1 through 401.6 for public comment. Dr. Penny Sanders seconded the motion. The motion passed unanimously.

Motion: *A motion was made and seconded to publish Regulations 400.1 through 400.7 and 401.1 through 401.6 for public comment. The motion passed unanimously.*

Judge Blinn asked Judge Kiesel if the Committee prefers comments on the regulations in written form. Judge Kiesel said, yes. She also stated that if anyone wants to comment on the posted regulations, they may send their comments to her or Ms. Johnson.

## **6. Updated 2020 Annual Report and Grievance Report for April 2021**

Mr. Chris Fournier thanked Ms. Karen Newland and the public for their feedback on the 2020 Annual Report. The annual report has been updated to reflect the corrections brought to the Board's attention at the April 2021 Board meeting. Mr. Fournier reported that, after further review, one hundred and ten (110) grievances were closed in 2020.

Regarding the April 2021 Grievance Report, Mr. Fournier reported nine (9) new grievances were received and five (5) grievances were resolved in April. Four (4) grievances were dismissed due to No Actionable Conduct (NAC) and one (1) grievance was resolved with an Agreement Regarding Discipline (ARD). Mr. Fournier further reported there are a total of thirty-nine (39) open grievances. Twenty-two (22) of the open grievances were received in 2021. He also reported twenty-nine (29) of the thirty-nine (39) open grievances involve eight (8) agencies having two (2) or more grievances.

Dr. Penney Sanders, in response to the public comment in the last meeting, asked if the Board should continue to separately track grievances for CPGs who completed the University of Washington (UW) program vs. CPGs who did not. She also wondered if the Board should separately track the CPGs who complete the alternate training done this year as well, or if the Board should not track either group. Judge Kiesel feels the more information the better and that the Board should stay the course. However, she was willing to consider whether this affects the workload on the staff. Judge Lewis stated that if the Board doesn't plan to use the information,

then tracking it serves no purpose. Ms. Froh thought the year of CPG certification should be maintained. Ms. Eileen Schock gave multiple examples of how the statistics from the tracked information may not be statistically significant because of numerous variables. Mr. Dan Smerken agreed with Ms. Schock, but also agrees with Ms. Froh that there is value in tracking the year of CPG certification. Ms. Lisa Malpass questioned the relevance of keeping the chart. Ms. Johnson noted that the tracking chart was originated to initially review if there were greater CPG grievance numbers pre or post UW training. Judge Blinn suggested this subject be placed on the agenda for the next meeting, for further discussion.

**7. Executive Session (Closed to Public)**

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

On behalf of the Applications Committee, Judge Lewis presented the following applications for Certification Professional Guardian. Members of the Application Committee abstained.

Motion: *A motion was made and seconded to approve Wendy Abercrombie’s application for certification with transferrable skills in Social Services. The motion passed unanimously.*

Motion: *A motion was made and seconded to conditionally approve Tamara Beltz’s application for certification, upon completion of alternate training, with transferrable skills in Social Services and Financial Management. The motion passed unanimously.*

Motion: *A motion was made and seconded to approve Justo Frajio’s application for certification with transferrable skills in Social Services and Financial Management. The motion passed unanimously.*

Motion: *A motion was made and seconded to conditionally approve Erna Hajdarevic’s application for certification, upon completion of alternate training, with transferrable skills in Social Services. The motion passed unanimously.*

The consideration regarding discipline of a CPG was deferred to the next scheduled Board meeting.

**9. Wrap Up/Adjourn**

The next CPG Board meeting will take place via Zoom Conference on Monday, June 14, 2021 at 9:00 am. As there was no other business to discuss, the May 10, 2021 meeting was adjourned at 8:59am.

Motion Summary		Status
Motion:	<i>A motion was made and seconded to approve the April 12, 2021 Certified Professional Guardianship Board meeting minutes as written. The motion passed unanimously.</i>	Passed

Motion: <i>A motion was made and seconded to publish Regulations 400.1 through 400.7 and 401.1 through 401.6 for public comment. The motion passed unanimously.</i>	Passed
Motion: <i>A motion was made and seconded to approve Wendy Abercrombie's application for certification with transferrable skills in Social Services. The motion passed unanimously.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Tamara Beltz's application for certification, upon completion of alternate training, with transferrable skills in Social Services and Financial Management. The motion passed unanimously.</i>	Passed
Motion: <i>A motion was made and seconded to approve Justo Frajio's application for certification with transferrable skills in Social Services and Financial Management. The motion passed unanimously.</i>	Passed
Motion: <i>A motion was made and seconded to conditionally approve Erna Hajdarevic's application for certification, upon completion of alternate training, with transferrable skills in Social Services. The motion passed unanimously.</i>	Passed

**Guests Present**

Rich King  
Neil and Neil  
Karen Newland  
Caroline Wood  
Katlyn Balsam  
Sam Maleski

