



Guardian Monitoring Program Workgroup Meeting

Wednesday, February 23, 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 February 23, 2022 Guardian Monitoring Program (GMP) Workgroup meeting to order at 8:01 a.m.

2. Welcome

Ms. Collins welcomed all present and spoke about the meeting agenda. Items were not discussed in order per the agenda.

3. Recap & Updates: Meeting with Counties; Meeting with AAG

Ms. Collins gave an update on GMP staff meetings with counties: GMP staff have met with 18 counties, four of which have given a solid yes to participating in the GMP. She added the goal is to get five to seven counties into the pilot program.

Ms. Collins stated GMP staff met with the Assistant Attorney General (AAG) for the Office of Guardianship and Elder Services (OGES). She explained the AAG stated [Article 3 of the UGA](#) is so vague, and there is no clarity as far as the direction of the courts regarding the

GMP. She stated the GMP is a program under the Administrative Office of the Courts (AOC), whose purpose is to provide admin support to the courts. Mr. David Lord stated that this statement wasn't clear to him. Ms. Collins clarified that the GMP is a program under AOC, not under the courts. She added that AOC can't tell the courts what to do as Washington State doesn't operate under a unified court system.

Ms. Collins added that she would refrain from using the term "independent" when speaking about how the GMP operates, and would use the term "partnership." She stated the GMP would have a memorandum of understanding (MOU) with each county when it enters into partnerships. She stated the GMP will provide administrative support to the courts. Ms. Jacalyn Brudvik stated she was having issues with oversight during the last GMP Workgroup meeting. Ms. Collins stated she understood, and added that the GMP will adhere to what's established in an MOU with a county, for example, if unannounced visits are established in a county's MOU, GMP staff would conduct them. Judge Nancy Retsinas asked for clarification that the MOUs are per county and Ms. Collins confirmed.

4. Regional Volunteer Coordinators

Ms. Collins stated that the AOC has hired two Regional Volunteer Coordinators to join GMP staff with a possible start date of March 16, 2022. The new staff will build and develop volunteer operations. Ms. Collins stated that during the last meeting she was still considering changing one of the three Regional Volunteer Coordinator positions to an education/liaison/facilitator position as the main framework of the GMP is outreach plus training and education, and she really wants a staff member to focus there.

5. Discussion: Lay Guardian Training & Engagement: Assessing levels of interest; Necessary resources; Outreach and engagement strategies and suggestions

Ms. Collins stated there is an AOC staff member who has the ability to create trainings, Ms. Kay King, but she's not a part of the GMP. Ms. Collins asked the Workgroup if the GMP should rely on Ms. King to create GMP-specific trainings or hire a GMP staff member for trainings. Ms. Brudvik stated she and Pierce County Commissioner Craig Adams have been working with Ms. King since 2018. She stated Ms. King has done trainings, development of trainings, and was pleased to hear Ms. Collins had Ms. King in mind, but thinks training is an area where someone will have to conduct trainings. Ms. Collins reiterated that Ms. King is an AOC employee and separate from GMP, but she knows GMP staff will heavily utilize her.

Ms. Collins asked the Workgroup again if the GMP should have another person to create and conduct trainings for when Ms. King's plate is full. She reiterated that the main program components are outreach, training and education. Judge Retsinas asked if GMP staff had thought through a training and education plan and asked if there is a ramp-up. Ms. Collins replied yes, and she's trying to figure out if she needs to hire for the training component as there are available webinars and an AOC staff member that can provide trainings.

Ms. Collins stated her manager asked her to ask the Workgroup how the GMP can engage lay guardians in training. Judge Retsinas stated in Clark County lay guardians are largely family members and believe they know how to care for their family members. She stated there are some rules of the road they generally know, like don't comingle bank accounts. She added that from her limited perspective lay guardians have questions about the process and supporting documentation. Judge Retsinas stated they have questions on navigation, like "How

do I actually do this?” and “What do I do in court?” She stated that if answering those questions is a central piece to training, it may help with engagement.

Ms. Collins stated that there are a lot of lay guardians who care for family members and the GMP is not going to come in and tell them how to do that. She added there are lay guardians who don't understand process. Ms. Ana (Forston) Kemmerer suggested a subcommittee for training, if the GMP doesn't have a coordinator for it. She added there could be a lay guardian training section on the GMP website that contains things like instructional cheat sheets for each county, county filing instructions, info on how to file a hearing, and info on in-person local trainings. Ms. Kemmerer offered to be the point person to receive cheat sheets and instructions from counties.

