



Guardian Monitoring Program Workgroup Meeting

Tuesday, January 11, 2022

Zoom Meeting

8:00 a.m. – 9:00 a.m.

Meeting Minutes

Members Present

Sujatha Jagadeesh Branch
Jacalyn Brudvik
Arielle Finney
Ana (Forston) Kemmerer
Julie Higuera
David Lord
Audrey Pitigliano
Judge Nancy Retsinas
Jane Severin
Daniel Smerken
Tracie Thompson

Staff

Ms. Amber Collins
Ms. Heather Lucas

Members Not Present

Chris Fournier

Guests – No guests invited/admitted

1. Meeting Called to Order

Ms. Amber Collins called the January 11, 2022 Guardian Monitoring Program (GMP) Workgroup meeting to order at 8:00 a.m.

2. Welcome

Ms. Collins welcomed all present and spoke about the meeting agenda.

3. GMP Program Mandate Review

Ms. Collins informed the group that the GMP Program Mandate (title changed to GMP Program Overview after agenda was sent to Workgroup) highlights the GMP's mission and intent. She said she knows many people want the public to be involved in the creation of the GMP, but as the program is still in its infancy where everyone is still grasping the concept and needs, the public will be involved at a later time.

4. Workgroup Goals and Objectives for 2022 & Brief Updates

Ms. Collins stated that the GMP Workgroup will now have two meetings per month in 2022 as the goal is to develop and implement the GMP by the first quarter of 2023. She also stated that

the Workgroup doesn't have tasks, but will act more as an accountability partner to GMP staff for transparency. She wants the Workgroup to act as an advocacy group to provide suggestions and express concerns regarding the GMP's development. For each meeting, a foundational component of the GMP will be on the agenda, pushing forward with achievables and objectives.

Ms. Collins also informed the Workgroup that the Administrative Office of the Courts (AOC) Human Resources staff posted the first Regional Volunteer Coordinator position. She hopes interviews can begin at the end of January or beginning of February.

Ms. Collins touched on the Pilot Program GMP staff are working on: Ms. Collins and Ms. Heather Lucas are meeting with staff in counties to introduce the GMP and create a working partnership as the GMP is developed and launched. She also stated that GMP staff is meeting with AOC IT staff to discuss needs and takeaways from those meetings and Workgroup meetings.

5. Discussion: Less Restrictive Alternatives and In-Person Visits

Ms. Collins opened the floor to discuss less restrictive alternatives and in-person visits for persons subject to guardianship that may need alternative measures.

Mr. David Lord asked about the terms on the agenda (mild, moderate, and severe) in regards to a person's capacity stating it's not the only criteria for making a determination. Ms. Collins clarified the terms were not regarding a person's mental or physical capacities, but how involved in a case a guardian or the GMP may become. Mr. Lord added there are other criteria for determining a person's situation: What are the levels of support? Do they have family or friends involved? Are they part of a residential support program? Do they have stable housing? He added that when looking at a person's level of support all factors available in a person's natural environment must be considered.

Mr. Lord stated that monitoring should also happen when a petition is filed and when a person comes to the attention of the GMP, so a court visitor or other person can determine if a less restrictive alternative is better. Ms. Collins responded about this point and asked the Workgroup when the GMP becomes involved and at what point does the GMP become effective. She stated she believes it's when a guardianship is finalized. Mr. Lord said he understood that as a way to frame it, but the other piece where there are issues is when a guardianship is being determined. Ms. Collins said she would take the question back to AOC management to determine when the GMP becomes involved and effective.

Ms. Jacalyn Brudvik suggested the GMP might become involved only if family members bring petitions, and stated supported decision making arrangements don't come before the court. Ms. Collins asked if it would be worthwhile for the GMP to look into cases to determine if less restrictive alternatives are necessary. Mr. Dan Smerken stated that it's part of the duty of the fiduciary to determine if less restrictive alternatives are available. Ms. Brudvik stated that less restrictive alternatives may be appropriate in a case where a person has a traumatic brain injury: things may improve so much that a guardianship is no longer necessary. She stated that in other cases conditions don't change and she thinks the GMP should review with family members to see if a person's financial and health affairs have improved.

Ms. Collins asked about the process to present to the court a change from guardianship to less restrictive alternatives. Ms. Brudvik replied that it's a motion to show cause and notices have to be given under the new statute, including to the individual themselves. As a former Commissioner, if she were to change the tenor of a guardianship, she may issue a protective arrangement and review everything one more time, or sometimes have a third-party professional evaluation of the person providing subjective info that can have guardianships dismissed.

