



GUARDIAN MONITORING PROGRAM
Stacey Johnson, Manager

Program Overview

Program Name:	Washington State Guardian Monitoring Program
Program Sponsor:	Administrative Office of the Courts
Proposed Launch Date:	April 1, 2023
Proposed End Date:	Ongoing
Date Prepared:	September 2, 2021
Revision History:	Revised May 9, 2022
Business Unit:	Management Services Division

A. PURPOSE

During the 2019 session, the Washington State Legislature passed the [Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act \(UGA\)](#). The Legislature amended the UGA in 2020 with the passage of [SB 6287](#). The UGA sets forth several new provisions in affecting guardianships and conservatorships in Washington State. Among these provisions, the Legislature requires monitoring by the courts of all reports from guardians and conservators ([RCW 11.130.345 \(5\)](#)). The Administrative Office of the Courts (AOC) initiated the development of a guardian monitoring program in an effort to support local jurisdictions. The GMP design is informed by promising practices identified in a 2007 report by AARPs Public Policy Institute and modeled after the ABA Commission on Law and Aging's 2011 Guardian Monitoring Handbooks.* For the purposes of this document, the term "guardianship" includes guardianship, conservatorship, or both. The term "guardian" includes both guardians and conservators.

*Karp, Naomi and Wood, Erica, [Guarding the Guardians: Promising Practices for Court Monitoring](#), AARP, 2007

*[ABA Commission on Law and Aging, Volunteer Guardianship Monitoring and Assistance: Serving the Court and the Community, 2011](#) (Adapted with permission from *Trainee's Manual*, AARP Legal Counsel for the Elderly, 1992)

The Guardian Monitoring Program's (GMP) primary goal is to increase the court's ability to gather information about the physical, emotional, and financial well-being of adults subject to guardianship. The GMP increases the court's ability to detect and prevent abuse, neglect, and

exploitation of these individuals. Combining the expertise of the courts with skilled program staff and volunteers, the GMP is designed to ensure court-appointed guardians carry out the responsibilities the courts entrust to them.

B. PROGRAM IMPORTANCE

The GMP offers support and resources to court jurisdictions to enhance their ability to monitor adult guardianships. While Washington's superior courts have attempted to address their responsibility to monitor guardianship cases in a variety of ways, many courts have no formal monitoring program. The failure to effectively monitor is largely attributed to overburdened court systems and insufficient resources.

Data on guardianship statewide is limited and unreliable. Maintaining reliable data on guardianship is essential to ensuring the safety of vulnerable people. As the population of the state grows, reliable guardianship data informs funding, social services, and legislation to advocate for the needs of the vulnerable adult population.

Providing a cost-efficient and effective set of monitoring practices ensure clear and meaningful communication between the court, the guardian, interested persons, and the adult subject to guardianship. The GMP is designed to safeguard the liberty, autonomy, care, and protection of adults subject to guardianship, as well as provide support to court-appointed guardians through a structured approach to monitoring guardians.

C. PROGRAM VISION AND MISSION

The GMP envisions a future where court-appointed guardians have the oversight, support and guidance needed to ensure the safety and well-being of adults subject to guardianship. The GMP provides a uniform approach to safeguarding vulnerable adults and improving accountability practices throughout the duration of guardianships in Washington State. This approach is designed to mitigate risks of mistreatment, neglect and exploitation, and to protect vulnerable adults subject to guardianship and conservatorship.

D. PROGRAM STRATEGIC OBJECTIVES

The GMP consists of three strategic objectives. These objectives will achieve the GMP's vision and describes how the GMP relates to other programs and projects under way at the AOC.

GMP's three main objectives are:

1. Verify the location, and physical, emotional and financial well-being of a person subject to guardianship;
2. Support the court's capacity to monitor guardianships; and
3. Provide information on the continued appropriateness of guardianship and the possibility of using alternatives to guardianship.