Mr. Daniel Smerken stated that the GMP would have a difficult time addressing lay guardians when they're appointed on the front end, and may not interact with them until the court says they need additional training or help from the GMP. He wondered how the GMP would use limited resources in larger jurisdictions. He suggested that lay guardians may be willing to act as volunteers and could help with training and recruiting volunteers.

Ms. Julie Higuera stated that the Benton & Franklin Counties GMP would ideally offer an in-person training every three months. She stated the lay guardians would receive cheat sheets and have phone conversations with staff, but having an in-person formal training to meet with them is super important. Ms. Collins added that some lay guardians aren't computer or technically savvy, so the GMP wants training to be available for them as well as for non-English speakers. Ms. Collins stated to Ms. Higuera that she heard her state that Benton & Franklin Counties GMP tried the outreach on the phone and it doesn't work, but in person worked. Ms. Collins asked Ms. Higuera if her offices have space for in-person trainings and Ms. Higuera replied yes. Ms. Higuera stated that they have a Spanish interpreter there and ask if people need interpreters when they sign up. Ms. Higuera stated she was sure there would be interest in the trainings every three months as anyone who's in non-compliance can go to the training. Ms. Collins asked if there was significance to holding the trainings every three months. Ms. Higuera replied that she feels it would be hard for someone to wait six months for training or to become compliant.

Ms. Audrey Pitigliano stated that when working with lay guardians as resource coordinator, in-person trainings are best, and agreed that lay guardians may not be technically savvy. She added that upon receiving a piece of paper, they may not read or understand it. She added she just received a paper from the courts about the UGA change. Ms. Pitigliano stated that as a lay guardian, she read it and thought other lay guardians she's worked with would be really confused.

Ms. Kemmerer stated that the Spokane County GMP conducted a monthly in-person class for many years. She stated in her personal experience the in-person class could be frustrating as she was there monthly, but the speakers changed. She stated she felt it was more of a facilitator issue as lay guardians want to know specifics: they want to know exactly what to do and what staff suggests for their specific case. Ms. Kemmerer added that the positives were that folks like in-person training, and are grateful staff was giving of their time. She stated that if the GMP provided in-person training, people from Spokane won't travel to Olympia for a class, but if the training had an online element available, people could Zoom in. Ms. Kemmerer added that Stevens County sent people to Spokane County to train.

Ms. Collins stated it would be easier and more accessible to have trainings in-person, and that she understood there are downsides, but they wouldn't be centralized. She added she envisions in-person trainings with partner counties. Ms. Collins added that if training is only offered in those counties, the training and education piece needs to be available online.

Ms. Collins asked the Workgroup what they thought is the most effective model for training and education. Mr. Smerken replied that the GMP would need to have a lot of tools in their toolbox. He added the GMP facilitator would have to do some level of hand holding for some people, and that in his county there's no facilitator program. He stated that annual reports is a point where the GMP could help, when people run into problems or when the clerks are referring people to the GMP. Mr. Smerken added that some people will need language support and that in some counties the GMP might be able to find attorneys who might be willing to offer clinics or be on-call to give info where a clerk is uncomfortable.

Ms. Pitigliano stated that Ms. Collins mentioned Ms. King and suggested that the Regional Volunteer Coordinators work with Ms. King to gain knowledge and figure out how to create in-person trainings. She stated that it sounds like Ms. King has done the work, been involved and could be a trainer for the GMP trainer, who can take over when Ms. King is busy. Ms. Collins stated that she's thinking this option through, and asked the Workgroup how soon the GMP would do this, or if the GMP should do this, and what the engagement would be.

Ms. Jane Severin stated that getting a volunteer attorney to provide assistance is great, and that she's been able to reach out to the local bar to get attorneys to help. She added that it would be good to find volunteer accountants to help lay guardians as they don't all know the process. Ms. Severin stated that cheat sheets work for some, but her pipe dream is having someone from AOC or the GMP come in to establish this because they have more knowledge. She added having consistency throughout state is important.

Ms. Collins stated she would connect with Ms. King about trainings and what she can do. She reiterated she's still considering changing one Regional Volunteer Coordinator position to a facilitator, but is moving more to having an internal coordinator who can collaborate with Ms. King and work together to develop frequent and interactive trainings.

Ms. Brudvik urged for an overall coordinator for the GMP statewide because the UGA is in effect for last two months and people are trying to figure out how to interpret it. She added Ms. King has been in the weeds trying to figure out what to do. She added that the GMP needs overarching training, and she has a good idea of what Ms. King's trainings are providing. She added that per [11.130.090](#), lay guardians have to do training up front before she grants letters of office, Ms. Brudvik asked how lay guardians do that if they have no attorney or if they're proceeding by themselves. She stated that the facilitators in Snohomish County don't have training on adults, but did training on minors last month. Ms. Brudvik stated that having a point person who understands the statute is essential going forward, as it requires in-depth study.

