

Meeting Minutes

March 13, 2023



Certified Professional Guardianship and Conservatorship Board

Monday, March 13, 2023

Zoom Meeting

7:30 a.m. – 9:00 a.m.

MEETING MINUTES

Members Present

Judge Diana Kiesel, Chair
Judge Grant Blinn
Judge Robert Lewis
Ms. Kristina Hammond
Dr. K. Penney Sanders
Mr. Dan Smerken
Ms. Susie Starrfield
Ms. Melanie Maxwell¹
Judge Ferguson-Brown²
Ms. Lynda Clark

Staff Present

Ms. Stacey Johnson
Ms. Thai Kien
Mr. Samar Malik
Ms. Maureen Roberts
Ms. Sherri White
Ms. Kay King
Ms. Rhonda Scott
Ms. Linda Vass

Members Absent

Ms. Anita Souza
Ms. Lisa Malpass
Mr. William Reeves

Guests – See last page

1. Meeting Called to Order

Judge Diana Kiesel called the March 13, 2023 Certified Professional Guardianship and Conservatorship Board meeting to order at 7:31 a.m..

2. Welcome, Roll Call & Approval of Minutes

Judge Kiesel welcomed all present.

Motion: It was moved and seconded to approve the February 13, 2023 Board meeting minutes. The motion passed.

3. Executive Session (Closed to Public)

4. Reconvene (Open to Public)

5. Chair's Report

Judge Kiesel welcomed everyone.

¹ Ms. Maxwell joined at 7:42 a.m.

² Judge Ferguson-Brown joined at 7:50 a.m.

6. Grievance Report

Staff reported four (4) grievances were received during the month of February. At February's meeting, the Board dismissed three (3) grievances and forwarded four (4) grievances to superior court. A total forty (44) grievances are currently unresolved. Currently, there are two hundred fifty-five (255) active CPGCs.

7. Vote on Executive Session Discussion

On behalf of the Applications Committee, Judge Robert Lewis presented the following applications for certification. The Application Committee abstained.

Motion: It was moved and seconded to approve Jason Keesee's application for certification, with transferable skills in financial. The motion passed.

On behalf of the Standards of Practice Committee, Judge Grant Blinn presented the following grievances for Board action. Members of the Standards of Practice Committee abstained.

Motion: It was moved and seconded to dismiss grievance 2023-008 for no jurisdiction. The motion passed.

Motion: It was moved and seconded to forward complete grievance 2023-009 to court. The motion passed.

Motion: It was moved and seconded to forward complete grievance 2023-010 to court. The motion passed.

Motion: It was moved and seconded to dismiss grievance 2023-011 as incomplete. The motion passed.

Motion: It was moved and seconded to forward complete grievance 2023-012 to court. The motion passed.

Motion: It was moved and seconded to forward complete grievance 2023-013 to court. The motion passed.

Motion: It was moved and seconded to forward complete grievance 2023-014 to court. The motion passed.

Motion: It was moved and seconded to dismiss grievance 2022-019 based on findings received from superior court. The motion passed.

Motion: It was moved and seconded to dismiss grievance 2022-020 based on findings received from superior court. The motion passed.

8. Wrap Up/Adjourn

With no other business to discuss, the February 13, 2023 CPGC Board meeting was adjourned at 8:26 a.m. The next Board meeting will be hybrid and take place at the SeaTac office and via zoom on April 10, 2023.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion:	It was moved and seconded to approve the minutes of the February 13, 2023 Board meeting.	Passed
Motion:	It was moved and seconded to approve Jason Keese's application for certification, with transferable skills in financial.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-008 for no jurisdiction.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-009 to court.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-010 to court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-011 as incomplete.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-012 to court.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-013 to court.	Passed
Motion:	It was moved and seconded to forward complete grievance 2023-014 to court.	Passed
Motion:	It was moved and seconded to dismiss grievance 2022-019 after court review.	Passed
Motion:	It was moved and seconded to dismiss grievance 2022-020 after court review.	Passed

Guests:

Samantha Hellwig (AAG)
Brenda Morales
Glenda Voller
Karen Klem Newland

Chris Neil
Deborah Jameson
Kaylyn Balsam

Regulations Committee / Bylaws Committee
Recommended Changes to Board Bylaws

Certified Professional Guardianship and Conservatorship Board BYLAWS

ARTICLE I: Certified Professional Guardianship and Conservatorship Board (Board)

ARTICLE II: Purpose

January 25, 2000, the Supreme Court created the Certified Professional Guardianship and Conservatorship Board¹ (Board) with the adoption of General Rule (GR) 23. The Board was created to regulate professional guardian and conservators. According to GR 23, the Board's regulation shall include (1) processing applications for certification; (2) adopting and implementing policies or regulations setting forth minimum standards of practice for professional guardian and conservators; (3) adopting and implementing regulations establishing a professional guardian and conservator training program; and (4) adopting and implementing procedures to review any allegation that a professional guardian and conservator violated an applicable statute, fiduciary duty, court order, standard of practice, rule, regulation or other requirement governing the conduct of professional guardian and conservators.

According to GR 23, regulation of professional guardian and conservators may include (1) adopting and implementing regulations governing the preparation and administration of certification examinations; (2) adopting and implementing regulations for continuing education; (3) investigating to determine whether an applicant for certification meets the certification requirements or to determine whether a professional guardian and conservator violated any statute, duty, court order, standard of practice, rule, regulation or other requirement governing the conduct of professional guardian and conservators; and (4) adopting regulations pertaining to the orderly conduct of a hearing.

ARTICLE III: Governing Body

The Washington State Supreme Court will govern the activities of the Certified Professional Guardianship and Conservatorship Board. The Supreme Court shall appoint 12 or more members to the Board.

¹When the Board was created, the terminology included only guardians, and due to statutory changes, now refers to guardian and conservators. Other amendments to GR 23 are also incorporated herein.

ARTICLE IV: Membership

Section 1: Members

Members of the Certified Professional Guardianship and Conservatorship Board shall include representatives from the following areas of expertise: professional guardian and conservators; attorneys; advocates for ~~incapacitated persons~~ individuals subject to guardianship and conservatorship; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships and conservatorships. ~~No more than one-third of the Board membership shall be practicing professional guardians.~~

Section 2: Terms of Appointment

The term for a member of the Board shall be three years. No member may serve more than three consecutive full three-year terms, not to exceed nine consecutive years, including any unfilled term. Terms shall be established such that one-third shall end each year. All terms of office begin October 1 or when a successor has been appointed, whichever occurs later, and end September 30.

Section 3: Vacancies

Any vacancy occurring in the terms of office of Board members shall be filled for the remaining time of an unexpired term.

Section 4: General Duties

Duty of Care:

A board member has the obligation to exercise reasonable care when ~~he or she~~ they makes a decision for the Board. Reasonable care is what an "ordinarily prudent" person in a similar situation would do.

Duty of Loyalty:

A board member must never use information gained through ~~his/her~~ their position for personal gain and must always act in the best interests of the Board and the public. Determining public interest in a particular situation can be complex, but on a practical level, a Board member's public duty can best be fulfilled by focusing on the Board's duty to protect the public by ensuring that guardianship and conservatorship services are provided by certified professional guardian and conservators in a competent and ethical manner.

Duty of Obedience:

A board member must be faithful to the Board's purpose. ~~He or she~~ They cannot act in a way that is inconsistent with the Board's goals. The public trusts the board to make sure the Board abides by the rules, regulations, and laws governing its actions.

Duty of Confidentiality:

A board member shall respect and maintain the confidentiality of any and all information relating to privileged or confidential executive session discussions prior to a vote at board and committee meetings, including any and all materials, e.g. correspondence, reports, etc., unless compelled by legal process to disclose such information, or as otherwise agreed by the Board. While Board members are free to discuss actions adopted by the Board, disclosing or distributing any information concerning any confidential discussion of such items during the Board meeting is prohibited. Annually in October, each board member will sign a confidentiality agreement in which ~~he or she~~they acknowledges a duty of confidentiality.

Article V: Officers

Section 1: Chair and Vice Chair

Appointment: The Supreme Court shall appoint the Board Chair. By a majority vote, the Board shall elect a Vice Chair from its members.

Removal: The Board may petition the Supreme Court to remove a chair for failure to comply with any statute, duty, court order, standard of practice, rule, regulation bylaw or other requirement governing ~~his or her~~ their conduct.

Leave of Absence: Any Board member who is the subject of a disciplinary investigation by the Board may be asked to take a leave of absence from the Board. The Board Chair shall have the sole discretion to decide whether the Board member should take a leave of absence from the Board and when the Board member may return to the Board. A Board member may not continue to serve as a member of the Board if the Supreme Court has imposed a final disciplinary sanction on the Board member.

Section 2: Specific Duties of Chair and Vice Chair

The Chair shall set the agenda for and preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The chair shall appoint the chairs of all committees. The vice chair shall perform the duties of the chair in the absence or incapacity of the Chair or at the Chair's request.

The Chair of the Board shall have the power to issue subpoenas and may make pre-hearing or other orders as are necessary for the orderly conduct of any hearing.

Article VI: Members

Section 1:

Appointment: The Board will solicit members and shall nominate all members with two exceptions, one member of the Board will be a representative of the Department of Social and Health Service (DSHS) nominated by DSHS; two members of the Board will be members of the Washington Bar Association (WSBA) nominated by WSBA. The Board shall review the qualifications of potential representatives from DSHS and WSBA

and make a recommendation to DSHS and WSBA before a nomination is submitted to the Supreme Court. The Supreme Court shall appoint all board members.

Removal: The Board Chair may petition the Supreme Court to remove a board member, including the vice chair, for failure to comply with any statute, duty, court order, standard of practice, rule, regulation bylaw or other requirement governing ~~his or her~~ their conduct.

Section 2: Specific Duties of Members

Each member shall serve on one or more committees.

Article VII: Committees

Standing committees, as well as ad hoc committees and task forces of the Board, shall be established by majority vote. Each committee shall have such authority as the Board deems appropriate. The Chair will appoint the chair of all committees created by the Board. The terms of ad hoc and task force committee members will have terms as determined by their charge.

Article VIII: Meeting

The Board shall hold meetings as determined to be necessary by the chair.

Section 1: Regular Meeting

Regular meetings will be open to the public.

Section 2: Special Meeting

Executive session, review panel, or disciplinary meetings before the filing of a disciplinary complaint will be closed to the public.