## Grievance Status Update

## Certified Professional Guardians Grievance Status

Month-End

May 31, 2021

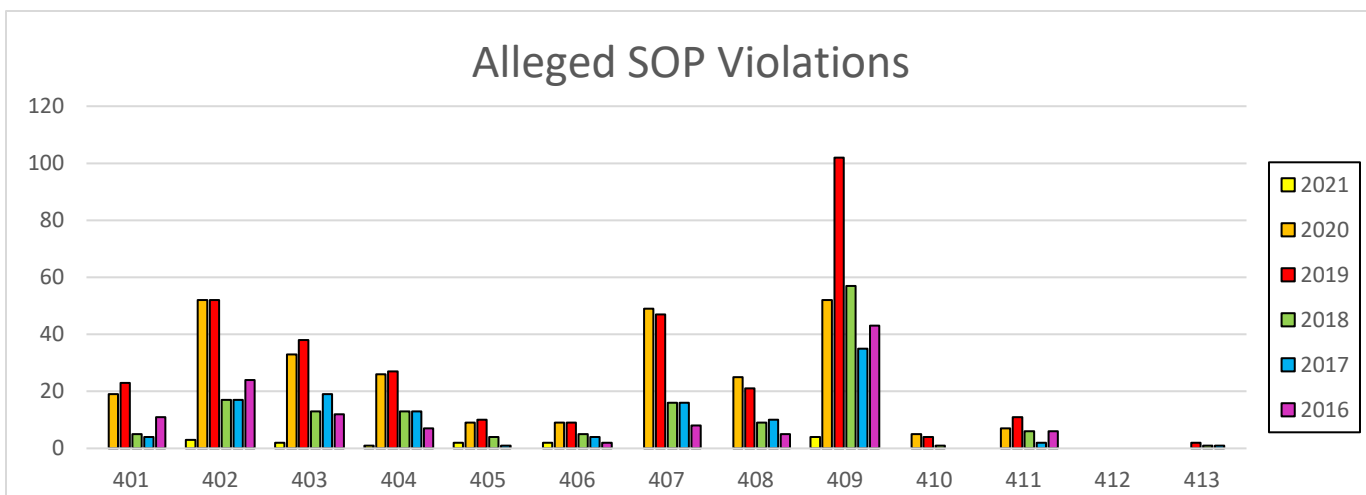
Grievance Status – May 31, 2021	2021	2020	2019	2018	2017	2016	Total
New Grievances Received:	10	0	0	0	0	0	10
Grievances Resolved this Month:	[4]	[1]					[5]
Grievances Remaining Requiring Investigation*:	28	11	4	1	0	0	44

Grievances Pending*	2021	2020	2019	2018	2017	2016	Total
Voluntary Surrender/Litigation:							
Conflicts Review Committee:			1				1
ARD:				1			1
Complaint/Hearing:						1	1
Administrative Decertification:							
<b>Total Pending:</b>			1	1		1	3

**[\*Grievances in Pending status are not counted as Grievances Requiring Investigation.]**

Resolution of Grievances – May 31, 2021	2021	2020	2019	2018	2017	2016	Total
Dismissal – No Jurisdiction							
Dismissal – No Actionable Conduct	4	1					5
Dismissal – Insufficient Grievance							
Mediated – Dismissed							
Advisory Letter 507.1							
ARD - Admonishment							
ARD - Reprimand							
ARD - Suspension							
Terminated – Voluntary Surrender							
Terminated – Administrative Decertification							
Terminated – Decertification							
<b>Total Resolved Grievances: May 31, 2021</b>	<b>4</b>	<b>1</b>					<b>5</b>

<b>Grievance Resolutions</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>Total</b>
<b>Total Grievances Received</b>	<b>43</b>	<b>80</b>	<b>77</b>	<b>85</b>	<b>104</b>	<b>104</b>	<b>493</b>
Dismissal – No Jurisdiction	4	21	15	22	30	20	112
Dismissal – No Actionable Conduct	8	39	38	51	60	55	251
Dismissal – Insufficient Grievance	3	6	5	3	1	2	20
Mediated – Dismissed							
Advisory Letter 507.1		2	5	3	2	4	16
ARD - Admonishment							
ARD – Reprimand		1			1	4	6
ARD - Suspension							
Termination – CPG Death							
Termination – Administrative Decertification			3	1	1	3	8
Termination – Voluntary Surrender			1	2	8	15	26
Termination – Decertification			5	1	1		7
<b>Grievances <u>Resolved To Date</u>: May 31, 2021</b>	<b>15</b>	<b>69</b>	<b>72</b>	<b>83</b>	<b>104</b>	<b>103</b>	<b>446</b>



**400 Standards of Practice Regulations**

- 401 Guardian’s Duty to Court
- 402 Guardian’s Relationship to Family and Friends of Incapacitated Person and to Other Professionals
- 403 Self-Determination of Incapacitated Person
- 404 Contact with the Incapacitated Person
- 405 General Decision Standards
- 406 Conflicts of Interest
- 407 Residential Decisions
- 408 Medical Decisions
- 409 Financial Management
- 410 Guardian Fees and Expenses
- 411 Changes of Circumstances/Limitation/Termination
- 412 Sale or Purchase of Guardianship Practice
- 413 Responsibilities of Certified Public Guardian Agencies



ID	Year Cert.	Open	Year(s) Grievances Received	Status
A	2012	2	2020 (1), 2021 (1)	
B	2016	2	2021 (2)	
C	2014	4	2019 (1), 2020 (2), 2021 (1)	
D	2014	2	2020 (1), 2021 (1)	
E	2007	3	2019 (2), 2020 (1)	
F	2001	6	2018 (1), 2019 (1), 2020 (4)	
G	2006	3	2020 (2), 2021 (1)	
H	2018	7	2021 (7)	
		29		

Of 39 currently open grievances requiring investigation, 29 concern 8 Agencies/CPGs with 2 or more open grievances.

	Year Guardian Certified	# of Guardians
<b>Before UW Certificate Program</b>	2001	1
	2002	
	2003	
	2004	
	2005	
	2006	1
	2007	1
	2008	
	<b>Total</b>	<b>3</b>
<b>UW Certificate Program</b>	2009	
	2010	
	2011	
	2012	1
	2013	
	2014	2
	2015	
	2016	1
	2017	
	2018	1
	<b>Total</b>	<b>5</b>

## Regulations Committee

Regulation 400, 401

## Guardianship and Conservatorship Program Rules Regulations

### 400 General

400.1 The following standards apply to all Certified Professional Guardian and Conservators and Certified Professional Guardian and Conservator agencies. These standards apply only to the degree that the court has granted a guardian and conservator the authority contemplated in a given standard.

400.2 Whenever the term “guardian and conservator” is used in these Standards, it is meant to refer to a certified professional guardian and conservator or to a certified professional guardian and conservator agency.

400.3 Whenever the term “court” is used in these Standards, it is meant to refer to the Superior Court which has authority over the guardianship and/or conservatorship in which the guardian and conservator has been appointed.

