

Meeting Minutes

July 8, 2024



Certified Professional Guardianship and Conservatorship Board

Monday, July 8, 2024

Zoom Meeting

7:30 a.m. – 9:00 a.m.

MEETING MINUTES

Members Present

Judge Robert Lewis, Chair
Judge Grant Blinn
Commissioner Solomon Kim
Dr. K. Penney Sanders
Ms. Camille Minogue
Mr. William Reeves
Mr. Dan Smerken
Ms. Susie Starrfield
Dr. Anita Souza
Ms. Kristina Hammond¹

Staff Present

Ms. Stacey Johnson
Ms. Kathy Bowman
Ms. Thai Kien
Ms. Kay King
Mr. Samar Malik
Ms. Collette Mason
Ms. Maureen Roberts
Ms. Rhonda Scott
Ms. Sherri White

Members Absent

Judge Cadine Ferguson-Brown
Ms. Lynda Clark
Ms. Melanie Maxwell

Guests – See last page

1. Meeting Called to Order

Judge Robert Lewis called the July 8, 2024 Certified Professional Guardianship and Conservatorship (CPGC) Board meeting to order at 7:31 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Lewis welcomed all present and called for approval of the minutes.

Motion: Dr. Sanders moved to approve the June 10, 2024 minutes as written. Ms. Starrfield seconded. Dr. Souza abstained. The motion passed.

3. Executive Session (Closed to Public)

4. Reconvene (Open to Public)

5. Chair's Report

Judge Lewis described efforts to fill Board vacancies. He has nominated Judge Ferguson-Brown as chair and Dr. Souza for a second term. He has nominated Commissioner Fleischbein to fill a judicial position. Ms. Starrfield and Mr. Reeves will be leaving the Board. Vacancies include a judicial officer, a WSBA representative, and an advocate position. The committees will be refreshed once the new members come on board.

¹ Ms. Hammond joined at 8:01 a.m.

6. Grievance Report

Ms. Scott presented the June grievance report, which is available in the meeting packet. Last month, the Board received four (4) new grievances. There are a total of twenty-three (23) unresolved grievances. Currently, there are two hundred forty-seven (247) active CPGCs.

7. Vote on Executive Session Discussion

On behalf of the Application Committee, Ms. Starrfield presented the following application for Board action:

Motion: It was moved and seconded to approve Jamie Waldo's application for certification with transferable skills in financial and legal. No opposed, no abstained. The motion passed.

On behalf of the Standards of Practice Committee, Dr. Sanders presented the following grievances for Board action.

Motion: It was moved and seconded to forward grievance 2024-033 to Superior Court as a complete grievance. None opposed, no abstentions. The motion carries.

Motion: It was moved and seconded to dismiss grievance 2024-034 as an incomplete complete grievance. None opposed, no abstentions. The motion carries.

Motion: It was moved and seconded to forward grievance 2024-035 to superior court as a complete grievance. None opposed, no abstentions. The motion carries.

Motion: It was moved and seconded to dismiss grievance 2024-036 as an incomplete grievance. None opposed, no abstentions. The motion carries.

Motion: It was moved and seconded to forward grievance 2024-037 to superior court as a complete grievance. None opposed, no abstentions. The motion carries.

Motion: It was moved and seconded to dismiss grievances 2024-002 and 2024-003 based on court actions. None opposed, no abstentions. The motion carries.

Motion: It was moved and seconded to initiate staff investigation for grievance 2024-023. None opposed, no abstentions. The motion carries.