Section 3: Quorum

A majority of the board is required for a quorum. A quorum must be present on the phone, online or in person for voting to occur. When a quorum is established, a motion will be approved by a majority of those present. Board members who are also members of the committee of origin of any matter before the Board may vote on the matter, subject to conflict of interest provisions applicable to all Board members.

Section 4: Attendance

Board members are required to participate in a minimum of 80% [to be rounded down] of full Board meetings held during the calendar year. A board member may not have more than two unexcused absences during a calendar year and continue to serve on the Board. An absence resulting due to an emergency will be excused. Absences will also be considered excused if a board member informs the chair or AOC staff via phone or e-mail of ~~his or her~~ their expected absence at least 24 hours before the meeting start time.

Section 5: Votes

Committee action will be taken by voting. Whenever a vote is not unanimous, the Chair may call for a show of hands. Members participating, in-person, online or on the phone may vote. No member will be allowed to cast a vote by proxy.

Article IX: Public Input

Section 1: Public Comment

Each regularly scheduled in-person meeting shall include a public comment period. The public comment period shall be the first item on the agenda after the chair's report. The comment period shall not exceed thirty minutes total and will be subject to the following general guidelines:

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

A written copy of public comments provided to AOC staff during or immediately following the meeting ~~staff~~ will be attached to meeting minutes.

Regulation 600, the procedure for adoption, amendment and repeal of regulation also provides an opportunity to provide written comments.

Section 2: Public Meeting

Annually, the Board holds a planning meeting to discuss emerging issues in guardianship and conservatorship practice and long-term projects. Before the planning meeting, the public is invited to a moderated discussion with the Board.

Section 3: Communication

To effectively and efficiently perform its regulatory mission, the Board uses a Communications Plan¹, adopted to facilitate the consideration of diverse perspectives in an environment that supports and respects differences and commitment to group initiatives.

Article X: Conflict of Interest²

To address conflicts of interest board members should:

- a) Fully disclose their relationships with any and all individuals and organizations when matters involving those entities come before the board;
- b) Avoid participating in quasi-legislative matters involving their own specific, substantial, and readily identifiable financial interests, except where the financial interest is shared equally by other Board members;
- c) Not participate in rulemaking when the organization in which they have a personal interest is the petitioner for the rule in question; and
- d) Not participate in grievances and complaints or other quasi-judicial proceedings involving individuals and organizations with which they are personally interested or where their impartiality might reasonably be questioned as a result of their association with those entities.

¹ For additional guidance regarding the Communications Plan see

<http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>

² For additional guidance review the memo dated August 1, 2014, RE: Conflicts Review/Recusal Process

<http://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules>

Article XI: Amendments and Repeal of Bylaws

Bylaws may be amended or modified by majority vote at any regular meeting of the Board.

Article XII: Board Member Expenses

Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Article XIII: Address of the Board

Administrative Office of the Courts
ATTN: Certified Professional Guardianship Board
PO Box 41170
Olympia, WA 98504

Education Committee
CEUs for Approval

NGA PRE-RECORDED WEBINARS FOR EDUCATION COMMITTEE REVIEW

2023

1. (Recording) Guardianship Monitoring Protocols (1 ethics credit)

The court's duty to protect the well-being of an individual does not end when it appoints a guardian (or conservator). After appointment, the court has an ongoing duty to monitor the guardianship or conservatorship. With a monitoring protocol, the court can identify guardians who are struggling, guide a guardian who needs assistance in fulfilling their duties, and the court can stop a guardian from using their court appointed authority to abuse, neglect, or exploit an individual.

Participants will learn to describe an effective monitoring process, describe how to use the new monitoring protocols for the well-being reports and accountings, and name "red flags" for possible problems in a guardianship.

Intended Audience: Individuals who have responsibility for monitoring guardianships and conservatorships.

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenter: Diane Robinson

Diane Robinson, Ph.D, is a Principal Court Research Associate with the National Center for State Courts. Since joining the NCSC in 2019, her project work has focused on guardianships and conservatorships, with projects including the Conservatorship Accountability Project, the Guardianship Judicial Response Protocol, Rapid Response Financial Monitoring, and Elder Justice Innovation Grants. She also works in data governance, including data collection, data quality, use of data, and data sharing.

2022

2. Life Insurance Settlements: Helping Clients Benefit from a Hidden Asset (1 general education credit)

A half million seniors a year will walk away from their life insurance policies – with little or nothing. This happens because they no longer want, need or can afford the policy and they (and their advisors) do not know there is another option. This webinar focuses on educating the audience about all aspects of life insurance settlements including: what they are, how they work, their history, regulation, why anyone would want to sell their policy, how the market works, how much policies can be worth (hint: tens of thousands or hundreds of thousands of dollars), how money can be used, real client case study examples, when a life insurance settlement does, and does not, make sense, etc. The participants will be fully versed in life insurance settlements, so they can:

- Identify situations when a settlement may make sense for a client
- Describe to clients how a settlement works
- Understand the timing, regulation, and transparency of the process
-

Intended Audience: Fiduciaries, financial advisors, guardians, elder law attorneys, daily money managers, insurance agents, or anyone that works with seniors or clients that are incapacitated. The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenter: Lisa Rehbarg

Lisa Rehbarg has been in the insurance industry for over 30 years and works with professionals nationwide to help their clients. She is a life settlement broker. Her fiduciary duty to clients is to market their policy to obtain the highest amount for it that she can. Her focus is on education, so professionals understand life insurance settlements, and when (and when not) they can be a good fit for clients. Lisa has spoken hundreds of times to organizations such as: Professional Fiduciary Association of California chapters, Aging Life Care Association, Financial Planning Associations, American Association of Daily Money Managers, Estate Planning Councils, National Association of Professional Financial Advisors study groups, Health Underwriters, National Association of Insurance and Financial Advisors chapters, and more.

3. What Guardians Need to Know About Funeral Planning (1 general education credit)

This webinar will explain what guardians need to know about funeral options so they can support any clients who need to plan their funeral. We cover suggestions on how to talk with possibly reluctant clients about their wishes or to engage family members in planning, when necessary; explore the details that need to be considered; discuss the pros and cons of pre-need contracts; and summarize options when the client is running out of resources to pay for funeral arrangements.

Participants will learn:

- How to assist clients in making preparations for their funerals
- What options need to be considered when making final arrangements
- What options there are for paying funeral expenses

Intended Audience: Guardians and any other professionals who have the responsibility to assist others in planning a funeral

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenter: Scott Greenberg, CAEd and Sally Hurme, JD

Scott Greenberg is the CEO of ComForcare Senior Services and author of the award-winning book "*Oh My God, I'm Getting Older and So is My Mom*". He is a Nationally Certified Alzheimer's Educator by NCBAC and has been conducting workshops and support groups for more than 10 years. He has spoken at the largest educational conference on Alzheimer's disease held in Florida for 10 of the last 12 years including one year as the keynote speaker. An accomplished speaker on the subject, Scott has presented to thousands of family caregivers and professionals on caring for people living with Alzheimer's disease. Sally Hurme, a former NGA board member, elder law attorney, and best-selling author, has written the *ABA/AARP Checklist for Family Survivors*, a lay person's guide to the details involved when a loved one dies.

4. Working with Challenging Families (1 emerging issues credit)

NOTE: Due to technical issues, the first 10 minutes of this webinar were not captured in the recording. Please review the SLIDES to retrieve the first code for this session.

Client families can be challenging – dealing with members who interfere with care, challenge decisions, and manipulate the client adds a complex level to a case. Setting boundaries, communicating information, and working with other professionals can be disrupted by challenging families. This program will present two cases, guide you through communication and boundary setting, and include discussion and case questions.

Participants will learn strategies to effectively communicate verbally and in writing with family members at the beginning of a case, and how to organize a constructive family meeting. They will also learn how to recognize, and diffuse common patterns of family behavior drawn from case studies.

Intended Audience: Guardians, Family Guardians, Care Managers, Conservators, Attorneys
The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenter: Joyce McHugh

Joyce McHugh is a Social Worker, Legal Guardian and Certified Care Manager working in the Boulder Colorado area. She started with Advocate Care Services eleven years ago and is now a co-owner of the agency. She is passionate about advocating for and working with protected populations. Joyce is currently working to improve the awareness of the role of guardian with the State of Colorado, local facilities, hospitals, and medical providers. In addition to working full-time she is currently a Master's Candidate and is working on a book about Legal Guardianships.

5. Aging in Place–Digitally! (1 general credit)

Thursday, April 28, 2022 @ 1 p.m. Eastern (12 p.m. Central, 11 a.m. Mountain, 10 a.m. Pacific)

Elder care is heading for a crisis. The number of elders needing care is rapidly increasing, while available beds and the number of caretakers is decreasing. Caretakers and fiduciaries must use technology to “fill the gap.” This webinar will look at today’s technology, and future technology, which can and will be used to care for elders and to ensure their safety.

Participants will learn:

- Care needs of elders and incapacitated persons.
- Safety needs for persons who are “aging in place” and in care facilities.
- Monitoring, caretaking, and dispatching technologies currently available.
- Using technology to provide information and to alert caregivers in a timely and appropriate manner.
- Artificial intelligence and predictive technologies.
- When technology cannot be relied upon.

Intended Audience: Guardians and care providers.

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenter: Frank R. Acuna

Frank R. Acuna is a founding partner of Acuña Regli, located in Pleasant Hill, California, with satellite offices in Oakland and Fairfield, CA. Mr. Acuna is certified by the State Bar of California as an estate planning, probate, and trust administration specialist. His practice is built around the needs of licenses professional fiduciaries.

2021

6. Aging Life Care Associates and the Guardianship Process (1 general credit)

Aging Life Care Associates have been providing care for seniors, people with disabilities, and their families for more than 35 years. The array of services is matched only by the uniqueness of their clients. Aging Life Care Associates can be part of the guardianship process by providing assessments, ongoing care management, family mediation and expert witness.

Participants will gain an understanding of this unique profession and how they have helped families navigate the health care arena, advocate for those who cannot advocate for themselves, and how they can be used to help the participants of a guardianship proceeding get to a solution that improves the life of the person involved in the guardianship.

Intended Audience: Anyone who participates in the guardianship process; guardians.

