



Guardian Monitoring Program Workgroup Meeting

Tuesday, November 9, 2021

Zoom Meeting

8:00 a.m. – 9:00 a.m.

Meeting Minutes

Members Present

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

Staff

Ms. Amber Collins
Ms. Heather Lucas

Members Not Present

Arielle Finney
Chris Fournier

Guests – No guests invited/admitted

1. Meeting Called to Order

Ms. Amber Collins called the November 9, 2021 Guardian Monitoring Program (GMP) Workgroup meeting to order at 8:00 a.m.

2. Welcome

Ms. Amber Collins welcomed all present and spoke about the meeting agenda before turning the floor over to Ms. Julie Higuera.

3. Julie Higuera Presentation: Guardian Monitoring Program in Benton & Franklin Counties

Ms. Julie Higuera gave a presentation on the Benton & Franklin Counties GMP to the Workgroup. The Benton & Franklin GMP main tasks are to track guardianship requests and compliance, review all requests, contact guardians regularly and attend dockets. There are two part-time staff members who track 600-700 guardianship cases in Benton County and 70-90 guardianship cases in Franklin County. Judges and judicial staff rely heavily on Benton & Franklin GMP staff.

Benton & Franklin IT created a case management system for their GMP to create notes and track guardianships: tracking begins at guardian appointment during docket, tickle dates are set for reports and other important dates. The court always expects staff to review guardianship summary prior to entry of guardian. Benton & Franklin Counties GMP case management system was created in 2012, and Odyssey was set to replace it, but the notes (like financial data and disabilities) cannot be entered into Odyssey as they cannot be disclosed in a public records request. The case management system is used to maintain case management notes when guardians contact staff or if staff contacts guardians. Benton & Franklin GMP staff are responsible for contacting guardians when due dates expire: they call first, then email, then send a non-compliance letter. If the guardian doesn't respond, they send a GAL to investigate.

The main purpose for today's presentation is to see what kind of blocks can be input into the AOC GMP. Tracking guardianship cases, sending non-compliance letters when reports are past due and attending Zoom/Webex court hearings should be within AOC GMP scope.

Ms. Higuera opened the floor up to questions. Ms. Amber Collins stated that the AOC GMP is voluntary, but will start contacting counties once fully staffed to assist county GMPs. She asked if the Benton & Franklin Counties GMP has in-person visits. Ms. Higuera responded that a court visitor program was implemented sometime around 2008, but there isn't enough staff to fulfill the need, so they do not do in-person visits.

Ms. Higuera asked when the AOC GMP is established, will it take over county GMPs. Ms. Amber Collins responded that it would not, but the AOC GMP would merge pieces and collaborate with already existing county GMPs. She also stated that the AOC GMP would provide additional resources to support county GMPs. Ms. Higuera stated that an expectation for the Benton & Franklin Counties GMP was to have updated county forms available on their websites, but now they use state forms.

Mr. David Lord asked if the Benton & Franklin Counties GMP publishes an annual report. Ms. Higuera responded they'd like to, but do not, and confirming case numbers or how many guardianships they oversee is difficult. Mr. Lord asked if the Benton & Franklin Counties GMP conducts a training about processes for guardians. Ms. Higuera responded that they'd like to provide a training every three to six months, but the COVID pandemic changed things. Mr. Lord asked if there was a mechanism for checking on management of funds. Ms. Higuera responded that guardians are required to provide all supporting documents, bank statements and check registers. The other Benton & Franklin Counties GMP staff member has a background in bookkeeping and primarily manages these types of documents and reports, where Ms. Higuera primarily works on non-compliance.

Ms. Jane Severin asked Ms. Higuera to talk about her experience and results running Odyssey reports, and the type of reports run. Ms. Higuera stated that the clerk typically runs reports and a lot of times there's no record, that Odyssey is not efficient. She added she would look at her notes regarding Odyssey reports and share with Ms. Severin. Ms. Amber Collins asked Ms. Severin to elaborate on what she's seeing in Odyssey. Ms. Severin responded that the clerk runs a report and it shows no guardianships, they don't understand why. She also stated that she'd like to pull Odyssey files well in advance of when reports are due. Ms. Higuera responded that she doesn't believe that's an Odyssey option, that staff keep dates in an outlook calendar. Ms. Higuera also stated that Odyssey reports they run show what active guardianship cases are open in a certain time frame, and that tracking reports has to be done outside of Odyssey. Ms. Severin spoke about utilizing Outlook to track open cases, which Ms. Higuera responded they do with minor guardianship cases as judicial officers asked staff to track those

cases in 2021. Ms. Higuera also stated that analyzing existing cases using Odyssey is very time-consuming.