400.4 Whenever the terms “incapacitated person” (IP) “individual subject to guardianship” or “individual subject to conservatorship” ~~is are~~ used, ~~it they~~ is are meant to refer to the ~~incapacitated person~~ individual for whom the guardian and conservator has been appointed under RCW ~~41.88~~ 11.130.

400.5 Whenever the term “notice parties” is used, it is meant to refer to those people who ~~have requested special~~ are entitled to notice of proceedings or events under RCW ~~41.92.150~~ 11.130.

400.6 A guardian and conservator is a fiduciary and owes the highest duty of good faith and care to the person under a guardianship. A guardian and conservator has fiduciary duties of prudence and loyalty to the individual subject to conservatorship. A fiduciary has the duty to act primarily for another's benefit. The ~~G~~ guardian and conservator shall carry out his or her duties carefully and honestly. The ~~G~~ guardian and conservator shall act selflessly, prudently, and with undivided loyalty to the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship.

~~A guardian cannot delegate his or her decision-making authority to another person or agency. This does not preclude employing others to carry out the guardian's decision.~~

400.7 To ensure consistency in the way the standards are applied, the following constructions are used: "shall" imposes a duty, "may" creates discretionary authority or grants permission or a power, "must" creates or recognizes a condition precedent, and "should" creates a duty or obligation, but is not absolute, "is entitled to" creates or recognizes a right, and "may not" imposes a prohibition and is synonymous with "shall not."<sup>1</sup>

<sup>1</sup> The Certified Professional Guardianship and Conservatorship Board acknowledges that these Standards of Practice draw from the National Guardianship Association (NGA) Standards of Practice and that the NGA has granted the Board permission to use them.

## Guardianship and Conservatorship Program ~~Rules~~ Regulations

### 401 Guardian and Conservator's Duty to Court

401.1 The guardian and conservator shall perform duties and discharge obligations in accordance with applicable Washington and federal law and the requirements of the court.

401.2 The guardian and conservator shall not act outside of the authority granted by the court and shall seek direction from the court as necessary. If the guardian and conservator is aware of a court order that may be in conflict with these standards, the guardian and conservator shall bring the conflict to the attention of the court and seek the court's direction.

401.3 The guardian and conservator shall at all times be thoroughly familiar with RCW ~~11.88~~11.130, ~~RCW 11.92~~, GR 23, these standards, and, any other regulations or laws which govern the conduct of the guardian and conservator in the management of the affairs of an ~~incapacitated person~~ individual subject to guardianship or conservatorship.

401.4 The guardian and conservator shall seek legal advice as necessary to know how the law applies to specific decisions.

401.5 The guardian and conservator shall provide reports, notices, and financial accountings that are timely, complete, accurate, understandable, in a form acceptable to the court, and consistent with the statutory requirements. The financial accounting shall include information as to the sustainability of the current budget when expenditures exceed income during the reporting period.

~~401.6 All certified professional guardians and guardian agencies have a duty by statute to appoint a standby guardian.~~

401.6 A guardian and conservator should develop adequate contingency planning to ensure coverage of services for all of their clients given the specific situations of the guardian and conservator. A guardian and conservator has the responsibility to ensure their fiduciary duties are carried out to meet the needs of their clients as authorized by the court.

~~401.6.1 All certified professional guardians shall appoint a standby guardian who is a certified professional guardian who accepts the appointment and has the skills, experience and availability to assume responsibility as court appointed guardian per statutory requirements.~~

~~401.6.2 The certified professional guardian will make available to the standby guardian those records and information needed to address the needs of the incapacitated person in the event of a planned or unplanned absence.~~

## Regulations Committee

Regulation 402, 403, 404, 405, 406, 407, 408, 409

## Guardianship and Conservatorship Program Rules Regulations

402 Guardian and Conservator's Relationship to Family and Friends of Incapacitated Person- Individual Subject to Guardianship and/or Conservatorship and to Other Professionals

402.1 When the guardian and conservator has limited authority the guardian and conservator shall work cooperatively with the incapacitated person/individual subject to guardianship and/or conservatorship or with others who have authority in other areas for the benefit of the incapacitated person/individual subject to guardianship and/or conservatorship.

402.1.1 With respect to health care decisions, the guardian and conservator shall:

(a) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options; and

(b) Defer to a decision by an agent under a power of attorney for health care executed by the adult and cooperate to the extent feasible with the agent making the decision.

402.1.2 If a power of attorney for finances is in effect, a guardian and conservator shall cooperate with the agent to the extent feasible.

402.2 The guardian and conservator, where appropriate, shall consider the views and opinions of professionals, relatives, and friends who are knowledgeable about the incapacitated person/individual subject to guardianship and/or conservatorship. In determining the best interests of the adult, the guardian and conservator shall consider information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult.

402.3 The guardian and conservator shall seek independent professional evaluations, assessments, and opinions when necessary to identify the incapacitated person's individual subject to guardianship and/or conservatorship's, functional and cognitive abilities, needs, and best interests.

402.4 The guardian and conservator 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 and conservator alone is ultimately responsible for decisions made by the

guardian and conservator on behalf of the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship.

402.5 A guardian and conservator shall not disclose personal or other sensitive information about the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship to third parties except: (a) when necessary and relevant to the needs of the ~~incapacitated person~~ individual or (b) as required by these standards or other applicable laws or when directed by the court or the CPGC Board.

402.6 The guardian and conservator must know and acknowledge personal limits of knowledge and expertise and shall engage appropriate professionals to provide services to the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship to the extent reasonable and necessary.

402.7 The guardian and conservator shall develop and maintain a working knowledge of the services, providers, and facilities available in the community. The guardian and conservator shall act to coordinate and monitor services needed by the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship to ensure that the ~~incapacitated person~~ individual is receiving the appropriate care and treatment.



