



## *Certified Professional Guardianship and Conservatorship Board*

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ADMINISTRATIVE OFFICE OF THE COURTS

Dawn Marie Rubio  
State Court Administrator

February 24, 2022

Sent by email and US Mail

Clerk of the Supreme Court  
PO Box 40929  
Olympia WA 98504-0929  
[supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Re: Comments on Suggested Changes to General Rule 23 Published November 2021

The Certified Professional Guardianship and Conservatorship Board ("Board") submits the following comments with respect to the suggested changes to General Rule 23.

Summary: The Board is opposed to the suggested changes to GR 23 (c) (2) (xii) and GR 23 (c) (1) (i) for the reasons discussed herein.

Changing the Board's Composition. The parameters of the Board's composition in GR 23 were suggested by the Board in 2007. The parameters enshrine the critical diversity of voices fundamental to the work of the Board in its oversight of the practice of guardianship. The Board's reasoning at that time remains valid, and is arguably of greater societal concern at this time. The Board's purpose statement in 2007 noted:

The proposed amendment also provides that no more than one-third of the Board membership shall be practicing professional guardians so that Board members are drawn from wide areas of expertise related to the work of the Board and the Board avoids the appearance of guardians having undue influence over the regulatory process.

The Board appreciates the complexity and unique challenges of guardianship and conservatorship practice. The Board currently has four (4) professional guardian and conservator members. In its recent regulations amendments, the Board formalized its practice of requiring a professional guardian and conservator member on its Standards of Practice Committee. (The SOP Committee currently has two professional CPGC members.) The Board values the participation, perspective, and input of its CPGC members and encourages their involvement. The Board's design is essential to ensure proper oversight of the practice of guardianship while allowing for full involvement from all of its stakeholders.

Application of the Open Public Meetings Act to the Board. The Board was created by the Supreme Court's own enactment of General Rule 23. The Board's authority derives from the court's grant of such authority as enumerated in GR 23. As a delegated Supreme Court board, the Board is distinguishable from a public agency as defined in the Open Public Meeting Act. The Supreme Court's recent holding in *Beauregard v. WSBA*, No. 97249-4, February 11, 2021 supports such analysis. In contrast, the suggested changes are premised on the idea that the Board was created pursuant to statute.

The Board is fully committed to transparency and operating in the spirit of the Open Public Meetings Act. The Board appreciates that maximizing the extent of the Board's activities in public session is consistent with open government principles and of benefit to stakeholders and the public at large. While the Board primarily limits executive session to discussion of applications and disciplinary matters, occasionally the Board has compelling reasons to discuss a matter in executive session, such as conferring with its counsel.



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Judge Diana Kiesel, Chair

Certified Professional Guardianship and Conservatorship Board

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comments on Suggested Changes to General Rule 23 Published November 2021  
**Date:** Thursday, February 24, 2022 3:18:57 PM  
**Attachments:** [SCAN0016.PDF](#)  
[image001.png](#)

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**From:** Bowman, Kathy  
**Sent:** Thursday, February 24, 2022 3:00 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Johnson, Stacey <Stacey.Johnson@courts.wa.gov>; Diana Kiesel <dkiesel@piercecountywa.gov>  
**Subject:** Comments on Suggested Changes to General Rule 23 Published November 2021

Good afternoon,

Please find the attached comments submitted by the Certified Professional Guardianship and Conservatorship Board with respect to suggested changes to General Rule 23. These comments will also be forwarded by US Mail.

Thank you,

**Kathy Bowman**

Court Program Assistant | Office of Guardianship and Elder Services

**Administrative Office of the Courts**

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