About the Presenters: Anne Markowitz Recht, Nancy E. Avitabile, C. Taney Hamill

Anne Markowitz Recht, LMSW, CMC, is a Licensed Master Social Worker in New York State and a Certified Care Manager. Anne is the Director of Care Management for Caring People, Inc. She is the founder and former CEO of AMR Care Group, a Care Management and Companion Services company which merged with Caring People, in January 2020. Anne was the Director of Family and Children's Association's Guardianship program. Anne has served as Court Evaluator, Guardian, court-appointed care manager and expert witness in hundreds of Guardianship cases.

Nancy E. Avitabile, LMSW, CMC, is the owner of Urban Eldercare, LLC and a founding partner of Home Care Match, LLC. Nancy served on the National Board for Aging Life Care Association, including as President. She has been featured on Thomson Reuters, "The Business Managing Old Age", has written for the Aging Live Care Association publications, "Inside ALCA" and "The Journal of Aging Life Care" as well as other publications. Nancy was the Co-Chair of the NY Aging Life Care Association Guardianship Program and served as Guardian.

7. Is It Alzheimer's or Normal Aging? (1 emerging issues credit)

Thursday, August 26, 2021 @ 1 p.m. Eastern (12 p.m. Central, 11 a.m. Mountain, 10 a.m. Pacific)

Many people confuse normal aging memory issues as early warning signs of Alzheimer's and dementia. Understanding the differences can prevent a great deal of stress as well as provide a roadmap for action should one be uncertain as to what is happening to them or what they see in others. This webinar will help identify the differences in Normal Aging and Alzheimer's disease and provide you with the tools necessary to take appropriate action where necessary.

Participants will gain an understanding of the differences between normal aging and dementia.

Intended Audience: Anyone dealing with seniors.

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenter: Bill Benson

Bill Benson has been actively involved in state and federal policies, programs, and legislation affecting the aging population for more than four decades. He is National Policy Advisor to the National Adult Protective Services Association. He is co-founder and president of the International Association for Indigenous Aging and past board president of the National Citizens Coalition for Nursing Home Reform (now Consumer Voice). From 1993 to 1997, Mr. Benson was Deputy Assistant Secretary for Aging at the Administration on Aging (AoA) at the U.S. Department of Health and Human Services and was the Acting Assistant Secretary for Aging in 1997. Benson previously spent eight years working for several Congressional Committees on federal legislation affecting the aging population. Since 2000 he has been host of *First Person*, a weekly series of interviews with Holocaust survivors for the United States Holocaust Memorial Museum in Washington, D.C.

8. The National Outlook: Elder Justice, Adult Protective Services, and Congressional Action Important to Guardians (1 general credit)

Numerous federal policy developments are presently underway which are directly relevant to guardians, protected persons, and the programs and services available to them. Earlier this year, the first-ever federal funding dedicated to Adult Protective Services (APS) was made available under the Elder Justice Act (EJA) to states. Legislation was just introduced in the House and Senate to reauthorize the EJA including significant APS provisions, along with other proposals related to court reform concerning guardianships, establishing medical-legal partnerships, and other purposes. The Biden Administration and congressional Democrats are preparing an extraordinary \$3.4 trillion “human infrastructure” package that if enacted is expected to contain dramatic improvements in and expansions of services for older adults, people with disabilities, and their families, addressing Medicare, Medicaid, long-term services and supports, caregiving, and affordable housing. This legislation is expected to be introduced as early as September. The webinar will give participants an up-to-date overview of these new developments.

Participants will be informed about various aspects of the recently amended Older Americans Act, funding for state and local APS under the Elder Justice Act (EJA), and the pending EJA reauthorization, which includes provisions related to APS, the LTC Ombudsman Program, nursing homes, and innovative amendments addressing the Medical-Legal Partnership model and guardianship reform. Participants will also learn the most current information about the pending \$3.4 trillion “human infrastructure” legislation and its prospects for enactment during this Congress. CAVEAT: Many aspects of Congressional action and the resulting legislation are unpredictable. This presentation will be a report on the current state of affairs, not a guarantee of desired outcomes.

Intended Audience: Professional guardians, their advisors, and other people involved with aging and disability services.

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

9. Understanding and Caring for the Aging Holocaust Survivor (1 emerging issues credit)

It is estimated there are over 67,000 Holocaust survivors residing in the United States. All are at least age 75 and over half at least age 85. Holocaust survivors suffered unimaginable trauma, which has affected their aging process. Many in this identified group have very specific thoughts and beliefs, which reflect the trauma they endured. Imagine being a young teenager and having your entire family murdered in the Holocaust. How do you learn to trust others, how do you define family, how do you know what it is like to age? As a guardian for a Holocaust survivor, there are many and different considerations to contemplate when making decisions. Understanding a survivor who ‘acts out’ with medical professionals may have been part of inhumane experiments during the Holocaust. Consider a survivor who panics at people in uniform, recalling the uniformed officers removing parents from their family home, only to never be seen again. Increased understanding of the special needs of a Holocaust Survivor plays a critical role in the Guardian – Survivor relationship.

Participants will learn:

- History of the Holocaust
- Who is a Holocaust Survivor
- Immigration and resilience
- Normal aging – the aging Survivor
- Family dynamics/ trauma
- When a Holocaust survivor is a ward
- Case example
- Resources

Intended Audience: Registered guardians and professional colleagues

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenters: Pamela Wiener, RG, PhD, Eva Weiss, MEd, EdS, and Michael Gans, MA, MS, MSA, PhD-c, LCSW

Pamela Wiener, RG, PhD is Director of the Guardianship Program at Alpert Jewish Family and Children's Service in West Palm Beach. Prior to that, she was Elder Care & Crisis Manager of the West Palm Beach Housing Authority and Managing Director of its non-profit, Pine Ridge Holistic Living Center. She is a past president of the Partnership for Aging of Palm Beach County and has served on that board in other capacities. Dr. Wiener served on the Advisory Council of the ADRC of the Treasure Coast and the Palm Beaches. She holds a BA in foreign languages (Adelphi University), an MSSW (University of Texas/Arlington), and a PhD in social welfare from the University at Albany, SUNY. She started her social work career in volunteer management, and her gerontology career in an adult day care setting in Jerusalem. She has worked in Israel, NY, TX, ME, CA, and FL and is trilingual. She is a Registered Guardián.

Eva Weiss, MEd, EdS: Mrs. Weiss has been the coordinator of the Holocaust Survivor Assistance Program at AJFCS since its inception in 1995. This program has given access to over 100,000 hours of supportive services to the 12,000 survivors living in the tri-county area. Eva was born in Lvov, Russia and is herself the daughter of Holocaust survivors. She has a Masters and Specialist's degrees from the University of Florida in Counseling and Education and is certified in Social Learning Family Therapy and Gerontology. Eva has over 20 years' experience in providing clinical and administrative services to families and elders; and has presented nationally and internationally on issues related to the Holocaust.

Michael Gans, MA, MS, MSA, PhD-c, LCSW: As a Licensed Clinical Social Worker/ Psychotherapist, certified in EMDR, Michael is presently completing his Ph.D. studies. His course of study has focused on the Holocaust, trauma, the transmission of transgenerational trauma, LGBTQ issues, and how to most effectively provide clients with culturally competent, person-centered, and trauma-informed (PCTI) care. Michael has served as an adjunct lecturer at various universities teaching Yiddish and German language, culture and business courses, and lecturing as a member of the University's Speaker's Bureau. In addition, Michael co-created and directed the I-witness Holocaust Field School in which university students explore ways in which the Holocaust is memorialized in Central Europe, and build understanding of how the lessons of the Holocaust are relevant in today's world.

At Alpert Jewish Family Services, Michael developed an award-winning United Way funded program to assist aging parents in the life planning for their severely disabled adult children and developed *HonoringLife*, a JFNA-funded professional training program that educates professional caregivers in the delivery of culturally competent, PCTI care and services to Holocaust survivors and their families.

10. Understanding and Supporting Grief: Practical Strategies (1 emerging issues credit)

This webinar will define grief (It's a wider definition than most think), dispel myths about grief and share the hidden things that make the experience of grief so difficult. The presenter will discuss the connection between grief and health and give practical strategies to support yourself and stay well as you work hard to support others.

Participants will learn how to support themselves and support others in meaningful ways (physically, intellectually, emotionally, and spiritually) amid loss and change. Practical strategies and words to say (when you don't know what to say) are included.

Intended Audience: Anyone who wants to know how to better care for themselves and/or others amid loss and change. Those, like guardians, who support/care for others professionally are the obvious audience, but anyone can participate and learn.

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

About the Presenter: Rachel Weinstein, M.S. Ed.

Rachel Weinstein has over 25 years of experience in the field of grief and loss and has appeared as a grief expert on local and national television, on syndicated radio programs, and in syndicated newspapers in the United States. She is the owner of “Jacksonville Center for Grief and Loss” and provides support, education, and consultation for loss and life transition. She spent the early part of her career as a general therapist prior to experiencing a personal loss. That loss awakened her to how little most well-intentioned helping professionals know about distinguishing grief from clinical depression and often what was done and said made the grief experience even harder. Family and friends were equally ill-equipped to show up in a way that felt supportive. After getting through her loss, she pursued additional training on understanding and supporting grief and loss. Rachel is passionate about helping others, particularly helping professionals, better understand grief, literally support it, and take care of themselves in their quest to support others.

11. What Families Need to Know About Planning for a Loved One with Special Needs (1 general credit)

Estate planning by parents who have children with disabilities involves many challenges, including the following:

- How do you leave funds for the benefit of the child without causing the child to lose important public benefits?
- How do you make sure that the funds are well-managed?
- How do you make sure that your other children are not over-burdened with caring for the disabled sibling, and that any burdens fall relatively evenly among the siblings?
- What is fair in terms of distributing your estate between your disabled child and your other children?
- How do you make sure there is enough money to meet your disabled child’s needs?

Often, parents of children with special needs try to resolve these issues by leaving their estates to their other children, leaving nothing to the disabled children. They have several reasons for this approach:

- 1) the disabled child should not receive anything because they cannot manage money and would lose their benefits,
- 2) they do not need any inheritance because they will be taken care of by the public benefits they receive; and
- 3) the other children will take care of them.

When addressing a special needs planning situation, be sure to speak with a professional who understands the nuances of the special needs planning process.