## Guardianship and Conservatorship Program Rules Regulations

### 403 Self-Determination of ~~Incapacitated Person~~ Individual Subject to Guardianship and/or Conservatorship

403.1 The civil rights and liberties of the ~~incapacitated person~~individual subject to guardianship and/or conservatorship shall be protected. The independence, ~~and self-reliance~~ and self-determination of the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship shall be promoted and maximized to the greatest extent consistent with their protection and safety. The guardian and conservator shall protect the personal and economic interests of the ~~incapacitated person~~individual subject to guardianship and/or conservatorship and foster growth, independence, ~~and self-reliance,~~ and self-determination to the extent reasonably feasible.

403.2 To the extent reasonably feasible, the guardian and conservator shall encourage the adult to participate in decisions, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs.

~~403.2-3~~ Whenever appropriate a guardian and conservator shall consult with the ~~incapacitated person~~individual subject to guardianship and/or conservatorship, and shall treat with respect, the feelings, values, and opinions of the ~~incapacitated person~~ individual. ~~The guardian shall acknowledge the residual capacity and preferences of the incapacitated person.~~ The guardian and conservator shall to the extent reasonably feasible, involve the adult in decisions affecting the adult, including, but not limited to, decisions about the adult's care, dwelling, activities, or social interactions.

~~403.34~~ When making decisions on behalf of the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship, the guardian and conservator shall evaluate the alternatives that are available and choose the one that best meets the needs of the ~~incapacitated person~~individual while placing the least restrictions on the ~~incapacitated person's~~ individual's freedom, rights, and ability to control his or her environment.

~~403.45~~ When appropriate, the guardian and conservator will defer to an ~~incapacitated person's~~ individual subject to guardianship and/or conservatorship's ~~residual~~ capacity to make decisions.

~~403.56~~ Unless otherwise directed by the court, the guardian and conservator shall provide copies of all material filed with the court and notice of all hearings in the guardianship and/or conservatorship to the ~~incapacitated person~~individual subject to guardianship and/or conservatorship.

~~403.67~~ The guardian and conservator shall, whenever appropriate or required by law, provide other requested information to the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship unless the guardian and conservator is reasonably certain that substantial harm will result from providing such information. This information

shall include, but not be limited to, regular reports on: (a) the status of investments and operating accounts, (b) the costs and disbursements necessary to manage the ~~incapacitated person's individual's estate~~property and finances, and (c) medical and other personal information related to the care of the ~~incapacitated person~~individual.

403.78 The guardian and conservator shall determine the extent to which the ~~incapacitated person- individual subject to guardianship and/or conservatorship~~ identifies with particular ethnic, religious, and cultural values and shall consider those values in the guardian and conservator's decision-making to the extent appropriate. The guardian and conservator shall not substitute his or her moral or religious values, opinions, or philosophical beliefs for those of the person under a guardianship and/or conservatorship

#### 403.8-9 Sexual and Gender Expression:

403.89.1 The guardian and conservator shall acknowledge the ~~incapacitated person's individual subject to guardianship and/or conservatorship's~~ right to interpersonal relationships, and sexual expression, and gender expression. The guardian and conservator shall take reasonable steps to ensure that a private environment conducive to this expression is provided. The guardian and conservator shall take reasonable steps to protect the ~~incapacitated person individual subject to guardianship and/or conservatorship~~ from victimization.

403.89.2 The guardian and conservator shall ensure that the ~~incapacitated person- individual subject to guardianship and/or conservatorship~~ is informed of birth control methods and other sexual health information when appropriate.

403.89.3 The guardian and conservator shall take reasonable steps to protect the rights of the ~~incapacitated person- individual subject to guardianship and/or conservatorship~~ with regard to sexual expression and gender expression and preference. A review of ethnic, religious, and cultural values may be necessary to uphold the ~~incapacitated person's individual's~~ values and customs.

## Guardianship ~~and Conservatorship~~ Program Rules Regulations

### 404 Contact with the ~~Incapacitated Person~~ Individual Subject to Guardianship and/or Conservatorship

404.1 Guardian ~~and conservators of the Person appointed as a guardian for an individual~~ shall have meaningful in-person contact with their clients as needed, generally no less than monthly. If contact is not made monthly, the reasons for less frequent contact shall be documented and included in the periodic reporting to the court. Living in a staffed residential facility or at home with a paid caregiver is not sufficient justification for reducing the frequency of in-person contact.

404.1.1 The guardian ~~and conservator~~ should, when appropriate, assess the ~~incapacitated person's- individual subject to guardianship's~~ physical appearance and condition (taking into account the ~~incapacitated person's- individual's~~ privacy and dignity) and assess the appropriateness of the ~~incapacitated person's individual's~~ current living situation and the continuation of existing services, taking into consideration all aspects of social, psychological, educational, direct services, health and personal care needs, as well as the need for any additional services.

404.1.2 The guardian ~~and conservator~~ shall maintain regular communication with ~~the individual subject to guardianship and/or conservatorship,~~ service providers, caregivers, and others attending to the ~~incapacitated person individual subject to guardianship.~~

404.1.3 The guardian ~~and conservator~~ shall participate in care or planning decisions concerning the residential, educational, vocational, or rehabilitation program of the ~~incapacitated person individual.~~

404.1.4 The guardian ~~and conservator~~ shall request that each residential care professional service provider develop an appropriate service plan for the ~~incapacitated person individual subject to guardianship~~ and take appropriate action to ensure that the service plans are being implemented.

404.1.5 The guardian ~~and conservator~~ shall ensure that the personal care plan is being properly followed by examining charts, notes, logs, evaluations, and other documents regarding the ~~incapacitated person individual subject to guardianship~~ at the place of residence and at any program site.

404.2 Guardians ~~of the Estate- and conservators appointed as conservator~~ only shall maintain meaningful in-person contact with their clients generally no less than quarterly absent court order, but in any event, at a frequency as appropriate and as necessary to verify the individual's condition and status and the appropriateness of financial arrangements.