These program objectives relate to the AOC's external goal and [Objective 3F](#): "Support accountability/therapeutic courts, community alternatives for adult and juvenile offenders, and programs to assist the elderly or incapacitated."

E. PROGRAM BENEFITS

Creating a statewide monitoring system is considered a promising practice that will enhance the court's management of guardianship cases. The data collected will improve effective guardianship case management, and provide guidance for policymakers and practitioners to allocate resources appropriately to strengthen the guardianship system. Effective monitoring will: (1) identify delinquent guardian reports and other issues with compliance; (2) gauge the extent of abuse by guardians and the extent to which guardians protect individuals subject to guardianship from abuse; and (3) shape guardianship policy, practices, training, and education.

Benefits of the GMP include, but are not limited to:

1. Increased public confidence;
2. Increased protection to persons subject to guardianship;
3. Improved data on guardianships;
4. A sustainable approach to guardian monitoring;
5. Enhanced oversight of guardians and persons subject to guardianship;
6. Improvement in training and education for lay guardians and the public; and
7. Increased reporting standards and compliance.

F. PROGRAM COMPONENTS AND STAFFING

The GMP consists of three foundational components. These components drive the execution of the program's goal and vision. The components are outreach, tracking, auditing & reporting, and training & education.

Outreach includes:

- Communication with adults subject to guardianship;
- Communication with court-appointed guardians; and
- Establishing community partnerships to source volunteers and enhance community relationships.

Tracking, auditing & reporting include:

- Creating case management systems to effectively track guardianship cases;
- Auditing and reviewing plans, reports, inventories, and accountings; and
- Engaging volunteers to research and audit records reporting discrepancies and concerns to court staff.

Training & education include:

- Providing skillful training to volunteers, in which CEU's will be available for court-appointed guardians who attend trainings;
- Assess the education needs of lay guardians, which includes collaborating with the Office of Guardianship and Elder Services (OGES) to develop and provide consistent and accessible trainings to lay guardians; and
- Engaging volunteers as guardian liaisons to assist guardians with accessing and understanding community resources and court reporting requirements.

GMP staffing includes the Guardian Monitoring Program Coordinator, two Regional Coordinators over Volunteer Operations, and a Court Program Assistant, with the intent of adding additional staff as the program requires. The staff will not regulate the guardians or provide legal advice as it is outside the scope of this program.

G. VOLUNTEER OPERATIONS

An essential function to the Guardian Monitoring Program is Volunteer Operations. Volunteer Operations will recruit, train, and deploy volunteers to extend the court's capacity and strengthen the court's oversight of guardianships. Utilizing volunteers for guardian monitoring and assistance is a cost-effective strategy for the courts to improve accountability, assist guardians, and ensure the quality of care for vulnerable individuals.

Vision, Purpose and Objectives:

Vision

The GMP Volunteer Operations envisions a future where community volunteers actively partner with the courts to support the efforts of guardians and promote the visibility, rights, and agency of adults subject to guardianship.

Purpose

The GMP Volunteer Operation recruits, trains, and supports volunteers to serve in roles that strengthen the court's oversight of guardians and increases the court's ability to mitigate risks of abuse, neglect and exploitation, and protects the rights of adults subject to guardianship.

Objectives

1. Define volunteer roles to complement the work of court staff and increase their capacity to track and monitor guardianships;
2. Recruit, equip, and deploy volunteers to strengthen the court's oversight of guardians; and
3. Increase the court's ability to mitigate risks of abuse, neglect and exploitation, and protect the rights of adults subject to guardianship.

Volunteer Roles:

The GMP has identified three possible roles for volunteers that will enhance guardian monitoring efforts:

Guardianship Liaison

- Visit guardians and adults subject to guardianship (and caregiver, if appropriate), and record information as necessary;
- Complete and submit case report forms with observations;
- Follow up on cases as needed;
- Assist guardians in identifying needed community-based services when appropriate; and
- Report concerns about abuse, neglect, or exploitation to court staff or the Regional Volunteer Coordinator.

