



CASE WEIGHTING SYSTEM REPORT

Office of Public Guardianship

Legislative Report Pursuant to RCW 2.72.030(6)(d)

Chapter 215, Laws of 2019 directed the Office of Public Guardianship to develop and implement a case weighting system to balance the increasing need for guardianship services with effectively managing guardian caseloads and appropriate support

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Background: Creation and Recent Changes to the Office of Public Guardianship

Chapter 364, Laws of 2007, created the Office of Public Guardianship (OPG) within the Administrative Office of the Courts to provide guardianship services to low-income individual who have been legally declared incapacitated. The OPG is the guardian of last resort and only provides services when no other individual is willing or able to serve as the guardian. The OPG prioritizes serving individuals who are indigent/homeless, at significant risk of harm from abuse, and are at imminent danger of losing public services that are necessary to live successfully in the most integrated and least restrictive environment.

Effective July 28, 2019, the Legislature made important changes to OPG. Chapter 215, Laws of 2019, allows the OPG to: contract with public guardians to provide supported decision-making assistance and estate administration services; establish a case weighting system; and eliminates OPG's pilot status thereby establishing it as a permanent statewide program. Supported decision making assistance involves providing *support for an individual with diminished decision making ability* utilizing such mechanisms as representative payee, attorney-in-fact, a trustee or a public guardian. Estate administration involves appointment of an individual to administer the estate of an individual who died intestate. This report provides an update of the development and monitoring of the case weighting system, which the OPG implemented in August 2019.

Introduction: Legislative Directive to Develop and Implement a Case Weighting System for the Office of Public Guardianship

Chapter 215, Laws of 2019, guides the Administrative Office of the Courts (AOC) development of a case weighting system.

- ✓ Sec. 4 (6) (a) provides details when case weighting is triggered and categories to incorporate in case weighting.¹
- ✓ Sec. 4 (6) (c) highlights the need to develop process, policy and procedures, as well as recommendations for changes to court rules for implementation of case weighting.

¹ The office may authorize adjustments to the standard caseload limit on a case-by-case basis, and payment for services to a contract service provider that serves more than twenty incapacitated persons per professional guardian is subject to review by the office. In evaluating caseload size, the office shall consider the expected activities, time and demands involved, as well as the available support for each case.

- ✓ Sec. 4 (6) (e) identifies the need for outreach to superior courts on the final case-weighting system.
- ✓ Sec. 4 (6) (d) instructs the office to develop this report².

These steps have facilitated implementation of an effective case weighting system alongside additional benefits. Case weighting supports access to public guardianship services, promotes more transparency and accountability in guardianship practices while creating greater flexibility for Certified Professional Guardians (CPGs) and their agencies when administering their business models to address the needs of their local communities.

Current Approach to Case Weighting: When and What to Consider?

The topic of a case weighting system had been legislatively debated in prior sessions. Prior to the 2019 legislative session, stakeholders³ met three times to discuss and compile proposed criteria for case weighting. These meetings helped produce a working model of case weighting for Washington. During these discussions, stakeholders explored using a detailed case activity inventory. Public guardians identified categories of services provided to support their clients and supplied a detailed breakdown for a sample of their clients. This list⁴ illustrated the need for a set of refined details when considering the relative challenges of a case, compared to the rest of their load. On average, public guardians spend 12 hours per month on their clients⁵. This level of detail provided important context of the variables and challenges that guardians encounter with OPG cases and illustrated the range of diversity in OPG guardianship practices.

Current Methodology and Process

The final version of case weighting recommended by these stakeholders is modeled after a weighting system developed by a nonprofit agency from Cleveland, Ohio, Lutheran Metropolitan Ministry (LMM). In this model each OPG client is placed into one of five tiers based upon attributes such as residential setting and transitional needs. See Table 1. Each tier is assigned a

² *By December 1, 2019, the office must submit to the legislature a report detailing the final case-weighting system and guidelines, and implementation progress and recommendations. The report must be made available to the public.*

³ *Representatives from the Long Term Care Ombuds, the Developmental Disability Ombuds, Disability Rights Washington, DSHS, the Arc of Washington, public guardians, and the Office of Public Guardianship participated in these conversations.*

⁴ *See Appendix A for Weighted Caseload Calculations a detailed list of these services.*

⁵ *This average represents a significant range from one hour and 35 minutes to over 35 hours/month.*

point or weight base that is used to determine the total number of cases a guardian may have. Tier assignments for a client are reassessed monthly.

Table 1. Current Case Weighting Tiers

Points Per Case	# of Cases to Manage	Case Description
50	11 Maximum	Client is in transition from one setting to another. Many tasks to be accomplished: Stabilize housing and work with client to accept placement, move to facility, dispose of personal items, transfer bank accounts, establish all entitlements, etc.
30	18 Maximum	Client is in a permanent protective environment but many tasks need to be accomplished: close down home/apt., dispose of personal items, transfer bank accounts, establish all entitlements, etc.
20	27 Maximum	Client does not live in a facility and is living in the community.
15	36 Maximum	Client is in a protective environment and still has issues to manage, and/or there are major medical decisions to be made.
5	36 Maximum	Client is in a facility with few if any issues. Client's entitlements have been established and affairs are in order.