8. Wrap Up/Adjourn

With no other business to discuss, Judge Lewis adjourned the July 8, 2024 CPGC Board meeting at 8:12 a.m. The next Board meeting will take place via Zoom on August 12, 2024 beginning at 7:30 a.m.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion	It was moved and seconded to approve the June 10, 2024 minutes.	Passed
Motion	It was moved and seconded to approve Jamie Waldo's application for certification with transferable skills in financial and legal.	Passed
Motion	It was moved and seconded to forward grievance 2024-033 to Superior Court as a complete grievance.	Passed

Motion	It was moved and seconded to dismiss grievance 2024-034 as an incomplete complete grievance.	Passed
Motion	It was moved and seconded to forward grievance 2024-035 to superior court as a complete grievance.	Passed
Motion	It was moved and seconded to dismiss grievance 2024-036 as an incomplete grievance.	Passed
Motion	It was moved and seconded to forward grievance 2024-037 to superior court as a complete grievance.	Passed
Motion	It was moved and seconded to dismiss grievances 2024-002 and 2024-003 based on court actions.	Passed
Motion	It was moved and seconded to initiate staff investigation for grievance 2024-023.	Passed

Guests:

Samantha Hellwig, general counsel, AAG

Brenda Morales

Chris Neil

Deborah Jameson

Karen Newland

Melissa Wilcox

Grievance Report

July, 2024

Certified Professional Guardian and Conservator
Grievance Status
July 2024

Activity during July 2024	
New Grievances Received in July 2024:	7
Grievances Dismissed by Board:	4
Grievances Forwarded to Superior Court:	3
Grievances Determined for Investigation:	1

Grievances (UGA)	2022	2023	2024
Total Grievances Received	75	69	42
Dismissed: No Jurisdiction, Insufficient Grievance	30	22	14
Forwarded to Superior Court	39	47	23
Dismissed Following Court Review	39	37	8
Dismissed Following Investigation	5	6	1
Open Pending CRC Review	0	0	0
Open Pending Investigation	1	1	3

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: 256

Grievances Pre-UGA

Pre-UGA Grievance Status	2021
Grievances Resolved this Month:	0
Total Grievances Requiring Investigation:	1

Resolution of Pre-UGA Grievances	2021
Total Grievances Received by Year	95
Dismissal No Jurisdiction	9
Dismissal No Actionable Conduct	70
Dismissal Insufficient Grievance	7
Dismissal Administrative	1
Advisory Letter	3
Termination – Administrative Decertification	4
Total 2021 Grievances Resolved:	94

Guardians and Conservators, or Agencies with Multiple Open Grievances

ID	Year Certified	2024	2023	Total OPEN
A	2012	1	2	3
B	2009	4	0	4
C	2017	2	0	2
D	2011	2	0	2
				11

At the time of this report, 11 of the 26 unresolved grievances involve 4 Certified Professional Guardians/Conservators or Agencies with two or more grievances.

Application Committee
Informational Video for CPGC Program



Becoming a Certified Professional Guardian and Conservator

An Introduction to the Application Process



Certified Professional Guardianship and Conservatorship Board

What is guardianship?



A guardian provides decisional support to an individual to manage their personal affairs such as medical decision-making, residential placement and services.

All guardianships are by court appointment.

What is conservatorship?




A conservator provides decisional support to an individual to manage their property and finances.

All conservatorships are by court appointment.



How do I know if I need professional certification?

- 
- ▶ The definition is in the guardianship and conservatorship statute, RCW 11.130. See RCW 11.130.010 (26)
 - ▶ A professional is defined as being appointed guardian or conservator and charging fees for three or more persons. (Being appointed for a relative doesn't count)
 - ▶ Washington State Court General Rule 23 requires all professionals to be certified by the Washington State Supreme Court

Certification



Starting the Application Process

CAUTION!

There are a couple of important timing considerations to think about before applying to the Board to become certified, or applying to the University of Washington training program.





Multiple Certification Requirements


- At least 21 years of age
- Of sound mind
- No convictions of a crime, or court or administrative proceeding findings, involving dishonesty, neglect, abuse, or use of physical force
- No convictions of a crime, or court or administrative proceeding findings, relevant to the functions the individual would assume as a guardian or conservator

The Washington Courts website guardianship portal is located at:

<https://www.courts.wa.gov/guardianportal/>




Multiple Certification Requirements

- 
- Demonstrated financial responsibility
 - Completion of University of Washington mandatory training program



Multiple Certification Requirements


- 
- Education and relevant experience
 - The required number of years of relevant experience depends on the applicant's education level

What kind of experience is required?