404.3 A certified professional guardian ~~and conservator of the person appointed as a guardian,~~ as a sole practitioner or agency, must ensure that the initial in-person visit and

then one visit every three months is made by a certified professional guardian and conservator, unless otherwise approved by the court. For other meaningful in-person visits, a certified professional guardian and conservator, as a sole practitioner or agency, may delegate the responsibility for in-person visits with a client to: (a) a non-guardian and conservator employee of the certified professional guardian and conservator, sole practitioner or agency, (b) an independent contractor or (c) any individual who has been specifically approved by the court. In all cases, before the delegation, a certified professional guardian and conservator with final decision making authority on the case must document the suitability of the delegation, having considered: (a) the needs of the client, and (b) the education, training and experience of the delegate. (Adopted 10-14-2013). Delegation of a power to an agent must be consistent with the guardian and conservator's fiduciary duties and guardian and conservator's plan(s) and other requirements of delegation under RCW 11.130.125 and Regulation 414<sup>1</sup>.

<sup>1</sup>Regulation 414 will address delegation requirements specified in the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act at RCW 11.130.125.

404.4. Each certified professional guardian and conservator or certified professional guardian and conservator agency shall ~~conduct a criminal history check on any guardian or agency employees who come into contact with the person or estate of an incapacitated person prior to any contact. No guardian or agency shall knowingly allow an employee who has been convicted of a felony or has been adjudicated by any court or administrative agency of a having engaged in abuse, neglect or financial exploitation of a vulnerable adult or child to have contact with the person or estate of an incapacitated person.~~ exercise reasonable care, skill, and caution in ensuring a background check is conducted on their own employees, their agents, and any employees of those agents, prior to those persons providing direct services to the individual subject to a guardianship or conservatorship.

When determining the scope of a background check, the guardian or conservator should consider the abilities and vulnerabilities of the protected person and the specific task(s) that the employee or agent are being delegated.

A background check must include a criminal history check utilizing public or proprietary databases <sup>2</sup>that are available to the public.

<sup>2</sup> Examples of public or proprietary databases include, but are not limited to, the Washington State Patrol's "Washington Access to Criminal History" (WATCH), Superior Court databases (Odyssey, LINX, ECR Online), Department of Social and Health Services Public Disclosure Office, and the Federal Bureau of Investigations Identity History Summary Check (IdHSC).

Additionally, a background check should include a check of public or proprietary databases that report substantiated findings of abuse, neglect, or exploitation of a vulnerable adult.

When engaging licensed agencies that are required by law or regulation to obtain background checks on their employees, the guardian and conservator may rely on the declaration of the agency that they comply with State background check requirements.  
When engaging licensed agencies that are required by law or regulation to obtain background checks on their employees, the guardian and conservator may rely on the declaration of the agency that they comply with State background check requirements.

## Guardianship and Conservatorship Program Rules Regulations

### 405 General Decision Standards

All decisions and activities of the guardian and conservator shall be made according to the applicable decision standard.

405.1 The primary standard for decision-making is the Substituted Judgment Standard based upon the guardian and conservator's determination of the ~~incapacitated person's~~individual subject to guardianship and/or conservatorship's competent preferences, i.e. what the ~~incapacitated person~~individual would have decided when he or she had ~~capacity~~the ability to receive and evaluate information or make or communicate decisions.

405.1.1 In making a decision for an adult subject to guardianship, the guardian and conservator shall make the decision the guardian and conservator reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. To determine the decision the adult subject to guardianship would make if able, the guardian and conservator shall consider the adult's previous or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the guardian and conservator. The guardian and conservator shall make reasonable efforts to ascertain the ~~incapacitated person's~~ individual's historic preferences and shall give significant weight to such preferences. ~~Competent~~ Such preferences may be inferred from past statements or actions of the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship when the ~~incapacitated person~~ individual had ~~capacity~~ the ability to receive and evaluate information or make or communicate decisions.

405.1.2 In making a decision for an individual subject to conservatorship, the guardian and conservator shall make the decision the guardian and conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the guardian and conservator shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the guardian and conservator. The guardian and conservator shall make reasonable efforts to ascertain the individual's historic preferences and shall give significant weight to such preferences. Such preferences may be inferred from past statements or actions of the individual subject to guardianship and/or conservatorship when the

individual had the ability to receive and evaluate information or make or communicate decisions.

405.2 When the ~~competent prior~~ preferences of an ~~incapacitated person individual subject to guardianship and/or conservatorship~~ cannot be ascertained, the guardian and conservator is responsible for making decisions which are in the best interests of the ~~incapacitated person individual~~. ~~A determination of the best interests of the incapacitated person shall include consideration of the stated preferences of the incapacitated person and defer to an incapacitated person's residual capacity to make decisions.~~

405.2.1 If a guardian and conservator appointed as a guardian for an adult cannot make a decision under the Substituted Judgment Standard because the guardian and conservator does not know and cannot reasonably determine the decision the adult probably would make if able, or the guardian and conservator reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian and conservator shall act in accordance with the best interests of the adult.

In determining the best interests of the adult, the guardian and conservator shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult;

(b) Other information the guardian and conservator believes the adult would have considered if the adult were able to act; and

(c) Other factors a reasonable person in the circumstances of the adult would consider, including consequences for others.

405.2.2 If a guardian and conservator appointed as a conservator cannot make a decision under the Substituted Judgment Standard because the guardian and conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the guardian and conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual, the guardian and conservator shall act in accordance with the best interests of the individual. In determining the best interests of the individual, the guardian and conservator shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(b) Other information the guardian and conservator believes the individual would have considered if the individual were able to act; and

(c) Other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.



## Guardianship and Conservatorship Program Rules Regulations

### 406 Conflicts of Interest

406.1 The guardian and conservator shall exhibit the highest degree of trust, loyalty, and attentiveness in relation to the ~~incapacitated person individual subject to guardianship and/or conservatorship~~ and the ~~incapacitated person's individual's estate property and finances~~.