Public guardians justify preliminary scores and subsequent changes through documentation that focuses on whether the individual is subject to current or emerging dangers or risks as well as their relative stability. If a public guardian carries more than 20 cases (OPG and others) they complete this analysis and can be authorized to carry up to 36 cases or 550 points.

Office of Public Guardianship staff recently had a chance to check in with LMM on lessons learned and to get feedback on emerging concerns identified by the WA public guardians. LMM has worked for over thirty years as public guardians and has provided invaluable lessons learned. See [infra Lessons Learned from LMM](#) for more details. OPG staff are working to account for and incorporate these suggestions.

Current Approach to Case Weighting: Policy, Procedure and Outreach to the Courts

With a case weighting system in hand, OPG staff have made significant progress towards implementation and incorporating process improvements. This process is ongoing; other

programmatic reforms and expansions are being pursued concurrently, warranting a more comprehensive refresh.

Policy and Procedure Update

OPG staff have identified specific policies that require updating to implement case weighting. See Table 2: Policies Scheduled for Revision. The proposed revisions will be reviewed with stakeholders and public guardians.

Table 2: Policies Scheduled for Revision

Policy No.	Necessary Amendments to Account for Case Weighting
1.3-Referrals	This policy describes how cases are directed to guardians and needs to be amended to reflect options for a client taking into consideration a guardian’s caseloads.
1.4-Caseloads	Former cap of 20 clients’ needs to be amended to include up to 36 clients when the public guardian provides explanation under case weighting.
2.1-Visits	This policy describes details public guardians should observe and then report to the OPG. In person visits to a client’s residence occur on a monthly basis and the criteria collected during the visit should have a direct tie to case weighting factors.
4.3-Case File Documentation	Case weighting needs to be included in the list of documents maintained by the public guardian.
5.3-Submission of Quarterly Report	Currently public guardians provide a quarterly update on their caseload. Case weighting with more frequent reporting requirements may eliminate the need for this report.

Court Rules Update and Outreach

OPG staff have reviewed court rules and have determined that there is no need for amendments at this time. The OPG continues outreach to superior courts and guardian ad litem; staff will continue to solicit comments and suggestions. Staff have presented content regarding legislative changes to three jurisdictions, Whatcom, Yakima and Pierce Counties, and received favorable feedback and eagerness to roll out these provisions. More presentations are scheduled and will be coordinated with changes resulting from the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act.

User Recommendations

Under the bill, the AOC must provide details on recommendations for future program improvements. Public guardians subject to case weighting have provided feedback on the case weighting system that is currently effective. Their input focused on three aspects of case weighting: effectiveness of criteria, managing contingencies within a guardian's business models and its multipurpose nature. Their review provided useful suggestions and will be incorporated into future adaptive management and program improvement efforts for case weighting.

Effectiveness of Criteria

Guardians acknowledge the distinction between two common populations subject to guardianship, older clients residing in facilities and younger clients living independently in the community. This distinction and the risks that stem from these differences may not be adequately accounted for in the current approach to case weighting. Specific concerns cited included *working, dating, going to school, wanting cable or satellite, doing drugs, getting arrested, etc.* OPG Staff will continue to monitor if a case with these compounding factors causes significant challenges for a guardian's caseload. Additionally, lessons learned from Lutheran Metropolitan Ministries will likely address these concerns.

Managing Contingencies within a Guardian's Business Model

Public guardians mentioned concerns when and inevitably individuals on their caseload experience significant instability, causing a temporary exceedance of the maximum caseload weight. Options put forth included allowance for temporary exceedance⁶ and capping the number of high needs cases⁷ that can be accepted at any one time. If allowances are needed they should be established using clear, well defined sideboards such as *temporary, justified, infrequent, documented and done with the OPG manager's approval.*

Guardians also acknowledge a need to have self-awareness for these inevitable contingencies and declare how they will account for them based on their individual business models. Under the business model approach, guardians may work in the profession as solo practitioners while others operate agencies that in addition to employing two or more guardians also include

⁶Example, one guardian suggested an allowance over the 550 point total for up to 90 days.

⁷A high needs case (50 points) is likely to cause instabilities due to its characteristics.

support staff (case managers, administrative staff) on the payroll. Support staff can be a significant asset when planning and addressing these inevitable contingencies.

Case weighting allows agencies as well as solo practitioners to think critically about their business model and the individuals they serve and then identify what contingencies and corresponding points they should build in to continue to maintain their fiduciary duty and advocating for their client's needs.