What kind of experience is required?

- 
- ▶ “Experience working in a discipline pertinent to the provision of guardianship and conservatorship services” in GR 23(d)(1)(v) includes volunteer work experience that is supervised, verifiable and based on actual hours worked, except as otherwise set forth in these regulations.
 - ▶ “Experience working in a discipline pertinent to the provision of guardianship and conservatorship services” in GR 23(d)(1)(v) does not include providing services for a family member.



Decision-Making Definition


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- ▶ “Decision-making” is the act or process of deciding something.

Components of the decision-making process include:

- defining the problem or issue;
- collecting relevant information and data;
- exploring and weighing options;
- choosing the optimal option;
- planning and executing the option; and
- taking appropriate follow up action.




Independent Judgment Definition

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- ▶ “Independent judgment” is: In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct and acting or making a decision after the various possibilities have been considered. The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources.



Independent Judgment Definition



The exercise of discretion and independent judgment implies that one has authority to make an independent choice, free from immediate direction or supervision. However, discretion and independent judgment can be exercised even if the decision or recommendation is reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions being made have to be final or free from review. The fact that one's decisions may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that one is not exercising discretion and independent judgment.

Source: US Department of Labor

What kind of experience is required?






Experiences where transferable skills have been demonstrated in the past

- ▶ Experience in these positions may qualify depending on the specific responsibilities of the position
 - ~ Lay guardian for non-family members
 - ~ Social Services Case Manager
 - ~ Adult Family Home Manager
 - ~ Past Guardianship roles (including some in foreign countries)
 - ~ Medical Case Manager
 - ~ Nursing Home Manager/Administrator
 - ~ Residential Home Manager/Supervisor
 - ~ Guardianship Financial Coordinator/Case Manager



Experiences where transferable skills have been demonstrated in the past


- 
- ▶ Experience in these positions may qualify depending on the specific responsibilities of the position
 - ~ Representative Payee
 - ~ Registered Nurse Manager in hospital setting
 - ~ Mental Health Clinician in certain health services settings
 - ~ Financial Specialist for nursing home facility
 - ~ Registered Behavior Technician for autistic patients
 - ~ Benefits Manager for a Guardianship company
 - ~ Foster Parent
 - ~ Clinical Social Worker in medical settings including mental health facilities
 - ~ Licensed Practical Nurse

What kind of experience is required?





Past experience NOT relevant to Guardianship

- 
- ~ Certified Nursing Assistant (deals with personal caregiving, not decision making)
 - ~ Human Services Technician (mainly does intake, processes insurance and renewal forms)
 - ~ Guardian Ad Litem/ Court Visitor
 - ~ Commercial Banking Officer
 - ~ Treasurer for Community Club, Foundation or other community-based entity




Past experience NOT relevant to Guardianship

- ~ Chiropractor, Physical Therapist, Occupational Therapist
- ~ School Counselor
- ~ Escrow Officer
- ~ Deputy Sheriff/Detective
- ~ Lay guardian for family members



How does the experience requirement affect timing of the application process?

- 
- Applicants must have the required experience at the time they submit an application to the Board.



When should I enroll in the University of Washington's Guardian Certificate Program?

- Applicants are strongly encouraged to apply to the Board before enrolling in the training program
- The Certified Professional Guardianship and Conservatorship Board's approval or disapproval is independent from acceptance into the UW program
- An applicant may obtain "Conditional Certification" with the Board before committing time and resources to the training program

Thank you for your interest in becoming a
Certified Professional Guardian and Conservator!



Script

1. Are you interested in learning about becoming a Certified Professional Guardian and Conservator? This short video provides some important information about the application process.