Attendees will come to understand what is involved in the planning process for a special needs family and the importance of preserving the loved one’s financial security and quality of life. The key issues of understanding the role of public benefits, making decisions about the future, Maryland ABLE, and using estate planning and trusts to protect assets will be discussed along with the types of special needs trusts and their specific purposes (along with who the decision makers and beneficiaries can be in these trusts). Also, to be touched upon will be the “planning team concept” — how your planning team (attorney, financial advisor, CPA) — can work together to help provide your family peace of mind during the special needs planning process.

Intended Audience: The target audience for this presentation is all families who need to plan their loved one with special needs. This includes young families with young children up to older parents with disabled adult children, as well as other family members including grandparents who wish to contribute to 3rd party

special needs trusts. *This presentation is also important for financial decision makers who want to better understand the ins and outs of special needs planning so they can be a better resource for their clients.*

About the Presenter: Olivia R. Holcombe-Volke, Esq.

Olivia Holcombe-Volke is a Senior Principal with Elville and Associates, P.C. Her primary focus is on all aspects of estate planning, including the initial drafting of wills, trusts, advance directives, and powers of attorney, as well as the continued revision and updates of those documents as life and statutory changes occur. She also regularly works with clients who have elder law and/or special needs concerns, whether on behalf of themselves or a family member, assisting with Medicaid and Veteran's asset protection efforts, special needs planning, and the difficult issues attendant to mental and physical incapacity.

The webinar is eligible for one hour of continuing education credit from the Center for Guardianship Certification.

2023 Instructions for Sponsors of Guardian/Conservator Continuing Education

Course Submission Requirements

1. The Application for Approval of Continuing Education Activity and resumes or bios of instructors should be submitted electronically to guardianshipprogram@courts.wa.gov.
2. If a complete application is received more than thirty (30) days prior to the seminar, the fee is \$25 per occurrence. If the application is received less than thirty (30) days prior to the event, the fee is \$50 per occurrence. Approval will not be granted if the application for approval is received by the Board more than thirty days after the course has been held. *All fees are non-refundable and non-transferable.*
3. Checks should be made out to the Administrative Office of the Courts (AOC) and mailed along with the completed Continuing Education Course Approval Request Invoice to:

Samar Malik
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1172

4. All courses must be open to all Certified Professional Guardians and Conservators (CPGCs). The sponsoring agency will allow the Certified Professional Guardianship & Conservatorship Board (Board), a member thereof, or a designee of the Board, to audit the program.

Guardian/Conservator Continuing Education Course Content Requirements

According to Continuing Education Regulation 200, CPGCs are required to participate in ongoing education to maintain their certification. The training requirement is a minimum of 24 credit hours per the two (2) year reporting period, with the minimum time allocated among education and skills training in three (3) continuing education categories: General, Ethics and Emerging Issues. A "credit hour" equals one (1) clock hour (60 minutes) of actual attendance.

- **General**

To qualify for "General credit," a course or subject must encompass training and information pertaining to the business side of a Guardian/Conservator's practice, the personal care of Guardian clients, and/or the management of assets, estates, and benefits. Topics qualifying for general credit include, but are not limited to the following: the use of forms to assist in the practice, tax and civil liability, insurance and bond issues, relationship with counsel and other professionals, fee issues and billing practices, business development, information pertaining to personal and physical care, residential placement, medical/psychological/social/family matters, marshalling/management/sale of/maintenance of assets, entitlement to state/federal benefits, estate planning, and other issues and activities with which a Guardian & Conservator should be familiar. It also includes matters that apply generally to guardianships and conservatorships such as the roles of Court Visitors, petitions for direction, general civil procedure, or the role of the court.

- **Ethics**

To qualify for "Ethics credit," a course or subject must deal with the ethical issues and ethical conflicts relative to the legal rights, duties, or responsibilities of Guardian/Conservator or must include discussion, analysis, interpretation, or application of the Standards of Practice, judicial decisions interpreting the Standards of Practice or guardianship ethics, and/or ethics opinion published by the Board.

- **Emerging Issues**

The Board selected The Uniform Guardianship Act (UGA), Covid-19, Mental Health, and Sexual Identity and Gender for the emerging issues topics for 2023 – 2024

To qualify for “Emerging Issues credit,” a course or subject must encompass training and information pertaining to a topic specifically identified by the Board. A CEU application sponsor may request Emerging Issues credit for a proposed course that does not fall under on the Board’s pre-approved Emerging Issues categories provided below if the sponsor includes a short explanation that establishes that the proposed course:

- (1) Concerns an issue of substantial importance to the guardianship/conservatorship profession; and
- (2) The issues discussed have arisen during the two years prior to date of the proposed course.

All courses shall:

- (a) Have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as a CPGC.
- (b) Constitute an organized program of learning, dealing with matters directly relating to the guardianship/conservatorship practice and/or to the professional responsibility or ethical obligations of a CPGC.
- (c) Be taught by faculty members qualified by practical or academic experience to teach a specific subject.
- (d) Utilize high quality, readable, and carefully prepared written materials for distribution to all attendees at/or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects. The absence of written materials for distribution should, however, be the exception and not the rule. Providing students the materials electronically is encouraged.
- (e) Be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.
- (f) Be open to all CPGCs.

Post Course Requirements

Course Evaluation

The sponsor shall obtain course evaluations from participants and submit them within thirty (30) days after the class.

The Board may evaluate the performance of any continuing education instructor, course, or sponsor through observation, review of qualifications, or adherence to Board continuing education requirements.

Reporting Attendance

The sponsor of a continuing education course shall monitor the attendance of each approved course and maintain an attendance log which lists the name and certification number of every CPGC who attends a course.

The program sponsor shall submit the attendance log to the Board within thirty (30) days after completion of the course. The log shall serve as proof that the CPGCs listed completed the sponsor’s course. Attendance logs should reflect the actual arrival and departure time.

Sponsors will provide each attendee with a copy of the CEU Attestation Form at the continuing education course. If a guardian/conservator does not attend the full course, they are still responsible for completing this form. The sponsor will send all forms to the AOC within thirty (30) days after completion of the class.

CERTIFIED PROFESSIONAL GUARDIANSHIP AND CONSERVATORSHIP BOARD APPLICATION FOR APPROVAL OF CONTINUING EDUCATION ACTIVITY

Please type or print legibly

Being submitted under Reg 205.6

1. Sponsor Name:
- Sponsor Address:
- Sponsor Phone:
- Sponsor Email:
- Contact Person of Sponsor:

For Board Office Use Only

General Credits _____

Ethics Credits _____

Emerging Issues Credits _____

Approved ____ Yes ____ No

Initials _____

2. Title of Educational Activity:

3. Date, time (start and end) and exact location (address including building or room) of presentation:

Start Date/Start Time	End Date/End Time	Location (Address, Building, Room)

Is this class a webinar? Yes No Is this webinar interactive? Yes No

Note: The sponsor is responsible for informing attendees that group viewing of the class is not acceptable. Each individual attendee must log in separately, as sponsor login records are used to verify attendance.

4. Number of continuing education credit hours requested:
 General: 6.75 total
 Ethics:
 Emerging Issues: _____
 Uniform Guardianship Act:
 Covid-19:
 Mental Health:
 Sexual Identity & Gender:

(See CPG Continuing Education Regulation 201)

5. Have you requested approval of this course before? Yes No

If yes, when

6. Registration fee for activity:

7. Faculty: Attach a document containing all the information below for all faculty members.

- Name
- Resume/Bio/Credentials (Include professional and educational background, teaching experience
- Topic they're teaching

8. Complete description of all materials to be distributed to participants.

9. Description of physical facilities (e.g., classroom or theater seating, availability of writing surface, etc.):

10. Method of evaluation of program (e.g., participant critique, independent evaluator, etc.):

11. Please complete "Outline of Course Presentation" on Page 8 with a description of each session.

12. Estimated number of attendees:

Sponsor agrees: (1) to allow the Certified Professional Guardianship & Conservatorship Board, a member thereof, or such other person as it shall designate, to audit the program in question; and (2) within **thirty (30) days** following the activity send to AOC a list of all CPGCs who attended the activity, any Attestation Forms received, and all evaluations. **Attendance logs should reflect the actual arrival and departure time.**

NOTE: On the date of the continuing education activity, the sponsor must provide a copy of the CPGC course approval form to each CPGC in attendance.

Return this form along with \$25 if filed more than thirty (30) days prior to the activity.

If filed less than thirty (30) days before the activity, return the form with \$50.

Return the form to:

Certified Professional Guardianship & Conservatorship Board

Administrative Office of the Courts

Attn: Samar Malik

PO Box 41170

Olympia, WA 98504-1170

Certified Professional Guardianship & Conservatorship Board Continuing Education Course Approval Request Invoice

Contact Information of Provider of Continuing Education:

Name:

Address:

Phone:

Course Title:

Date of Course:

Check the appropriate box below:

\$25 Enclosed (If received thirty (30) days before the date of the training).

\$50 Enclosed (If received less than thirty (30) days before the date of training).

Please return this form with check made out to the "Administrative Office of the Courts" to:

**Certified Professional Guardianship & Conservatorship Board
Administrative Office of the Courts
Attn: Samar Malik
PO Box 41170
Olympia, WA 98504-1170**

Please direct questions to:

Samar Malik
(360) 705-5308
Samar.Malik@courts.wa.gov

FOR INTERNAL USE ONLY
Provide Date Received, Check Number and Amount

Annual Report 2022

2022

Certified Professional Guardianship and Conservatorship Board



Annual Report

**Certified Professional Guardianship
and Conservatorship Board
2022 Annual Report**

Table of Contents

INTRODUCTION 2

WASHINGTON 2022 LEGISLATIVE CHANGES IMPACTING GUARDIANSHIP 4

Uniform Guardianship, Conservatorship and Other Protective Arrangements Act
Amendments 4

Juvenile Court Act Amendments 4

Uniform Unregulated Child Custody Transfer Act 5

Assisted outpatient treatment for persons with behavioral health disorders 5

Civil Protection Orders 5

APPLICATIONS COMMITTEE: 2022 AT A GLANCE 6

Individual CPGC Requirements 6

Education 6

Transferable Experience 6

Background Checks 6

Financial Responsibility 7

Individual Certification Process 7

EDUCATION COMMITTEE: 2022 AT A GLANCE 9

REGULATIONS COMMITTEE: 2022 AT A GLANCE 10

BYLAWS COMMITTEE: 2022 AT A GLANCE 11

STANDARDS OF PRACTICE COMMITTEE: 2022 AT A GLANCE 12

Initial Grievance Receipt and Review Process 12

Types of Grievance and Investigation Resolutions 13

Types of Disciplinary Sanctions: 14

GRIEVANCE STATUS - 2022 15

2022 Grievances 15

Grievance Resolutions 16

Sources of Grievances 17

Grievances by Standards of Practice 18

Grievances Received by County 19

*“The judicial branch is responsible for the delivery of justice and those of us who
work in the branch are stewards of justice.” - Steven C. González, Chief Justice*

INTRODUCTION

We are pleased to present the 2022 Certified Professional Guardianship and Conservatorship Board's Annual Report. We make this report publicly available with the goal of increasing awareness of the work of the Certified Professional Guardianship and Conservatorship Board and the Administrative Office of the Court's Office of Guardianship and Elder Services.