406.2 There shall be no self-interest in the management of the ~~estate property and finances~~ or the management of the personal affairs of the individual by the guardian and conservator; ~~†~~The guardian and conservator shall exercise caution to avoid even the appearance of self-interest or conflict of interest. An appearance of conflict of interest is a situation that a reasonable person might perceive as self-serving or adverse to the interest of the ~~incapacitated person individual subject to guardianship and/or conservatorship~~.

406.3 A conflict of interest arises when the guardian and conservator has some personal, family or agency interest that is self-serving or adverse to the interest of the ~~incapacitated person individual subject to guardianship and/or conservatorship~~. If the guardian and conservator intends to proceed in the face of a conflict of interest, a guardian and conservator shall disclose the conflict of interest to the court and seek prior court approval in accordance with the steps outlined in 406.4. ~~(Revised 1-9-12)~~

406.4 The role of a guardian and conservator is primarily that of a decision-maker and coordinator of services. The guardian and conservator or agency (or an entity in which a guardian and conservator has a financial interest) shall not directly provide services such as housing, medical, personal care, or therapeutic services to the ~~incapacitated person individual subject to guardianship and/or conservatorship~~ or profit from any transaction made on behalf of the ~~incapacitated person's estate individual subject to guardianship and/or conservatorship~~. In exceptional circumstances some direct services may be approved by the court provided written permission of the court is given in advance of the service being provided. When requesting court approval, the guardian and conservator must demonstrate in writing and with prior notice to notice parties that all alternatives have been identified and considered and that no alternative is available that is reasonable or practical. ~~(Revised 1-9-12)~~

406.5 A guardian and conservator who is an attorney may provide legal services to the ~~incapacitated person individual subject to guardianship and/or conservatorship~~ only when doing so best meets the needs of the ~~incapacitated person individual~~ and is approved by the court following full disclosure of the conflict of interest. ~~(Adopted 1-9-12)~~

406.6 A guardian and conservator shall not accept a gift from an ~~incapacitated person individual subject to guardianship and/or conservatorship~~ or from their ~~estate property or financial assets~~, other than ordinary social hospitality.

406.7 Payment of fees or other compensation for guardianship and/or conservatorship services by a party other than the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship is a potential conflict of interest which shall be fully disclosed to the court.

406.8 The guardian and conservator shall protect the ~~incapacitated person's~~ individual subject to guardianship and/or conservatorship's rights and best interests against infringement by third parties.

406.9 A guardian and conservator shall not petition, nor request or cause counsel to petition, to be appointed as a guardian and/or conservator unless the guardian and conservator discloses the conflict of interest to the court in the petition for guardianship and/or conservatorship. The guardian and conservator shall provide the court with information demonstrating sufficient efforts were made to identify other individuals, and that no other suitable individual is available and willing to be appointed.

406.9.1 If a guardian and conservator has already been appointed to serve to one role, and has good cause to believe appointment to the other role is necessary to protect the person, or their property and finances, they may petition for appointment to the other role.

## Guardianship and Conservatorship Program Rules Regulations

### 407 Residential Decisions

407.1 The guardian and conservator shall take reasonable measures to implement the individual subject to guardianship's residential preferences.

407.2 The guardian and conservator shall select a residential setting the guardian and conservator believes the adult would select if the adult were able, in accordance with the decision-making standards in RCW 11.130.325 (4) and (5) and Regulation 405. If the guardian and conservator does not know and cannot reasonably determine what setting the adult subject to guardianship probably would choose if able, or the guardian and conservator reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian and conservator shall choose in accordance with RCW 11.130.325(5) and Regulation 405 a residential setting that is consistent with the adult's best interest.

~~407.13~~ The guardian and conservator shall ensure that the incapacitated person resides in the least restrictive environment that is appropriate and available give priority to a residential setting in a location that will allow the individual to interact with persons important to the individual and meet the individual's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in RCW 11.130.325 (4) and (5) and Regulation 405 .

407.24 The guardian and conservator shall acknowledge the need to allow all persons the opportunity to engage in activities and live in conditions which are culturally and socially acceptable within the context of the ~~incapacitated person's~~ individual subject to guardianship's cultural and life values.

~~407.3 The guardian shall take reasonable measures to effectuate the incapacitated person's residential preferences.~~

407.45 The guardian and conservator shall know the current state of the law regarding limits on the guardian and conservator's authority as to residential decisions.

407.5.1 Absent a court order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, a guardian and conservator may not consent on behalf of an individual subject to guardianship to involuntary detention of the individual in a care setting which provides nursing or other care against the individual's will.

407.5.2 A guardian and conservator may establish or move the permanent place of dwelling of the adult to a care setting that places restrictions on the adult's ability to leave or have visitors only if:

(i) The establishment or move is in the guardian and conservator's plan under RCW 11.130.340;

(ii) The court authorizes the establishment or move; or

(iii) The guardian and conservator gives notice of the establishment or move at least fourteen days before the establishment or move to the adult and all persons entitled to notice under RCW 11.130.310(5)(b) or a subsequent order, and no objection is filed.

407.5.3 A guardian and conservator may take action that would result in the sale of, or surrender of the lease to, the primary dwelling of the adult only if:

(i) The action is specifically included in the guardian and conservator's plan under RCW 11.130.340;

(ii) The court authorizes the action by specific order; or

(iii) Notice of the action was given at least fourteen days before the action to the adult and all persons entitled to the notice under RCW 11.130.310(5)(b) or a subsequent order and no objection has been filed

407.5.4 The guardian and conservator may not establish or move the individual's dwelling outside the state unless consistent with the guardian and conservator's plan and specifically authorized by the court.

407.~~56~~ The guardian and conservator shall not remove the ~~incapacitated person~~ individual subject to guardianship from his or her home or separate the ~~incapacitated person~~ individual from family and friends unless such removal is necessary to prevent significant harm or because of financial constraints. The guardian and conservator shall make reasonable efforts to ensure the ~~incapacitated person~~ individual subject to guardianship resides at the ~~incapacitated person's~~ individual's home or in a community setting.

