

December 30, 2012

Honorable Chief Justice Madsen;

I am concerned about the proposed GR 31.1 which has been offered by the Supreme Court for public comment. I learned through personal experience that the Certified Professional Guardianship Board's (CPGB) policies for handling complaints regarding guardian conduct doesn't work at least not for my family. Now, I see that the proposed rule will not change this unfortunate situation.

Let me give you some background on my family, my aging parents are now both living in separate Adult Family Homes. After already being separated for 13 months due to a fall and broken hip suffered by mom, she was placed in a nursing home, then in an AFH miles away from family and her husband of 50+ years. Dad, who suffers from increasing dementia and walks with a walker, was later placed in a separate AFH also far away from family in separate towns from his wife, 5 miles apart, ten minutes by car and MUCH longer by public transportation. Mom was just diagnosed with Parkinson's disease and struggles with getting up from her wheelchair and walking while dad is struggling to make sense of why he's not in his house. Given the multiple illnesses each of them struggle with these months of separation have been very, very difficult for them both. In addition, their guardianship has been difficult in many other respects. Sibling disagreements, water damage to their formerly beautiful home in Juanita, my observation of visible black-mold accumulations in both of the AFHs, and other inevitable complexities have raised challenges my whole family has had to face.

What I'd like to impress upon you, is the introduction of a professional guardian into our family (at my request) has been a most difficult process; one I believe could have been made much easier. Most importantly, as I came to realize that a guardianship might be helpful, I had a hard time learning what a guardianship can be about. Searching the web did not explain to me that no matter the quantity of assets, it would all be "spent down" and not shared with family members during their time of duress. And, everything mom and dad worked for their entire life would be on the "spend down" program when they had acquired so much. Had I been able to see more complete information, review the guardians available, view their credentials, review complaints (or see if there were no complaints, serious complaints; against an individual or agency etc...) we might have been able to avoid certain pitfalls, or even know more of what to expect as we worked to come together and support two loving parents who had given so much of themselves raising us.

Thus, I strongly believe that a continuation of the so very limited disclosure policies, currently established by the CPGB, and apparently still supported by your Supreme Court, simply is a terrible idea. As "consumers" our family should be able, even encouraged, to learn a great deal about professional guardians, the way they work, the labor and integrity they must apply, and the numerous challenges they face as they perform those responsibilities they take on, as they assume the responsibilities for the

lives of aging vulnerable adults. Anything that blocks, or even delays, access to information a “diligent” family member might need in order to help a parent or parents as they approach end of life, should be removed.

As I understand it protection of persons like those in our family was at the core of the spirit of the Public Records Initiative of 1972 and then the now widely accepted Public Records Act, just as for GR 31, and as I have hoped would be the intention of the GR 31.1 you are working to produce. But I am disappointed to see that there seems to be an oversight. The work overseen by the CPGB, and thus the professional guardians who hopefully will in the future be helping the increasing numbers of vulnerable elderly who will be needing their services, needs public insight and understanding. But with the proposed GR 31.1 text, insight will be too limited, there needs to be more transparency.

I can only observe the fact that if I need to better understand, or examine the records of health care professionals (physicians, nurses, dentists, pharmacists, psychologists, social workers, and many others) I am able to find useful information. All I have to do is to telephone Health Systems Quality Assurance (who state that their “...top priority is to protect and improve the health of people in Washington State.”). Their Customer Service Center at 360-236-4700, will tell me if I give the name of a Doctor, Nurse, or another professional, much of what I need to know. First they will quickly tell me of any disciplinary decision against the professional. Then further inquiry will give me (without any waiting time, even for a complaint filed this month) if other complaints have been filed against this professional. Including, how many complaints, the dates, and whether the complaint was dismissed or not. If I wish to know more, I have been told that I can make a public records request, which would provide more complete information, and that while this will take some time, it need not be costly in dollar terms. Also, I understand that the file on a complaint against a professional will contain details of the complaint, and if dismissed, will provide the reasoning behind the dismissal.

Such a process is simply not available for professional guardians, and I don't understand why. But I feel quite certain that if this kind of information were available, both my parents and my family would have suffered a lot less pain in learning to work with the guardians who now have a deep responsibility for two elderly and frail persons we all love very much. So your Court's help for us, and for those who come after us, could be very much appreciated.

Thank you for your consideration of my point of view.

Cynthia M. Jackson
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