2. This information is provided by the Certified Professional Guardianship and Conservatorship Board. The Board is appointed by the Washington State Supreme Court and oversees the guardianship and conservatorship profession. The Board conducts the review of applications, votes to approve or disapprove applicants, and makes certification recommendations to the Washington State Supreme Court.

3. First, here's some very brief background about the profession and when certification is required

Guardians are appointed to provide decisional support to an individual to manage their personal affairs such as medical decision-making, residential placement and arranging for needed services.

Courts appoint guardians to serve on an individual, case-by-case basis. The guardian serves under the general oversight of the court in the case.

4. Conservators are appointed to provide decisional support to an individual to manage their property and finances.

Courts appoint conservators to serve on an individual, case-by-case basis. The conservator serves under the general oversight of the court. An individual may be appointed as both guardian and conservator in a case, or may serve in only one role.

5. Washington state's guardianship law is called "The Uniform Guardianship, Conservatorship and Other Protective Arrangements Act." It is codified at RCW 11.130.

The statute defines a professional guardian or conservator as someone appointed under the law who charges fees for carrying out their duties for three or more persons. If the person they are appointed for is a relative, that doesn't count.

Washington State Court General Rule 23 requires that anyone who meets the definition as a professional must be certified. That court rule sets out the requirements for certification.

The court rule also establishes the Certified Professional Guardianship and Conservatorship Board. The Board has the responsibility to regulate and carry out the application review, investigation and approval or disapproval process.

6. Obtaining certification is a process with multiple steps. Someone seeking certification must complete the application to the Board and receive the Board's approval to recommend certification to the Supreme Court. The applicant must also complete a professional training program. The Board has approved the University of Washington's Guardian Certificate Program to fulfill this requirement.

7. Becoming a Certified Professional Guardian and Conservator may be a great option for you. Before starting the certification application process, however, you will want to consider some important factors that can impact the best timing for you. Make sure you consider these factors with respect to your personal situation, to make the most of your time and resources in the process.

8. People who work as professional guardians and conservators are appointed as fiduciaries for individuals who don't have the ability to manage their affairs independently. Certification requirements reflect some key considerations regarding the background and experience required to successfully serve as a fiduciary for vulnerable individuals.

This video covers aspects of the certification requirements, however, applicants should refer to Washington State Court General Rule 23 and the Certified Professional Guardianship and Conservatorship Board's Regulations for complete information. Additional information regarding the application process can be found on the Washington Court's Guardian Portal section on CPGC Individual Applications.

The requirements include a minimum age of 21, and no disqualifying criminal record. Specifically, the applicant must not have any convictions (or court or administrative proceeding findings) that involve dishonesty, neglect, abuse, use of physical force or are relevant to the functions of a guardian or conservator

9. Certification requires that the applicant has demonstrated financial responsibility. This is based on a FICO credit score and a credit report. FICO scores of 700 or higher meet the financial responsibility requirement; scores below 650 do not meet the requirement and the application will be denied. Scores between 650 and 699 require a review of the credit report and applicant's credit explanation to determine if the requirement is met.

Applicants must successfully complete the mandatory training program through the University of Washington's Guardianship Certificate program.

10. Every applicant must have relevant experience. The number of years of relevant experience required depends on the educational level of the applicant. The higher the educational level attained, the fewer number of years of relevant experience is required.

If an applicant is a high school graduate or possesses a GED equivalent, five full years of experience is required. If an applicant has an associate's degree from an accredited institution at least four full years' experience is required. If an applicant has a baccalaureate degree from an accredited institution, at least two full years' experience is required. If an applicant has a masters, J.D., Ph.D., or equivalent advanced degree from an accredited institution, then at least one year's experience is required.

Please note that to determine how many years of experience you have, the years must be "full" years experience. Relevant experience won't count as a full year of experience if it's only done on a part-time basis. Please take this into account when computing how much relevant experience you have.