407.~~67~~ The guardian and conservator shall, to the extent possible, select residential placements which enhance the quality of life of the ~~incapacitated person~~ individual subject to guardianship, provide the opportunity to maximize the independence of the ~~incapacitated person~~ individual subject to guardianship, and provide for physical comfort and safety.

407.~~78~~ Before relocating the ~~incapacitated person~~ individual subject to guardianship to a new residence, the guardian and conservator shall consult with, and give timely notices as required by law to, the ~~incapacitated person~~ individual, and should consult with, and give timely notices as required by law to, professionals, notice parties, and other third parties ~~involved with~~ who demonstrate sufficient interest in the welfare of -the

~~incapacitated person's individual care~~ to the extent doing so does not put the ~~incapacitated person individual subject to guardianship~~, the guardian and conservator, or the guardian and conservator's staff at risk of personal harm. Emergency residential decisions to protect the ~~incapacitated person individual subject to guardianship~~ may be made without prior consultation.

407.~~89~~ The guardian and conservator shall, as necessary, thoroughly research and evaluate the ~~incapacitated person's individual subject to guardianship's~~ residential alternatives.

407.~~910~~ Should the only available residential placement not be the most appropriate or least restrictive, the guardian and conservator shall regularly review alternatives to that placement and shall make reasonable efforts to arrange an appropriate and least restrictive residential alternative.

407.~~1011~~ The guardian and conservator shall regularly monitor the ~~incapacitated person's individual subject to guardianship's~~ residential placement to ensure that it is appropriate and that such placement is the least restrictive alternative. The guardian and conservator should consent to changes, as they become necessary, advantageous, or otherwise in the ~~incapacitated person's individual's~~ best interests. The guardian and conservator should consider that even changes within an existing residential facility may have an impact on the quality of life of the ~~incapacitated person individual subject to guardianship~~.

## Guardianship and Conservatorship Program Rules Regulations

### 408 Medical Decisions

408.1 Unless a power of attorney for health care is in effect, the guardian and conservator shall provide informed consent on behalf of the incapacitated person individual subject to guardianship for the provision of care, treatment and services and shall ensure that such care, treatment and services represents the least invasive form of intervention that is appropriate and available. The components of informed consent include, but are not necessarily limited to, an understanding by the guardian and conservator of: (1) the reason for, and nature of, the treatment (2) the benefits of and necessity for the treatment; (3) the possible risks, side effects and other consequences of the treatment and (4) alternative treatments or measures that are available and their respective risks, side effects, and benefits.

408.1.1 The guardian and conservator shall involve the individual subject to guardianship in health care decision making to the extent reasonably feasible and support the individual in understanding the risks and benefits of health care options to the extent reasonably feasible.

408.2 Unless authorized by the court within the past thirty days, after notice and hearing with counsel for the individual subject to guardianship as required by statute, a guardian and conservator for an adult may not consent to any of the following procedures for the adult: (a) therapy or other procedure to induce convulsion; (b) surgery solely for the purpose of psychosurgery; or (c) other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217

408.3 A guardian and conservator shall be familiar with laws limiting the authority to consent to health care decisions, including reproductive decision making.

408.24 The duty to provide informed consent does not prevent a guardian and conservator from electing to make code status decisions in advance of need.

408.35 The guardian and conservator shall be familiar with the law regarding the withholding or withdrawal of life-sustaining treatment.

408.46 The guardian and conservator shall actively promote the health of the ~~incapacitated person~~ individual subject to guardianship by arranging for regular preventative care including but not limited to dental care, diagnostic testing, and routine medical examinations to the extent preventative care and resources are available.

408.57 The guardian and conservator shall be available to respond to urgent need for medical decisions. The guardian and conservator shall provide instructions regarding treatment or non-treatment to be followed by medical staff in emergencies.

## Guardianship and Conservatorship Program Rules Regulations

### 409 Financial Management

409.1 A guardian and conservator shall exercise only the authority granted by the court over property and finances of an individual.

409.12 The guardian and conservator shall assure competent management of the property and ~~income-~~ finances of the ~~estate~~individual subject to guardianship and/or conservatorship. In the discharge of this duty, the guardian and conservator shall exercise the highest level of fiduciary responsibility, intelligence, prudence, and diligence and avoid any self-interest. The management of the ~~estate-~~ property and finances shall be documented by means of accurate and complete records of all transactions.

409.12.1 The guardian and conservator shall meet with the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship and gather information from family, friends and other collateral sources, as soon as practicable after appointment, to determine the current wishes of the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship and to obtain historical information about the ~~incapacitated person's-~~ individual's prior management of financial affairs.

409.12.2 The guardian and conservator shall, subject to court direction, allow the ~~incapacitated person-~~ individual subject to guardianship and/or conservatorship to manage funds to his or her ability when appropriate.

409.2.3 A guardian and conservator that has special skills or expertise, or is named conservator in reliance on the guardian and conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the duties as conservator.

409.23 The guardian and conservator shall know and obey the law related to managing ~~an incapacitated person's estate~~the property and finances of individual subject to guardianship and/or conservatorship. Such knowledge shall include statutes relating to the investment of assets, restrictions imposed on investing and expenditures by RCW ~~11.88 and 11.92~~ 11.130, and laws relating to employment, income, and taxes. The guardian and conservator shall hire competent professionals as appropriate and financially feasible to assure compliance with all statutes and regulations relating to the management of funds.



409.4 A guardian and conservator appointed as a guardian shall take reasonable care of the personal effects, pets, and service or support animals of the adult and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect the adult's property.

409.5 A guardian and conservator appointed as a guardian shall conserve any funds and other property of the individual not expended for the individual's current needs for support, care, education, health and welfare for the individual's future needs, but if another conservator has been appointed for the individual, pay the funds and other property at least quarterly to the conservator to be conserved for the individual's future needs.

~~409.3-6~~The guardian and conservator shall maintain all bonding, blocking, and insurance requirements as may be required by the court.