The Washington State Supreme Court has authority over guardianship practice in the state, as professional guardians and conservators are officers of the court. The Supreme Court established a certification, regulation and discipline framework for professional guardians/conservators and related agencies by promulgating General Rule (GR) 23. GR 23 created the Certified Professional Guardianship and Conservatorship Board (Board) to implement processes to certify, regulate and discipline individuals who choose to become professional guardians/conservators. Amendments to GR 23 were adopted by the Supreme Court in anticipation of the January 1, 2022 effective date of most sections of the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act ("UGA").

GR 23(a) cites the purpose of the rule as:

This rule establishes the standards and criteria for the certification of professional guardians and conservators as defined by RCW 11.130.010 (26) and prescribes the conditions of and limitations on their activities. This rule does not duplicate the statutory process by which the courts supervise guardians and conservators nor is it a mechanism to appeal a court decision regarding the appointment or statutory duties of a professional guardian or conservator.

The Supreme Court retains primary jurisdiction over the Board and its functions, including:

- The Supreme Court retains jurisdiction over all professional guardians and conservators who practice in the state of Washington. GR 23(b).
- The Supreme Court appoints all members to the Board. GR 23(c)(1)(i).
- The Supreme Court designates the Chair of the Board. GR 23(c)(1)(iii).
- The Supreme Court enters the order certifying an individual or agency as a certified professional guardian and conservator. GR 23(c)(3)(v).
- The Board may seek Supreme Court enforcement of an order or subpoena that it issued. GR 23(c)(3)(x)(c).
- The Supreme Court approves the Board's expense budget. GR 23(c)(4).
- The Supreme Court, pursuant to its statutory authority to direct the Administrative Office of the Courts, instructs the Administrative Office of the Courts (AOC) to provide administrative support to the Board and authorizes AOC to contract with other agencies or organizations on behalf of the Board. GR 23(c)(9).
- The Supreme Court extends quasi-judicial immunity to the Board where the Supreme Court would have immunity in performing the same functions. GR 23(c)(6).

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

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

In order to facilitate the discharge of the duties delegated by the Supreme Court, the Board, through its bylaws and regulations, has created several Committees charged with overseeing specific Board duties and providing input and expertise to the Board on these areas. During 2022, the following six Board Committees were active:

- Applications Committee
- Bylaws Committee
- Diversity, Equity, and Inclusion Committee
- Education Committee
- Regulations Committee
- Standards of Practice Committee

The Office of Guardianship and Elder Services, within the Administrative Office of the Courts, is directed by the Supreme Court, to provide administrative staff support to the Board and its Committees.

The Board meets every month of the year to enable the Board to meet timelines under the UGA.

WASHINGTON 2022 LEGISLATIVE CHANGES IMPACTING GUARDIANSHIP

Uniform Guardianship, Conservatorship and Other Protective Arrangements Act Amendments

The legislature enacted a number of amendments to the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (“UGA”) relating to minor guardianships in Senate Bill 5788.

The legislation allows the appointment of an emergency guardian upon a motion in regular (non-emergency) minor guardianship cases. The notice requirements for such motions are aligned to the requirements in emergency guardianship cases. The required findings for emergency guardian appointment were revised to address the ability of a parent to prevent substantial harm to the minor's health, safety, or welfare.

A small revision was made to the definition of “Guardian ad Litem” under 11.130 to mean a person appointed to inform the court about or to represent, the needs and best interests of a minor.

Other UGA minor guardianship amendments include requiring petitioners and other parties to file a confidential information form. Courts are authorized to direct DCYF to release information on all proposed guardians and adult members of proposed guardians’ households prior to issuing a final custody order. Petitioners are required to provide criminal background checks on the proposed guardian and all adult household members of the proposed guardian’s household. A provision was added to clarify that the parties are responsible for accuracy of disclosed information, not the courts.

The legislation clarified the formality of documentation required for a will or other record of a parent nominating a guardian.

Senate Bill 5788 also amended the juvenile court jurisdiction statute to give concurrent original jurisdiction to juvenile court with the family or probate court over RCW 11.130 minor guardianship proceedings.

Juvenile Court Act Amendments

The legislature enacted Substitute House Bill 1747 pertaining to dependency actions and minor guardianships under RCW 11.130. The legislation requires courts and DCYF to consider RCW 11.130 minor guardianship prior to parental termination. Petitioners in parental right terminations must demonstrate that a guardianship is not sufficient to protect the health, safety, and welfare of the child. DCYF is tasked with rulemaking to qualify for federal funds and relative subsidies for minor guardianships.

Uniform Unregulated Child Custody Transfer Act

The legislature enacted Substitute House Bill 1747 pertaining to child custody. This legislation adds a new chapter to RCW Title 26 called the Uniform Unregulated Child Custody Transfer Act. The statute prevents a parent or guardian from informally transferring custody of a child to another with the intent to abandon rights and responsibilities relating to the child except through certain channels: adoption, guardianship, judicial award of custody, via a child placement agency, through other tribal or judicial action, or when transferring a newborn to a qualified person. This legislation does not apply to transfers to a parent, stepparent, an individual with whom the child has a strong existing relationship, a blood relative of the child, an Indian custodian, a member of a tribal customary family unit, or a designee under the Uniform Guardianship Act, RCW 11.130.145.

Assisted outpatient treatment for persons with behavioral health disorders.

The legislature enacted Substitute House Bill 1773. This legislation consolidates all assisted outpatient treatment (AOT) procedures under one subsection. The legislation removes conservators as someone who can file a Joel's Law petition.

Civil Protection Orders

Substitute House Bill 1901 contains numerous clarifying amendments to the Civil Protection Orders legislation passed in 2021, primarily with respect to procedural issues.

APPLICATIONS COMMITTEE: 2022 AT A GLANCE

GR 23 establishes the standards and criteria for the certification of professional guardians and conservators.¹ Every individual, or agency, desiring to be certified as a CPGC must submit an online application to the Certified Professional Guardianship and Conservatorship Board (Board) and must satisfy all requirements set out in the Board Application Regulations.

Individual CPGC Requirements

GR 23 and Board certification requirements for individual certification include having a high school degree or GED equivalent, possessing a requisite number of years of experience transferable to the work of a guardian or conservator including decision-making for the benefit of others; passing background checks; demonstrating financial responsibility, and successfully completing a training program approved by the Board. Additionally, applicants must also meet the qualifications set out in RCW 11.130.

Education

Applicants are required to have a minimum high school degree or GED equivalent. The level of the degree determines the minimum number of full years of experience, transferable to providing guardianship services, required for certification: High School or GED equivalent, five years; AA, four years; BA/BS, two years; Masters, J.D., Ph.D., or equivalent, one year.²

Transferable Experience

In addition to possessing the requisite number of full years of work or volunteer experience transferable to providing guardianship or conservator services, a component of the experience must include decision-making for the benefit of others in the area of legal, financial, social services, healthcare or other disciplines pertinent to the provision of guardianship services.

Background Checks

After requesting and receiving an applicant's consent, four background checks are conducted: Adult Protective Services, Department of Children, Youth, & Families, Washington State Patrol, and FBI. In reviewing the background checks, the Board has discretion to consider an applicant's explanation concerning circumstances related to history reported in the background checks.

¹ CPGC Agency certification is not included in this summary because regulations direct that AOC staff approve CPGC Agency applications. Information regarding CPGC Agency certification requirements can be found in GR 23 (d)(2) and Board Regulation 100.

² GR 23 requires "full" years (full time) transferable experience.

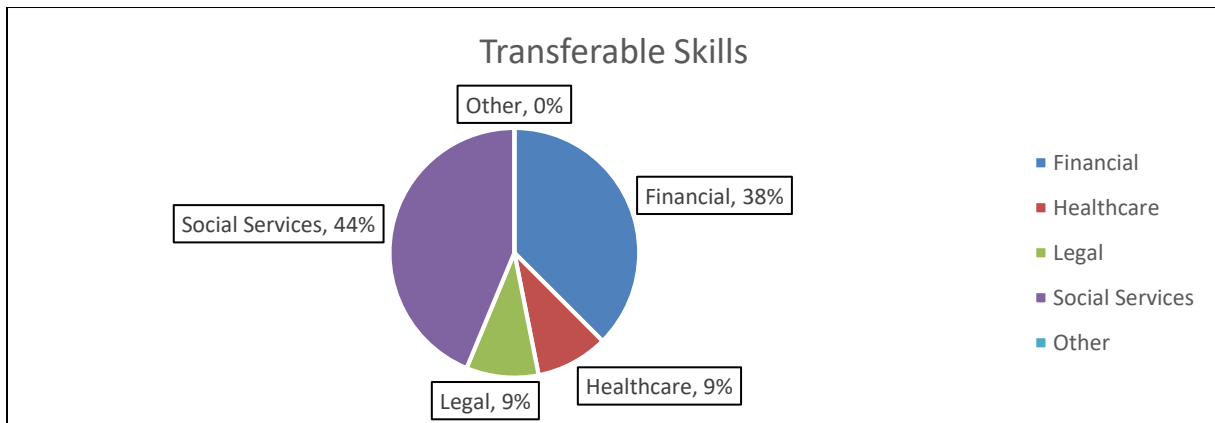
Financial Responsibility

Applicants are required to demonstrate financial responsibility based on a FICO credit score and a credit report. FICO scores of 700 or higher are deemed to meet the financial responsibility requirement.

FICO scores between 650 and 699 require Board review of an applicant's full credit report and an applicant's explanation regarding circumstances concerning their credit and negative report indicators. If a score falls into the 650-699 range, the Board has discretion to determine whether or not the financial responsibility requirement is met. Scores below 650 are deemed not to meet the requirement.