11. The Washington State Court General Rule 23, as well as the Board's Regulations, describe the type of experience that is required. The experience must be working in a discipline that's relevant to providing guardianship and conservatorship services. It must be experience in which the applicant has developed skills that are transferable to providing guardianship and conservatorship services. It must include decision-making or the use of independent judgment for the benefit of others.

In considering whether you have the type of experience required, it's important to evaluate your experience with those requirements in mind.

12. The Board's regulations clarify that volunteer work experience can qualify as relevant experience if it is supervised, verifiable and based on actual hours worked.

Experience in providing services to family members does not count toward the experience requirement.

13. The experience required includes decision-making or the use of independent judgment on behalf of others.

Decision-making is defined in the Board's Regulations. It breaks down the components of the decision-making process to include defining the problem or issue; collecting information and data; exploring and weighing options; choosing the best option, planning and executing the option and taking the action needed to follow up.

14. Independent judgment is also defined in the Board's Regulations. It recognizes the exercise of discretion and independent judgment involves comparing and evaluating different options. It must require the use of these skills in situations that are more than just standard procedures or protocols. There must be a component of independent authority to make a free choice. The fact that one's decisions may be subject to a higher review does not mean it's not exercising independent judgment

15. Whether your experience will be considered to meet the criteria will depend on the particular facts and circumstances. The Certified Professional Guardianship and Conservatorship Board will make this determination.

Experience in these positions may qualify depending on the specific responsibilities of the position:

Lay guardian for non-family members, Social Services Case Manager, Adult Family Home Manager, Past Guardianship roles (including some in foreign countries), Medical Case Manager, Nursing Home Manager/Administrator, Residential Home Manager/Supervisor, Guardianship Financial Coordinator/Case Manager, Representative Payee, Registered Nurse Manager in hospital setting, Mental Health Clinician in certain health services settings, Financial Specialist for nursing home facility, Registered Behavior Technician for autistic patients, Benefits Manager for a Guardianship company, Foster Parent, Clinical Social Worker in medical settings including mental health facilities, Licensed Practical Nurse.

16. While some experience may be valuable and worthwhile, it will not meet the required criteria of developing skills that are transferable to providing guardianship and conservatorship services or involve decision-making or the use of independent judgment for the benefit of others.

Past experience NOT relevant to Guardianship:

Certified Nursing Assistant (deals with personal caregiving, not decision making), Human Services Technician (mainly does intake, processes insurance and renewal forms), Guardian Ad Litem/ Court Visitor, Commercial Banking Officer, Treasurer for Community Club, Foundation or other community based entity, Chiropractor, Physical Therapist, Occupational Therapist, School Counselor, Escrow Officer, Deputy Sheriff/Detective, Lay guardian for family members

17. As a potential applicant, you will want to carefully consider whether you have met the experience requirement prior to beginning the application process with the Certified Professional Guardianship and Conservatorship Board. The Board does not have the discretion to waive the requirement or count experience that will be completed in the future.

18. The Board strongly encourages those seeking professional certification to apply to the Board prior to enrolling in the University of Washington's Guardian Certificate Program. There's an important reason for this.

The Certified Professional Guardianship and Conservatorship Board reviews applications and recommends approval or disapproval of professional certification to the Washington State Supreme Court. The Board's review and decision is completely independent from the University of Washington program. In other words, an applicant could be accepted into and complete the Guardian Certificate Program and not meet the Board's criteria for approval.

By applying to the Board first, the successful applicant can obtain "Conditional Certification" status. That means the applicant will be fully ready to be certified once the training program is completed.

19. Thank you for your interest in becoming professionally certified to provide guardianship and conservatorship services. Please feel free to contact the Certified Professional Guardianship and Conservatorship through its staff if you have questions or wish to learn more about the application process.

Education Committee

Emerging Issues for CEU Reporting Period 2025-2026

Education Committee Recommendations for Emerging Issues for Continuing Education Classes (CEU) Reporting Period 2025-2026:

- Housing
- Behavior Health
- Less Restrictive Alternatives to Guardianship
and/or Conservatorship
- Protection Order Changes