Mr. Dan Smerken mentioned Ms. Brudvik's bench cards might be helpful to characterize the severity of a case. He stated that the bench cards have a continuum of less restrictive alternatives and may help figure out when a guardian needs to consider modifying a guardianship. Mr. Smerken stated he doesn't think the GMP should address the petition process. He also stated that parents may feel they have to petition for guardianship when they don't really have to. Ms. Collins confirmed that the Workgroup is in agreement that while monitoring a guardianship, the GMP should simultaneously look to see if the guardianship is still necessary.

Ms. Audrey Pitigliano added that we have to be aware of a person who expresses them no longer wish to be under a guardianship. She also stated that some people under a guardianship may not know they need to go to the court or understand that process. Ms. Brudvik stated if that happens, a letter is sent and she would immediately schedule a meeting. She added that there's a provision on how many times a person can petition to dismiss their guardianship with the same facts. Ms. Sujatha Jagadeesh Branch expressed a wish that the GMP could look at pre-guardianship to sort out what resources are available for less restrictive alternatives.

Ms. Brudvik expressed that she's been a guardian for 47 years and doesn't need the GMP to be involved in her guardianship, and asked how the GMP will determine what cases need monitoring and what cases need don't. She stated that the Snohomish County guardian monitoring staff would review reports and question guardians if information didn't appear to be correct, if forms were signed with no info provided or if the staff realized a person moved to a different state and didn't apply to transfer the guardianship from Washington. She added that more monitoring issues are focused on family members and come up for those who may not have an attorney to review documents prior to submission.

Ms. Pitigliano stated that guardianships she's worked with are guardianship of person and don't involve finances. She stated some cases she's worked on are so old that they're only reviewed every three years and the guardians only send in a letter with very few details which has been sufficient as a report. Ms. Brudvik asked how that could be a standard and stated she had changed reporting periods from triannual to annual for a guardian if their reports were late or information didn't appear to be correct. Those guardianships needed to get back on track before she'd consider making a reporting due date more lenient again.

Mr. Lord expressed that with the GMP we should make sure there's actual accountability with reporting. If necessary, have someone like a court visitor report to the GMP to see what's happening in the guardianship if the reporting isn't accurate. Ms. Brudvik added that hiring a Regional Volunteer Coordinator could make reporting expectations more uniform, but that some counties would need to raise expectations and goals.

Mr. Lord expressed concern for resources, but a goal for the GMP would be to identify possible resources or lack thereof. Ms. Brudvik stated that lobbying with the Legislature for the GMP may be an issue and that some members of the Legislature may benefit from hearing from this Workgroup. Ms. Collins asked Mr. Lord to expand on what resources he was concerned about. Mr. Lord stated his concerns regard staffing to visit with persons subject to guardianship, resources to provide adequate training for guardians; making sure guardians understand their responsibilities; and when things change, making sure there's an orientation for guardians. He also expressed concern at a possible lack of staff to monitor guardianships. Ms. Collins clarified the GMP will hire five staff members: herself, Ms. Lucas and three Regional Volunteer Coordinators. She stated that the GMP would like to conduct home visits, but isn't sure how that would work in a pandemic. She added that there will be a lot of work done by volunteers who would have structural guidance from the GMP. Ms. Brudvik stated that culture needs to be taken into account as Pend Oreille County will do things differently than King, Snohomish and Pierce County. Volume of cases will impact a county's culture.

Ms. Pitigliano asked about the Regional Volunteer Coordinators and what regions they would manage. Ms. Pitigliano asked if there's a way to determine how many cases county courts have as a way to divide the state into regions. Ms. Collins stated that so far in meeting with county court staff about guardianships, most staff state they don't know how many cases they have, but can give a guess. Ms. Collins also stated that the group will talk more about this in future meetings. Ms. Brudvik suggested there are 20,000 to 30,000 guardianship cases in Washington State. She also stated that there is a problem recruiting court visitors as many Guardian ad Litem (GALs) did not want to become court visitors at the beginning of 2022. She said Pierce County transferred all GALs to court visitors, but Snohomish County only had three court visitors a few weeks ago as there's so much more involved. Ms. Collins asked what happens if there is a lack of people acting as court visitors. Ms. Brudvik expressed that the initial shock of how many changes to the UGA may have scared people away.

Mr. Smerken stated in a local court GAL group he's involved with, one of the members was looking into supported decision making, but the opinion from an attorney was that a person required intellectual capacity to enter into a supported decision making agreement. Ms. Brudvik agreed and stated it's an agreement that has to be in writing and signed voluntarily, and cited RCW [11.130.740](#). Mr. Smerken added that another issue is regarding alternatives for those receiving benefits from DSHS, the DSHS authorized representative makes the determination on whether a person has the ability to appoint a representative payee or someone has capability to sign consent forms.

6. Wrap Up/Adjourn

The next Guardian Monitoring Program Workgroup meeting will take place via Zoom Conference on Wednesday, January 26, 2022, at 8:00 a.m. With no other business to discuss, the January 11, 2022 meeting was adjourned at 8:58 a.m.