Individual Certification Process

The Applications Committee meets monthly to review completed applications and make recommendations to the Board to approve, conditionally approve or deny applications. Committee recommendations also identify the transferable skills category (or categories) applicable to each applicant. GR 23 provides the following list of transferable skills categories: legal, financial, social services, healthcare, and other. The chart below shows the percentage of transferable skills applicable to applicants reviewed by the Board in 2022.



The Committee recommends Board approval of an application when all certification requirements have been satisfied, including successful completion of the training program required by the Board. Conditional approval is recommended when all certification requirements have been satisfied with the exception of successful completion of the required training. If denial is recommended, denial must be based on specific findings.

The Board reviews applications at each regularly scheduled meeting³. Recommendations for approval are sent to the Washington State Supreme Court for approval, entry of an Order of Certification, and issuance of a CPGC Certificate. Recommendations for conditional approval are forwarded to the Court after successful completion of the required training. Recommendations for denial are appealable to the Board.

2022 Certification Related information

- 30 application packets were reviewed by the Board: 10 approvals, 12 conditional approvals, 8 denials
- 25 CPGCs were certified by the Washington Supreme Court⁴
- 19 individual CPGCs voluntarily surrendered certification⁵
- 14 individual CPGCs were administratively decertified for non-renewal of certification and/or non-compliance related to continuing education

³ The Board met monthly (twice in both February and September), for a total 14 meetings in 2022.

⁴ Of the 25 Court certifications, 10 applicants were approved and 15 applicants, who were previously conditionally approved, successfully completed the training program in 2022.

⁵ The primary reason for voluntary surrenders was planned retirement.

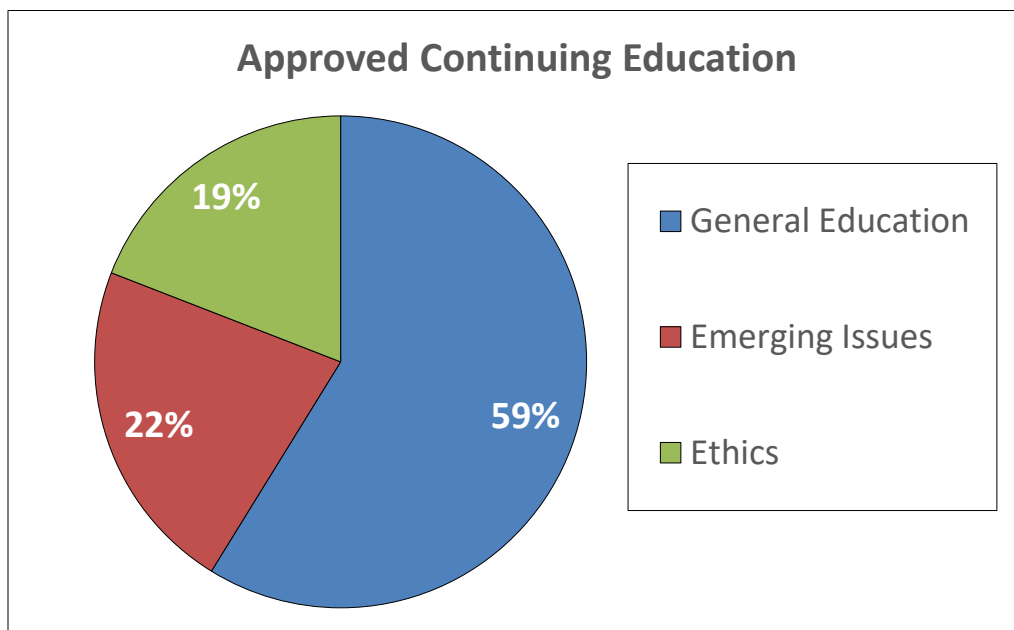
EDUCATION COMMITTEE: 2022 AT A GLANCE

GR 23(c)(2)(vii) grants the Board the authority to adopt and implement regulations concerning continuing education for professional guardians. The Board requires all professional guardians to complete a minimum of twenty-four (24) credit hours of approved education during each biennial reporting period. Of these twenty-four credit hours, there are at least four (4) ethics and four (4) emerging issues credits. Failure to comply with the Board's continuing education requirements may result in a professional guardian being administratively decertified⁶.

The Board's Education Committee is tasked with overseeing the Board's continuing education regulations and requirements. This includes approving continuing education courses and ensuring that professional guardians comply with the Board's continuing education reporting requirements. The Education Committee also has the authority to modify or waive any of the Board's continuing education requirements for undue hardship, infirmity, or other good cause.

In 2022, twenty-eight (28) courses were approved by the Education Committee for Continuing Education credits, for a total 118.5 course presentation hours.

Of the total 118.5 course presentation hours, General Education credits accounted for 74 hours, 29.25 hours were on Emerging Issues, and 15.25 hours were on Ethics.



⁶ In 2022, three certified professional guardians/conservators were administratively decertified for not completing the continuing education credit hours requirement.

REGULATIONS COMMITTEE: 2022 AT A GLANCE

The Regulations Committee focused much of its efforts in 2022 on developing regulations to govern Board meetings to promote transparency in Board actions. The Committee requested the Board set aside a dedicated thirty (30) minute public comment period at the October Board meeting. The Committee wished to provide all interested stakeholders an opportunity to directly address the Board to inform the development of the regulations. The Committee also suggested the Board appoint an assigned parliamentarian to ensure compliance with the regulations as ultimately adopted. The Committee prepared suggested regulations for the full Board's consideration regarding: meeting notice requirements, public and executive session, meeting protocol, etc.

The Regulations Committee developed suggested changes to the regulations governing applications to the CPGC profession about the required documentation evidencing completion of high school or obtaining a GED. The Committee also undertook discussion of the Voluntary Surrender of Certification regulations, with the goal of tailoring the regulation to acknowledge professional retirement, as well as other potential licensing surrender situations.

BYLAWS COMMITTEE: 2022 AT A GLANCE

The Board formed a Bylaws Committee in the last quarter of 2022. The Bylaws Committee was activated to consider issues related to confidentiality provisions in the Board's bylaws, and other issues as required.

STANDARDS OF PRACTICE COMMITTEE: 2022 AT A GLANCE

One of the key duties delegated by the Supreme Court to the Board is the duty to promulgate and enforce standards of practice and to ensure that certified professional guardians and conservators comply with all applicable statutes, fiduciary duties, standards of practice, rules, and regulations. GR 23(c)(3) sets out the duties and responsibilities of the Board in receiving, reviewing and taking disciplinary action related to grievances against professional guardians/conservators:

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

The Standards of Practice Committee performs functions under the Board's Disciplinary Regulations (DR) 500 as delegated by the Board or the Chair; these include, but are not limited to: grievance review, investigation, making preliminary findings, approving Agreements Regarding Discipline, officiating over hearings, and imposing disciplinary sanctions.

The Board's Standards of Practice (SOP) 400, is drawn from the National Guardianship Association Standards of Practice and incorporates language from RCW 11.130 Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Two additional standards took effect as of January 1, 2022:

414 Delegation
415 Record-Keeping

The Board has taken steps to ensure new grievance procedures are met as required by the UGA. A Standards of Practice Sub-Committee has been formed and monthly Board meetings are held to review grievances within thirty (30) days of receipt. Date tracking occurs to meet the 180-day deadline to resolve grievances and investigations (not including tolled periods or 90-day extensions). Additionally, the Standards of Practice Committee is now overseen by a Chair and Co-Chair.

Initial Grievance Receipt and Review Process

Grievances may be submitted online on the Washington Courts website at www.courts.wa.gov, or by submitting a written grievance to AOC. If the grievant is unable to submit a grievance in written form due to a disability or inability to communicate in written language, it may be communicated orally to AOC staff.

AOC staff prepares a grievance materials packet for the Board's Standards of Practice Committee to review. The UGA outlines specific criteria deeming whether a grievance is considered complete or not. As of January 1, 2022, and per RCW 11.130.670, the grievance *must* include a description of the conduct of the professional guardian and conservator that the

grievant alleges violates a statute, fiduciary duty, court order, standard of practice, rule, regulation, or other authority applicable to professional guardian and conservators, including the approximate date(s) of the conduct.

The SOPC and Board reviews each grievance received to determine jurisdictional authority and completeness. The Board votes to dismiss, forward the grievance to Superior Court or commence an investigation.

If the grievance was forwarded to Superior Court, the SOPC will review any findings or orders made as a result and make recommendations to the Board on how to resolve the grievance. RCW 11.130.670(1)(b) states that the board must accept as facts any finding of fact contained in the order. The certified professional guardianship board must act consistently with any with any finding of fact issued in that order.

An investigation typically includes a review of materials by both the grievant and the professional guardian and/or conservator. It may also include other relevant documents, and interviews with other individuals who may have knowledge of the issues alleged in the grievance, including the person under guardianship.

Types of Grievance and Investigation Resolutions

Dismissal:

A grievance may be dismissed if it does not meet jurisdictional requirements or following a review of the court order. A grievance may also be dismissed subsequent to an investigation if it is determined that the guardian and/or conservators conduct did not violate the Board's Standards of Practice or other applicable laws, rules, regulations, standards, or duties related to the conduct of a guardian.

Resolution Without Complaint:

Grievances not dismissed, which support disciplinary action, can be resolved without the filing of a complaint, through the following non-exhaustive methods:

Advisory Letter:

An advisory letter may be issued when discipline is not warranted but it is appropriate to caution a professional guardian about their conduct such as a minor technical violation.

Agreement Regarding Discipline:

An Agreement Regarding Discipline (ARD) is a conditional settlement agreement, containing sanctions, negotiated between the Standards of Practice Committee and respondent in lieu of initiating the complaint process. Once an agreement has been reached, it is presented to the Board for approval and posted on the Washington Courts website for public disclosure.

Voluntary Surrender, In Lieu Of Further Disciplinary Proceedings:

A CPGC who desires not to contest or defend against allegations of misconduct may, at any time, voluntarily surrender his or her certification in lieu of further disciplinary proceedings.

Resolution With Complaint:

The Standards of Practice Committee may request that the Board file a complaint regarding disciplinary action. Filing a complaint commences a hearing process which is governed by the Board's Disciplinary Regulations. Once filed, the complaint is of public record and is posted on the AOC website.