Ms. Collins asked what Ms. Brudvik meant by "overall coordinator" or "point person" and inquired what that person look likes, what experience they should have. Ms. Brudvik replied that she's worked in-depth with Ms. King and Mr. Adams, and that she communicates with Ms. King weekly. She stated this person has to be someone who has a lot of time with the UGA, someone who can tackle 600 pages and understand legislative pieces. Ms. Brudvik recommended the GMP use Ms. King as this person.

Mr. Smerken stated that he has a conflict as Ms. King staffs a committee he's on, so he couldn't comment on Ms. Brudvik's suggestion. He stated he doesn't know if a JD is required, but if there is someone who's familiar with guardianship, that would be good as everyone is struggling with the UGA. He added that there are not many people who are as familiar with UGA as Ms. Brudvik and Ms. King. He added that if the point person had experience in the court system with guardianship that would be helpful.

Mr. Smerken stated that the lay guardian training should cover the distinction between being a guardian and being a family member. He added that people know how to be family members, but struggle being a fiduciary, and that the distinction should be a fundamental part of training.

Ms. Pitigliano stated her idea of a point person could use Ms. King as a resource, but not necessarily be the person doing all the work in the GMP. Ms. Collins stated that Ms. King would be a resource, but feels it'd be efficient to have a GMP point person.

Ms. Collins stated that in doing research and listening to the Workgroup today, the main concern she hears is a lack of training and education, specifically interactive training and education; engagement concerns; and that the distinction between family member and court appointed guardian must be clear. Ms. Collins stated she's moving more so to having a designated overall point person.

6. Drafting Concept Paper: Request for additional funding?

Ms. Collins stated that she knows the GMP needs three Regional Volunteer Coordinators plus a training and education facilitator, so she's drafting a concept paper for funding. She added that the volunteer operation wants to retain volunteers and may offer mileage or something that would need funding.

7. Regarding Comments Made in Chat (not part of agenda)

Mr. Lord stated he liked in the GMP Overview that there are multiple Workgroups, but he didn't see alternatives to guardianship. He stated he's concerned, as it's an important piece to him. He stated that systemic reporting is important and that Washington State needs to understand what's working well and what's not, what recommendations to change, and recognizes it's difficult if the GMP is in a partnership with courts, as that does not necessarily mean the GMP is going to criticize their partner in public. Mr. Lord stated he thinks it's important to have senior disability advocates: seniors or people with disabilities are likely to have guardianships and it's important to have someone there. Mr. Lord stated he thinks guardianship is too important to leave to the courts.

Ms. Collins asked to go back to one of Mr. Lord's points: this Workgroup is the stakeholders Workgroup, is Mr. Lord saying GMP Workgroup meetings be public or should there be a separate group meeting with the public. She added she's open to having meetings with the public. Mr. Lord stated he's thinking longer term instead of just now: people are interested in the subject but might not be interested in this Workgroup. Ms. Sujatha Jagadeesh Branch stated that she thinks direct participation in a committee moving forward is great, and thinks a separate committee for people to interact with that's specifically about BIPOC, seniors, and people with a disability is necessary.

Ms. Collins stated she did not want to open this Workgroup to the public quite yet, but is hearing that having a separate committee to discuss guardianship for BIPOC, seniors and people with a disability is something this Workgroup wants to create. Mr. Lord replied, yes, he thinks it's the best way. He stated that from the WINGS group, those people met with a bunch of lawyers and have legitimate concerns and thinks they need to talk about guardianship. Mr. Lord added that it would be good to have an ongoing established advisory committee. Ms. Collins asked if he meant the GMP should have a public advisory group while it's under development, then keep it ongoing after development. Mr. Lord replied yes, but he's not sure on the particulars. He added that when Ms. Collins talks about resources, the ongoing committee would be an excellent way to increase resources as people are out there advocating for it.

Ms. Collins stated she appreciated Mr. Lord's comments and would take them into consideration. She added there's nothing wrong with having an additional meeting that's solution-based. She added that if clarity is needed, Workgroup members should please speak up, or reach out to her or Ms. Lucas, and we can have separate meetings or bring up concerns during a Workgroup meeting.

8. Program Framework: Outreach; Tracking, auditing, reporting; Training and education

This topic was tabled due to time constraints.

9. Wrap Up/Adjourn

The next Guardian Monitoring Program Workgroup meeting will take place via Zoom Conference on Tuesday, March 8, 2022, at 8:00 a.m. With no other business to discuss, the February, 23 2022 meeting was adjourned at 8:58 a.m.