Ms. Higuera stated that the Benton & Franklin Counties GMP utilizes volunteers: volunteers have to be monitored, as it takes a while to learn cases and process. Volunteer records need to be reviewed as a volunteer may not always follow procedure, needs to be trained well and managed well. Sometimes volunteers don't have follow-through or don't follow all steps in a procedure.

4. Review Proposed Amendments

GMP Proposed Amendments were circulated to the Workgroup prior to the meeting for the Workgroup's review and screen-shared during this Workgroup meeting to discuss. Ms. Amber Collins asked the Workgroup for thoughts, suggestions and questions.

Ms. Ana (Forston) Kemmerer stated that the AOC has not included the GMP in standardized forms, and that the Spokane County GMP has created their own forms.

Mr. David Lord stated he thinks it'd be helpful to have a better understanding of what a GMP is as what he's seen is GMPs are so wildly different from county to county and hopes the AOC GMP would be something that would address that. Ms. Collins asked Mr. Lord to elaborate on the county to county differences. Mr. Dan Smerken asked if Mr. Lord desires the AOC GMP to be more defined. Mr. Lord confirmed and stated he understands every county has their own methods, but wants the AOC GMP to have set standards, specifically about how uniform data is collected as it sounds like Odyssey doesn't provide the needed data. Mr. Lord also stressed the importance of having a program that assures courts are looking at guardianships carefully. He also stressed the importance of conducting trainings, defining what guardianships do and what's expected, defining a guardian's role, and that it's important that there are in-person visits. Mr. Smerken suggested Mr. Lord send Ms. Collins an email with bullet points regarding the expressed concerns. Ms. Collins stated the AOC GMP will have formal trainings for guardians and in-person visits for those under guardianship.

Ms. Jacalyn Brudvick stated that Mr. Lord's comments are in statute for requirements under 11.130.345, subsection 2 (view [here](#)). She also stated that she's been working with Kay King at AOC's Office of Guardianship and Elder Services (OGES) on training for guardians, trying to make trainings language accessible, and making sure to cover guardianships, conservatorships and less restrictive alternatives. Ms. Brudvick commented that Mr. Lord's statements are basics for what a GMP should be doing, their statutory requirements and how to provide assistance to lay guardians.

Mr. Dan Smerken stated that he's a member of the Certified Professional Guardianship Board and that they have drafted regulations to comply with the UGA. He recommended pointing to a statute within the Proposed Amendments to keep verbiage down as the UGA covers most of Mr. Lord's concerns. Ms. Brudvick agreed with this statement.

Judge Nancy Retsinas asked about the role of APS (Adult Protective Services) in GMP and role clarity for APS, OGES, AOC GMP, and judicial review and how each fits together. Ms. Collins responded that APS only monitors persons subject to guardianship when there is a pending guardianship during an active case involving neglect, abuse or exploitation. Once the guardianship is finalized, an APS case is closed. APS is essential to investigating allegations of abuse, neglect and exploitation; however, APS will not be an entity used to monitor guardians,

guardianships and persons subject to guardianship; the purpose of the GMP is to fulfill monitoring practices in guardianships.

Ms. Jacalyn Brudvick stated the term GAL drops in January 2022, that stand-by guardians are no longer, and that there is no successor in statute if guardian is overseas or incapacitated. Mr. Dan Smerken responded regarding the nomenclature change: a “court visitor” is the term when a petition is filed, after petition is established, a “guardian” is appointed, court appoints an “agent.” Are GALs going to be referred to as “court visitors” who can be appointed at various junctures? Ms. Brudvick responded that GAL will no longer be applicable.

5. Pilot Program for Washington State Counties

This item was tabled for the next meeting.

6. Wrap Up/Adjourn

The next Guardian Monitoring Program Workgroup meeting will take place via Zoom Conference on Tuesday, December 14, 2021, at 8:00 a.m. With no other business to discuss, the November 9, 2021 meeting was adjourned at 8:54 a.m.