Types of Disciplinary Sanctions:

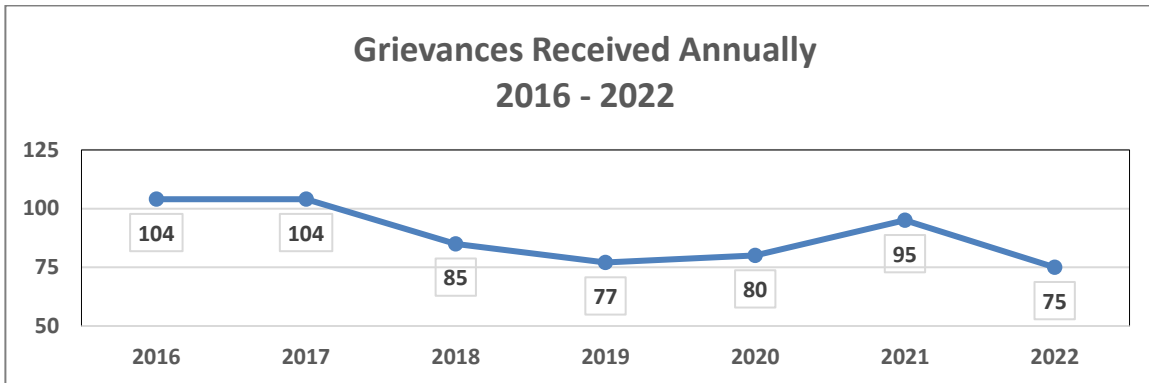
Following a determination that a CPGC has engaged in misconduct, disciplinary sanctions may be appropriate and may include one or more of the following:

- **Letter of Reprimand**
- **Probation**
- **Restitution**
- **Prohibition on Taking New Cases**
- **Other Disciplinary Sanctions:**

The Board may implement various remedies for the purpose of ensuring the CPGC complies with the duties, standards, and requirements of a professional guardian and/or conservator. This may include, but is not limited to, requiring the CPGC to attend additional training or education courses, undergo drug or alcohol treatment or work with a mentor.

- **Suspension of Certification / Interim Suspension of Certification / Decertification:**
Decertification is the Board's most severe sanction. Any Board recommendation of suspension or decertification resulting from a disciplinary proceeding must be filed with the Supreme Court. The Court may adopt, modify, or reverse the Board's recommendation.

GRIEVANCE STATUS - 2022



2022 Grievances

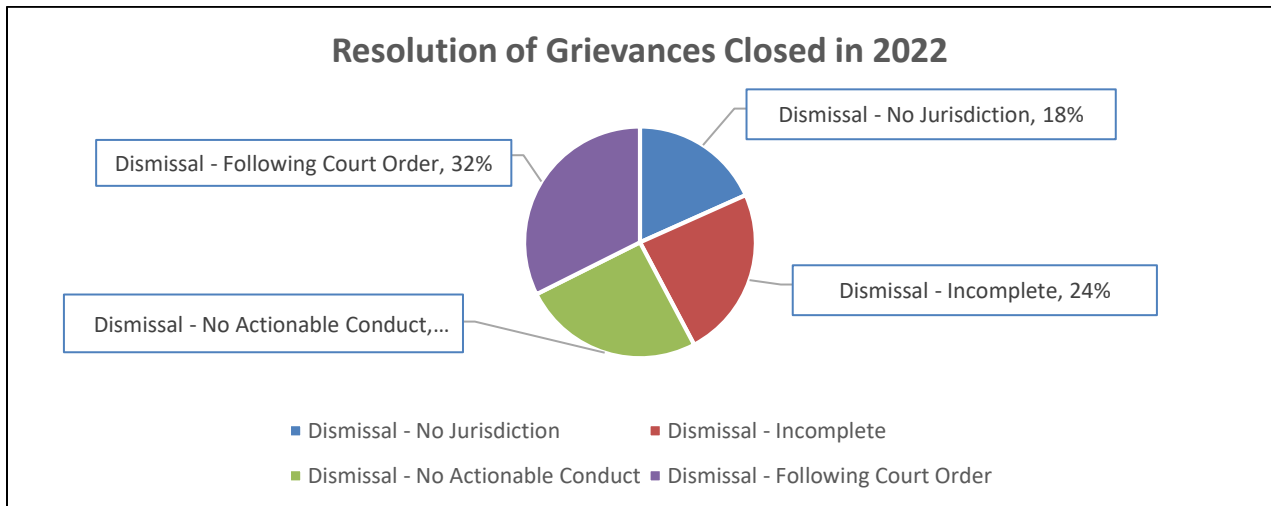
The Board opened seventy-five (75) grievances in 2022. Fifty-two (52) grievances opened in 2022 were closed by the end of the year. Of the fifty-two (52) grievances that were closed, fifteen (15) grievances were dismissed as incomplete or because they provided insufficient information to open a grievance, and thirteen (13) were dismissed for no jurisdiction. A total thirty-six (36) grievances were referred to the Superior Court in 2022, and twenty-two (22) of those referred grievances were dismissed following the Board's review of the court's decision. Two (2) investigated grievances were dismissed for no actionable conduct.

One (1) grievance remains open for Investigation. One (1) grievance is pending Conflict Review Committee review and resolution. Eighteen (18) grievances referred to the Superior Court remain open, pending a decision of the court.



Grievance Resolutions

A total of seventy-one (71) grievances were resolved by the Board in 2022. Eighteen (18) grievances were dismissed for no actionable conduct. Thirteen (13) grievances were dismissed for no jurisdiction, and seventeen (17) were dismissed as incomplete or because there was insufficient information provided to open a grievance. Twenty-three (23) grievances were dismissed following a court decision.



Resolution of Grievances in 2022	Year Grievance Received			Total Resolved
	2020	2021	2022	
Dismissal – Incomplete/Insufficient Grievance		2	15	17
Dismissal – Investigated: No Actionable Conduct	1	15	2	18
Dismissal – Following Court Decision	1		22	23
Dismissal – No Jurisdiction			13	13
Total Grievances Resolved in 2022	2	17	52	71

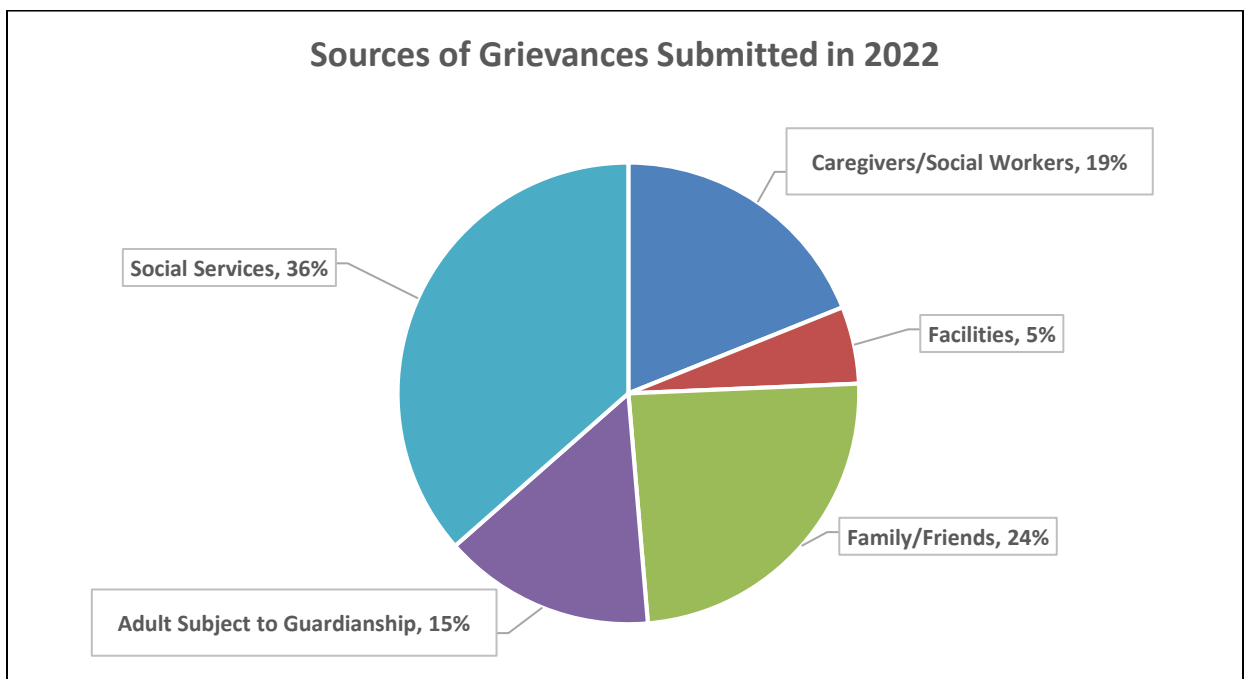
	2016	2017	2018	2019	2020	2021	2022	Total
Open Grievances at Year-End 2022	1	0	0	2	1	22	20	46

Sources of Grievances

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

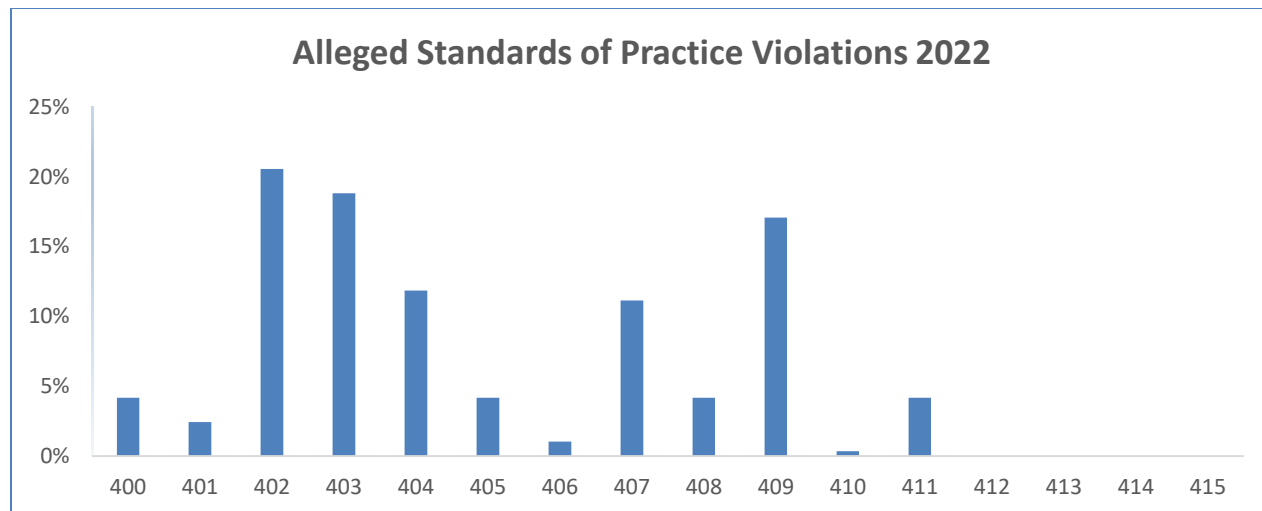
In 2022, 36% of all grievances were submitted by social service personnel or agencies. This group includes Adult Protective Services (APS), Department of Social and Health Services (DSHS), Residential Care Services, and Law Enforcement Officers.