~~409.47~~ The guardian and conservator shall manage the ~~estate property and finances of the individual~~ with the primary goal of providing for the needs of the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship.

~~409.8~~ The guardian and conservator shall consider a recommendation relating to the appropriate standard of support, care, education, health, or welfare for the individual subject to conservatorship made by a guardian for the individual subject to conservatorship.

~~409.59~~-In certain cases, the guardian and conservator shall consider the needs of the ~~incapacitated person's~~individual subject to guardianship and/or conservatorship's dependents for support, ~~or maintenance, care, education, health, or welfare. provided appropriate authority for such support is obtained in advance.~~ The wishes of the ~~incapacitated person~~individual subject to guardianship and/or conservatorship as well as past behavior can be considered, bearing in mind both foreseeable financial requirements of the ~~incapacitated person~~ individual and the advantages and disadvantages to the ~~incapacitated person~~ individual of such support or maintenance.

409.9.1 The guardian and conservator shall consider a recommendation relating to the appropriate standard of support, care, education, health, or welfare for an individual who is dependent on the individual subject to conservatorship, made by a guardian for the individual subject to conservatorship.

~~409.6-10~~ When the available estate property and finances of the ~~incapacitated person individual subject to guardianship and/or conservatorship is~~ are sufficient, the guardian and conservator may petition the court for authority to make such gifts as are consistent with the wishes or past behavior of the ~~incapacitated person individual~~, bearing in mind both foreseeable requirements of the ~~incapacitated person individual subject to guardianship and/or conservatorship~~ and the advantages and disadvantages to the ~~incapacitated person individual~~ of such gifts, including tax consequences.

~~409.711~~ The guardian and conservator shall apply for all public and insurance benefits for which the ~~incapacitated person individual subject to guardianship and/or conservatorship~~ is eligible. When implementing necessary changes in the ~~incapacity person's individual's~~ lifestyle, the guardian and conservator shall seek to minimize the stress of any transition.

~~409.8-12~~ Except when inconsistent with the guardian and conservator's duties under RCW 11.130.505 (1) through (4) addressing fiduciary duties, self-determination and the individual's retained decision making, the substituted judgment standard, and the best interest standard, a guardian and conservator shall invest and manage the conservatorship estate as a prudent investor. The guardian and conservator shall ~~exercise prudence in investment~~, shall periodically review the ~~incapacitated person's individual subject to conservatorship's~~ situation and assets, and make recommendations regarding appropriate investments. ~~In the exercise of prudence~~ The guardian and conservator shall invest and manage the conservatorship estate as a prudent investor by considering:

~~409.8.1 Not allow assets to sit idle except for good reasons.~~

~~409.8.2 Consider the tax consequences of decisions.~~

~~409.8.3 Consider the incapacitated person's long term ability to sustain costs of arrangements made by the guardian.~~

~~409.8.4 Consider the incapacitated person's ability to gain the benefits of specific decisions.~~

~~409.8.5 Consider the costs incurred in managing investments, including the costs of the guardian, those specialists hired by the guardian, and the costs of the investment vehicles.~~

~~409.8.6 Consider the incapacitated person's historical investment pattern and tolerance for risk, lifestyle needs, care and medical needs, estate considerations, tax consequences, and life expectancy.~~

409.12.1 The circumstances of the individual subject to conservatorship and the conservatorship estate;

409.12.2 General economic conditions;

409.12.3 The possible effect of inflation or deflation;

409.12.4 The expected tax consequences of an investment decision or strategy;

409.12.5 The role of each investment or course of action in relation to the conservatorship estate as a whole;

409.12.6 The expected total return from income and appreciation of capital;

409.12.7 The need for liquidity, regularity of income, and preservation or appreciation of capital; and

409.12.8 The special relationship or value, if any, of specific property to the individual subject to conservatorship.

409.13 A guardian and conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

409.14 In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a guardian and conservator shall consider any estate plan of the individual known or reasonably ascertainable to the guardian and conservator.

409.15 A guardian and conservator shall keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the individual subject to conservatorship, a guardian for the individual, or any other person the guardian and conservator or the court determines.

409.916 A guardian and conservator shall not commingle the funds of an ~~incapacitated person~~ individual subject to guardianship and/or conservatorship with funds of the guardian and conservator or the funds of staff. A guardian and conservator may consolidate client accounts, using appropriate accounting software and procedures, including pro-rata assignment of interest earned and fees paid and accurate individual accounting for each client's funds, provided the guardian and conservator has received specific authority from

the court to do so. Each payment from a consolidated account shall be from funds held in the account on behalf of the individual for whom the payment is made.

~~409.10-17~~ The guardian and conservator shall not borrow from an ~~incapacitated person individual subject to guardianship and/or conservatorship~~. A guardian ~~and conservator~~ shall not lend funds at interest to an ~~incapacitated person individual subject to guardianship and/or conservatorship~~.

~~409.11-18~~ The responsibility to protect and preserve the ~~guardianship estate property and finances of an individual subject to guardianship and/or conservatorship~~ rests with the guardian and conservator appointed by the court. When the guardian and conservator is an agency, this responsibility is that of the agency and the guardian and conservators identified with the Certified Professional Guardianship and Conservatorship Board as the responsible guardian and conservators for the agency. While it may be appropriate and necessary to retain and reasonably rely upon the services of knowledgeable individuals or entities to assist in the performance of duties, it is the responsibility of the guardian and conservator to provide appropriate oversight and review, in order to ~~preserve the guardianship estate discharge the guardian and conservator's duties~~.

~~409.12-19~~ At the death of the ~~incapacitated person individual subject to guardianship and/or conservatorship~~, the guardian and conservator shall comply with RCW ~~11.88.150 11.130.550~~ and RCW 11.130.570.

~~409.13-20~~ The guardian and conservator shall obtain if necessary and insurance coverage, as appropriate and feasible, for guardianship property maintain insurance on the insurable real and personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds: (a) the property lacks sufficient equity; or (b) insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.