Auditor

- Review financial records of guardianship cases;

- Record and submit audits on standard forms;
- Follow up on cases as needed;
- If requested, assist the guardian in completing necessary accountings and forms; and
- Report discrepancies or concerns about abuse, neglect, or exploitation to court staff or the Regional Volunteer Coordinator.

Records Researcher

- Verify timeliness of court documents and reports;
- Verify whereabouts of the guardian and person subject to guardianship;
- Follow up with guardians to ensure documents and reports are filed; and
- Report discrepancies or concerns about abuse, neglect or exploitation to court staff or the Regional Volunteer Coordinator.

The GMP staff, in collaboration with court partners, will adapt the Volunteer Operations to effectively address the challenges and concerns of the court staff. In keeping with the mission of the GMP, the Regional Volunteer Coordinators will ensure that volunteers are treated as respected members of the GMP team by advocating for the resources and support necessary for a safe and successful volunteer experience.

H. IMPLEMENTATION

To achieve GMP project objectives the AOC will implement the following initiatives:

- Research and design of the Volunteer Operations;
- Development of a guardian monitoring system (GMS);
- Development of lay guardian education; and
- Support of the multi-county pilot launch.

For further details regarding the implementation process, refer to the GMP's Program Implementation Plan (PIP).

I. ASSUMPTIONS AND CONSTRAINTS

The following is assumed in the development and implementation of the GMP:

- The superior courts are willing partners in the program;
- Stakeholders participate in the development of the GMP and Volunteer Operations; and
- The statute remains consistent with current mandate for guardian monitoring.

The following constraints are likely, but not certain, in the development and implementation of the GMP:

- Questions about statutory authority for agents of the GMP to review court records;
- Lack of funding to support Volunteer Operations, or hiring additional staff as the program expands; and
- Lack of efficient and reliable databases for collecting and pulling reports on guardianship data.

J. RESOURCE REQUIREMENTS

The Legislature provided financial resources for this program to hire staff and support its administrative requirements. The essential foundation of this program is the participation of the community, volunteers, and stakeholders. The GMP may require additional funding resources for database support, additional staffing, and maintenance of the Volunteer Operations.

K. RISKS AND ISSUES

The following risks have been identified in the development and implementation of the GMP. It's not expected for risks to occur, but staff have acknowledged the potential risks and will apply risk management practices to limit or mitigate any potential risks.

Potential risks and issues include:

- A lack of community, volunteer and stakeholder involvement;
- A potential to uncover widespread non-compliance issues;
- An inability to identify and address financial abuse and other abuse, neglect or liability utilizing volunteers;
- A potential political risk;
- Guardians may feel overly scrutinized by the program; or
- Financial risk regarding future lack of funding for software needs.

L. STAKEHOLDER CONSIDERATIONS

Stakeholders are expected to serve as influential partners to the GMP. It is expected for stakeholders to contribute relevant professional background, skills, and knowledge to the development and ongoing operation of the program. This includes providing consultation, engagement, and interest in the outcome of the GMP. Stakeholders can be, but are not limited to: judicial officers, lay and professional guardians, attorneys, advocates, clerks, court staff, local and state agencies, vulnerable populations, individuals who have been founded for abuse, public individuals, and individuals who feel they, or someone they know, have been subject to an abusive guardianship.

M. GOVERNANCE REQUIREMENTS

Governance requirements for the program at the program level and the component level will be met by the following personnel:

- Guardian Monitoring Program Coordinator: Program oversight and execution;
- Regional Coordinators of the Volunteer Operation: Execution of volunteer Operations and oversight;
- Court Program Assistant: Support staff;
- Stakeholder Workgroup: Assist with decision making, program input and program support;
- AOC Staff: Assist with decision making, program input and program support; and
- Washington State Legislature: Program funding.

N. APPROVALS

This document is approved by the staff of the Guardian Monitoring Program and Manager of the Office of Guardianship and Elder Services.