Multipurpose Nature

Guardians acknowledged the importance of the built in flexibility of this model, as it provides a forum for considering a client's status on a month by month basis. The case weighting analysis also includes a concise description of factors that impact an individual's stability and has found its way into periodic staff check-ins used to monitor clients' needs and an agencies' approach to addressing them.

Incorporate Recommendations and Path Forward

With recommendations from the public guardians subject to case weighting as well as lessons learned from the Lutheran Metro Ministry (LMM), OPG staff continue to tailor case weighting to promote process improvement and greater accessibility to public guardianship services. The office is also actively recruiting additional guardians to work with this high needs population. Changes in law and policy have been received well overall and will help to welcome new contractors to the program.

Lessons Learned from LMM

A newer version of LMM case weighting identifies additional factors impacting a client's stability as well as services provided by an agency beyond guardianship. These additional factors address WA public guardian feedback and can be rolled out in a stepwise fashion as the office increases its capacity to serve. Factors from LMM case weighting that are directly applicable to the WA model include:

- Unique needs including third party impacts (e.g. contentious familial or other relationships that require a vulnerable adult protection order) and additional collaboration with an individual's service providers via Patient Aligned Care Team meetings,

- Complexities associated with stabilizing an individual after a major event (illness, injury, arrest, displacement, abuse, exploitation) requiring intensive guardianship intervention (major medical decisions, legal concerns, behavioral assessment, new placement),
- Type and degree of guardianship as identified in the court order,
- Complex medical conditions including severe persistent mental illness diagnosis and psychiatric instability, multiple, complex physical and/or behavioral health needs and
- Services other than guardianship provided by professionals employed at the guardianship agency.

The LMM also caps the amount of high point cases a guardian can carry to address externalities that unavoidably arise with this high needs population, causing a guardian to exceed their case load point maximum⁸. The OPG continues to discuss this option with public guardians in light of their suggestion to allow temporary exceedances.

Adding more acute details and new sideboards will support a more precise determination of a client's need and account for factors that impact time and resource investments. Greater details should also avoid caseloads that exceed or nearly exceed the maximum point value.

Conclusion

The enactment of Chapter 2015, Laws of 2019, has brought significant and welcomed changes to the WA Administrative Office of the Courts Office of Public Guardianship. The steps outlined in the legislation have facilitated a process that provides multiple benefits. Case weighting supports greater access to public guardianship services, facilitates more transparency and accountability in the program while creating greater flexibility for CPGs and their agencies. Public guardians can now provide services statewide and the office is actively working to recruit new public guardians to support this expansion. And with this expansion, OPG staff are working diligently on program improvement efforts and periodic reviews to ensure quality and effective services. Ultimately these legislative changes will help to more effectively provide services to the most vulnerable citizens in Washington.

⁸ Excerpt from LMM case weighting: "In addition, no staff guardian should carry more than a certain number of some type of cases due to the demands and/or complexity of that type of case. Thus, an effort has also been made to limit the total caseload not only by total weight of the cases but also by type of cases."

For more information on implementation contact:

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APPENDIX A: Weighted Caseload Calculations

Non-Case Related Time	Ave. Minutes per Month	Minutes per Year
OPG and provider meetings	90	1,080
Non-Case Related Administration (reports, planning, organizing, legal research, referrals, etc.)	800	9,600
Other (staff meetings, initial pre-client interviews, etc.)	180	2,160
Travel	960	11,520
Total Non-Case Related Minutes	2,030	24,360
<i>*This travel time is if the guardian has 20 clients. Travel averages around 55 minutes per client per month; numbers were adjusted to reflect multiple client visits in a day.</i>		
Case Time/Client	Days per Year	Minutes per Year
Total Year (8 hrs per day X 60 minutes = 480 Minutes per day)	365	175,200
Weekends	(104)	(49,920)
Holidays	(11)	(5,280)
Vacation	(14)	(6,720)
Sick Leave	(12)	(5,760)
Training	(12)	(5,760)
Total Available Days/Minutes for all Activities	212	101,760
Reports to the court		390
Legal (suing on behalf of client)	125	1,500
Securing benefits (housing, VA, SSI, food stamps, etc.)	47	564
Family matters & other (looking for/communicating with relatives, communicating with employers, etc.)	20	240
Medical appointments	92	1,104
Home visits	45	540
Assessments, personal care plans, and treatment plans (with AFH, hospitals, etc.)	60	720
Conferring with Professionals (mental health, transportation arrangements, AFH, etc)	96	1,152
Managing finances	80	960
Purchasing (personal items for client)	15	180
Phone call with client	12	144
Processing mail	20	240
Record review (mental health, health, housing, caregiver, dental, etc.)	135	1,620
Total	747	9,354

Summary: Public guardians are spending an average of 12 hours on each client, each month. They may spend as little as one hour and 35 minutes on a client per month, or as much as 35 hours and 20 minutes on a client per month.

Other consideration are size of the agency including supportive staff (Operations Managers, Case Managers, Book Keepers, Administrative Secretaries, etc.)