

## Foster, Denise

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**From:** Martha Carter [chilegrits@gmail.com]  
**Sent:** Monday, December 31, 2012 11:59 AM  
**To:** Foster, Denise  
**Subject:** Letter for the GR 31.1 comments website.

Ms. Foster,

Would you please post this e-mail on the GR 31.1 comments web site.

Thank you, Dr. Page Carter

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Honorable Chief Justice Madsen:

As an educator with a doctorate in Management and Development and with some acquaintance with professional guardianship, I am concerned with the current direction of GR 31.1.

From what I understand of Section (L)(12) of your otherwise laudable public disclosure rule, I find it disturbing how the professional guardianship system can hold the educational and examination requirements as well as investments in career preparation of professional guardians equivalent to those of attorneys, judges and justices.

Professional guardians normally exercise delegated fiduciary and social control over the people they have under their care. In addition, they frequently have responsibility for personal, associational, environmental, health care and medical care for those people. Despite this, they frequently have no specialized education or training in any of these areas. In fact, until recently, it appears that there have been few mandatory educational requirements beyond a high school education required of them.

Whereas attorneys and subsequently judges and justices are required to normally have a minimum of seven years of intensive, very demanding post secondary education, supplemented by comprehensive testing/evaluation, intensive public scrutiny, demanding ongoing education and stern peer review; professional guardians have none of these requirements save less than a year-long, part time survey course and just a few days of continuing education each year. The monetary investment for the required training of a professional guardian is perhaps less than one percent for that required to become a lawyer.

I have difficulty understanding how the body of practicing professional guardians or their certification and disciplinary board, can in good conscience take the position that these professionals hold themselves above medical doctors and all levels of nurses, psychologists, social workers and members of numerous other highly respected professions. How can the state and courts accept that professional guardians should not be held to stringent conditions of oversight and public transparency until, at the very least, their level of education and competency can be held to a standard comparable to the attorneys, judges and justices to whom the guardianship professionals seem to hold themselves equal?

Because professional guardians in so many cases are responsible for the lives and resources of some of our most vulnerable citizens, including significant numbers of our elderly, these problems take on greater importance. As those populations increase, the public needs to know with confidence that the guardians are there to protect and

care for the people under their care and not appear to do little more, in worst cases, than deplete resources or mistreat or ignore individuals and families. To borrow Mr. Cannel's phrase, from his December 26<sup>th</sup> public comment I believe our state's community must assure that professional guardians "must be above reproach."

I can only hope that the Courts will take these points under consideration and help those who do or may require a guardian and those around them, by removing the letter and the spirit of section (L)(12) from GR 31.1, as an initial step in improving disclosure of all formally submitted complaints. Besides other reasons already expressed by others, this step is necessary in order to adequately examine the most pressing problems extant in the profession in order to construct the curriculum necessary to build professional competency. The expanded competency and transparency will in turn generate more public confidence in the profession's management of the lives and resources they oversee. Practicing professional guardians must be mandated to satisfactorily complete a course of study consistent with the profession and as rigorous as the other professional fields they work with and relate to.

In a somewhat personal note, I would like to conclude with this: I am not nor do I seek to become a professional guardian, in large part because, despite my education and experience, I do not feel I am anywhere near the level of education or experience needed to be a competent professional in what is essentially a field with life and death responsibilities. At the same time, it bothers me that the state allows people with far less education and qualification in applicable fields than I have to serve as guardians with very little oversight, scrutiny or visibility.

Thank you for your consideration of my viewpoint.

Dr. Page Carter

620 Central Street SE, Olympia, WA.

(360) 943 5146

[mypage@comcast.net](mailto:mypage@comcast.net)