

President Note

Hello all and welcome to Spring 2022. Your board and the ever-changing world of guardianships has been busy. Here are a few of the highlights:

Guardians and Conservators

First, we are no longer just guardians, we are guardians and conservators. Hopefully all of you have been keeping up with the changes and been able to attend the WAPG Spring and Fall Conferences which provided overviews of the new law and how to implement it into your work. New reporting forms were released in December and can be found here:

<https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=139>

I hope most of you have found your way there. King county has made the use of these forms mandatory. We are still getting an assessment of the other county courts, but your best bet is to pay close attention to these state forms to be sure your reports include all the necessary elements.

Changes GR23

Thanks to the initiative of CPG and Attorney Deborah Jameson, the Supreme Court is considering amendments to GR 23. These amendments impact guardians and conservators in two ways. First, Deborah proposed removing the restriction limiting to three the number of Certified Professional Guardians allowed to be on the fourteen member Certified Professional Guardianship Board. Second, Deborah proposed that the Board be required to comply with the Open Meetings Act and therefore limited in the matters that could be discussed in executive session.

The proposals were sent out for public comment and an astounding 60 public comments were submitted. Your WAPG Board submitted both an initial and supplemental comment, copies of which are included in this newsletter. The CBGC Board, after discussion in private executive session and without any public comment, voted unanimously to oppose the amendments to GR 23. The comment period ended February 28th and the matter is now back before the court for final determination.

Standards of Practice

The Standards of Practice were revised to incorporate the UGA. Everyone is encouraged to review the revised standards. One of the most important changes were revisions to SOP 404 which now reads:

404.1 Guardians or their designees shall have meaningful contact with their clients as needed, generally no less than monthly, unless otherwise authorized by court approval of the guardian's plan or court order. Meaningful contact with the individual under guardianship is to promote the health and well-being of the individual, and, if authorized by the court, the financial affairs of the person, and to stay informed of the individual's status and needs and make decisions that support, encourage, and assist the individual's capabilities and wishes. Meaningful contact may be in-person contact, or via an alternative means of visitation such as: live video conferencing; telephone calls; interviews with third party experts such as medical providers; or interviews with care providers. CPGCs shall continue to document the alternative means of visitation and

outreach, along with documentation of the circumstances. If contact is not made monthly, the reasons for less frequent contact shall be documented and included in the periodic reporting to the court. Living in a staffed residential facility or at home with a paid caregiver is not sufficient justification for reducing the frequency of contact

... .

404.2 Conservators or their designees shall maintain meaningful contact with their clients generally no less than quarterly absent court order, but in any event, at a frequency as appropriate and as necessary to verify the individual's condition and status and the appropriateness of financial arrangements. Meaningful contact with the individual under conservatorship is to stay informed of the individual's status and needs and make decisions that support, encourage, and assist the individual's capabilities and wishes. Meaningful contact may be in-person contact, or via an alternative means of visitation such as: live video conferencing; telephone calls; interviews with third party experts such as medical providers; or interviews with care providers. CPGCs shall continue to document the alternative means of visitation and outreach, along with documentation of the circumstances.

404.3 A certified professional guardian, as a sole practitioner or agency, must ensure that the initial in-person visit and then one visit every three months is made by a certified professional guardian, unless otherwise approved by the court. A certified professional conservator, as a sole practitioner or agency, must ensure that the initial in person visit and then one visit every six months is made by a certified professional conservator unless otherwise approved by the court. For other meaningful visits, a certified professional guardian or conservator, as a sole practitioner or agency, may delegate the responsibility for visits with a client to: (a) a non-guardian/conservator employee of the certified professional guardian or conservator, sole practitioner or agency, (b) an independent contractor or (c) any individual who has been specifically approved by the court. In all cases, before the delegation, a certified professional guardian or conservator with final decision-making authority on the case must document the suitability of the delegation, having considered: (a) the needs of the client, and (b) the education, training and experience of the delegate. Delegation of a power to an agent must be consistent with the guardian and conservator's fiduciary duties and guardian and conservator's plan(s) and other requirements of delegation under RCW 11.130.125 and Regulation 4141.

These are only a portion of the changes, but meaningful ones in terms of compliance. We encourage all professional guardians to refamiliarize themselves with these changes and, if interest is out there, your board can include a thorough overview at an upcoming conference.

Opportunity to Get Involved – CPG Discipline and Mentoring.

Judge Kiesel, the current chair of the Certified Professional Guardianship and Conservatorship Board (CPGCB) has invited WAPG to present at the April 11 CPGCB Planning meeting proposals of including professional guardians in various committees operating as part of the CPGCB operations. We are planning to recommend that real working guardians be given the opportunity to review disciplinary actions by the board with the hope of bringing subject matter expertise to those proceedings. WAPG has also been invited to participate and partner in a planning meeting to establish a mentoring program.

The current working plan is to partner with the University of Washington Certification program to offer mentoring programs to new graduates of the program. We believe this opportunity will not only produce better guardians but will also generate a roster of qualified individuals we all can consider adding to our own practices as we grow.

Monthly Webinar

At the suggestion of Karen Newland, Puget Sound Guardians, the WAPG board is in the process of designing a monthly lunch time webinar to bring working guardians together for training and support from your colleagues. The webinar will be free to all members of WAPG. Look for a meeting date and agenda for the first meeting. We hope to see many of you there.

Thank you for all your hard work and support of WAPG. We exist because of all of you. Please remember your participation is the key to our success. Here's looking forward to a successful 2022.

Mark Vohr, JG CPG

President