The second most common group to submit grievances were family members and friends of individuals subject to guardianship. This group submitted 24% of the grievances received. The third largest group to submit grievances were social workers and caregivers, which accounted for 19% of the grievances received in 2022.



Grievances by Standards of Practice

The Standards of Practice are standards of conduct promulgated by the Board that apply to all certified professional guardians, conservators and certified professional guardianship/conservatorship agencies. The Standards of Practice cover the broad range of responsibilities.

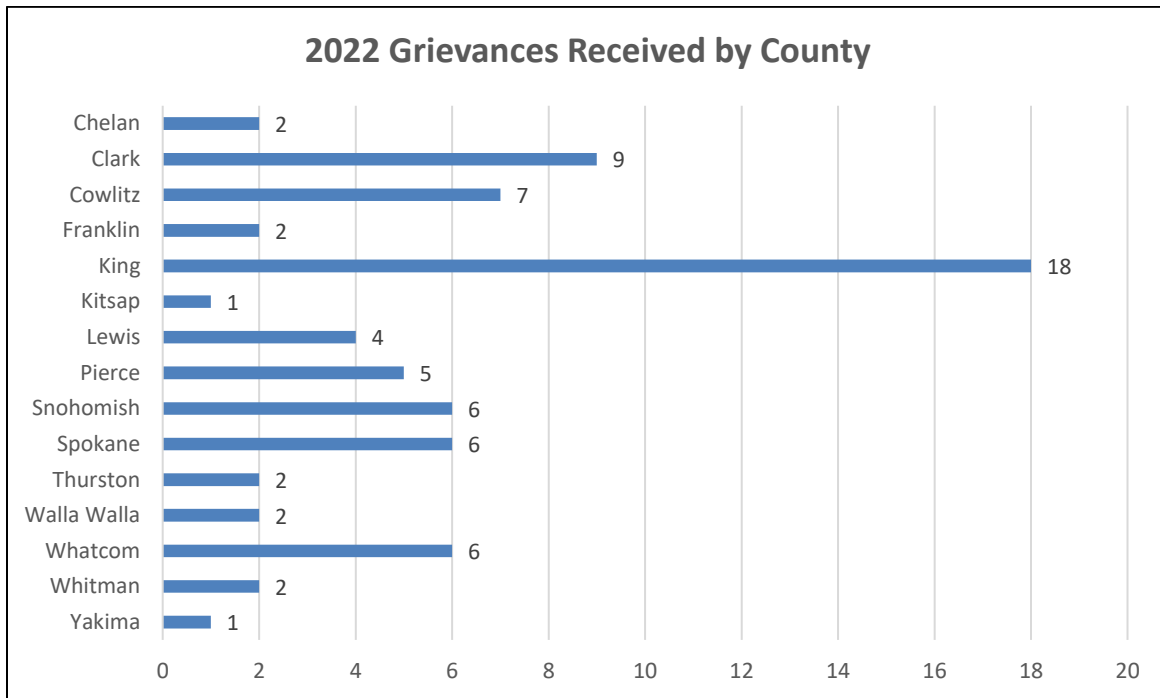


Standards of Practice Regulation 400

- 400 General
- 401 Guardian and Conservator's Duty to Court
- 402 Relationship to Family and Friends of Individual and to Other Professionals
- 403 Self Determination of Individual
- 404 Contact with the Individual Subject to Guardianship and/or Conservatorship
- 405 General Decision Standards
- 406 Conflict of Interest
- 407 Residential Decisions
- 408 Medical Decisions
- 409 Financial Management
- 410 Guardian and Conservator Fees and Expenses
- 411 Changes of Circumstances/Modification/Termination
- 412 Sale or Purchase of Guardianship and/or Conservatorship Practice
- 413 Responsibilities of Certified Professional Guardian and Conservator Agencies
- 414 Delegation
- 415 Record Keeping

Grievances Received by County

During 2022, the Board received seventy-five (75) grievances from fifteen (15) of Washington State's thirty-nine (39) counties. The largest number of grievances was received from King County, with eighteen (18) grievances. The second largest number of grievances was received from Clark County where nine (9) grievances were submitted.



Grievance Report
March 31, 2023

**Certified Professional Guardian and Conservator
Grievance Status
March, 2023**

New Grievances Received in March 2023:	5
2023 Grievances Dismissed by Board on March 13, 2023:	2
2023 Grievances Forwarded to Superior Court on March 13, 2023:	5

	2022	2023
Total Grievances Received:	75	16
Total Grievances Dismissed: No Jurisdiction, Insufficient Grievance	30	5
Total Grievances Forwarded to Superior Court:	41	9
Total Grievances Dismissed Following Court Order:	28	5
Total Grievances Dismissed Following Investigation:	2	0
Total Grievances Open Pending CRC Review:	1	0
Total Grievances Open Pending Investigation:	1	0

Please note that the numbers reported in this section will not necessarily be equal to the total number of grievances received; this is due to the timing of when new grievances are received and in process of review by the Board.

Active CPGCs: 252

Grievances Pre-UGA

Pre-UGA Grievance Status – March 2023	2021	2020	2019	Total
Grievances Resolved this Month:	5	1	2	8
Total Grievances Requiring Investigation:	11	0	0	11

Resolution of Pre-UGA Grievances	2021	2020	2019	Total
Total Grievances Received by Year	95	80	77	252
Dismissal_No Jurisdiction	9	21	15	45
Dismissal_No Actionable Conduct	63	44	41	148
Dismissal_Miscellaneous		1		1
Dismissal_Insufficient Grievance	7	6	5	18
Dismissal_UGA Court Referral		3		3
Dismissal_Administrative	1	1	2	4
Advisory Letter 507-1		2	5	7
ARD_Letter of Reprimand		1		1
Termination – Administrative Decertification	4	1	3	8
Terminated – Voluntary Surrender			1	1
Decertification			5	5
Total Pre-2022 Grievances Resolved:	84	80	77	241

Guardians/Agencies with Multiple Grievances

March 2023

ID	Year Cert.	Unresolved Grievances	Year(s) Grievances Received
A	2015	2	2022 (1), 2021 (1)
B	2009	2	2021 (2)
C	2001	2	2023 (2)
D	2016	8	2021 (4), 2022 (5)
E	2011	2	2021 (2)
F	2021	2	2022 (2)
G	2006	2	2021 (2)
H	2011	3	2022 (1), 2023 (2)
TOTAL		23	

Of the 41 currently unresolved grievances, 23 involve 8 Certified Professional Guardians and Conservators or Agencies with 2 or more grievances.

Program
Office of Public Guardianship
Attestation of Attendance

Sponsoring Agency:	AOC – Office of Public Guardianship				
Title of Activity:	OPG: Guardian of Last Resort				
Contact:	Thai Kien, Thai.Kien@courts.wa.gov , 360.704.1937				
Location:	SeaTac and Zoom				
Date(s):	04.10.2023	Begin Time:	10:45 AM	End Time:	11:45 AM

Is the activity an on-demand/pre-recorded activity?

- NO
- YES – **Please attach your certificate of completion.**

Did you **ATTEND** the entire activity?

- NO – **Please fill in the Start Time and End Time fields for the segments you attended below.**
- YES

Are you claiming **TEACHING CREDIT** (per [Regulation 201.7](#)) for any segment of this activity?

- NO
- YES – **Please fill in your total teaching time and total preparation time for that segment below.**

Are you claiming **PARTICIPATING CREDIT** (per [Regulation 201.8](#)) for any segment of this activity?

****NOTE: PARTICIPATING CREDIT IS NOT THE SAME AS ATTENDING A COURSE. DO NOT ANSWER YES TO THIS QUESTION OR FILL IN THE “TOTAL PARTICIPATING TIME” COLUMN BELOW UNLESS YOU CAN CLAIM PARTICIPATING CREDIT BY CHECKING ONE OF THE BOXES BELOW.**

- NO
- YES – **Please fill in your total participating time and total preparation time for that segment below.**
Please check a box below regarding the nature of the participating activity:

- Panel Discussion
- Seminar Chairperson
- Planner/Organizer

One credit hour equals one clock hour of actual attendance. Credit can be earned in ¼ hour increments. Credits earned for a partially attended activity will be rounded to the nearest quarter of an hour for the time you were in attendance.

For information on **teaching** credits and computation, please see [203.5.1](#).

For information on **participating** credits and computation, please see [203.5.2](#).

Start Time	End Time	Subject Title	Credits	Category	Total Teaching Time	**Total Participating Time	Total Prep Time
		OPG: Guardian of Last Resort	1.0	General			
Total Approved Credits:			1.0	General			

In accordance with Continuing Education [Regulation 207](#), AOC Staff has **APPROVED** this request for Continuing Education Units (CEUs).

Stacey Johnson



Office of Guardianship and Elder Services
(360) 705-5302
Stacey.Johnson@courts.wa.gov

NOTE: The Certified Professional Guardianship and Conservatorship Board requires each attendee to receive a copy of this form. The sponsor shall verify attendance by providing a completed attendance form and program materials to the Administrative Office of the Courts, PO Box 41170, Olympia WA 98504-1170 or guardianshipprogram@courts.wa.gov within 30 days of the completion of the program.

Please return this form to the sponsor PRIOR to leaving today's program

Attestation of Program Completion

With my signature below, I attest that I have attended, partially attended, taught or participated in the class session(s) as indicated above. I understand that if I do not return this form that I may not receive credit for this Continuing Education Activity.

Print Name

Signature

CPGC#

Date