

Initiatives in Guardianship

Presented by

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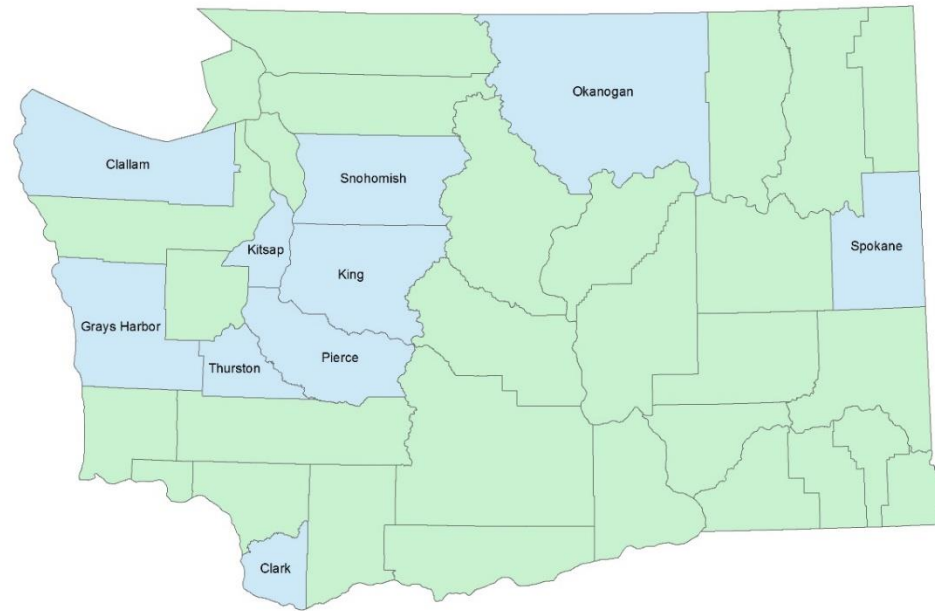
Office of Guardianship and Elder Services

Washington State

Administrative Office of the Courts

May 21, 2019

Office of Public Guardianship



Administrative Office of the Courts Office of Public Guardianship

 OPG Counties

ESHB 1329

- Amends RCW 2.72 to allow more flexibility to the OPG.
- Provision stating the OPG is a pilot program is removed.
- The OPG may contract with public guardians to provide estate administration.
- The OPG may contract with public guardians to provide supportive decision making assistance.
- The OPG shall develop a case weighting system to determine if a public guardian may accept more than 20 cases.



An Acuity System



Points Per Case	# of Cases to Manage	Case Description
50	11 Maximum	Client is in transition from one setting to another. Many tasks to be accomplished: Stabilize housing and work with client to accept placement, close home/apt., dispose of personal items, transfer bank accounts, establish all entitlements, etc.
30	18 Maximum	Client is in a permanent protective environment but many tasks need to be accomplished: close down home/apt., dispose of personal items, transfer bank accounts, establish all entitlements, etc.
20	27 Maximum	Client does not live in a facility and is living in the community.
15	36 Maximum	Client is in a protective environment and still has issues to manage, and/or there are major medical decisions to be made.
5	36 Maximum	Client is in a facility with few if any issues. Client's entitlements have been established and affairs are in order.

Challenges and Barriers regarding Guardianship



- Office of Public Guardianship has the resources to serve 75 low-income incapacitated persons. Over 4 thousand Washington State residents are in need of this resource.
- Petitioners are unable to find a guardian to serve which leaves many incapacitated adults without an agent to act on their behalf.
- As the number of people in need of a guardian is going up. The number of professional guardians is going down.
- The Office of Guardianship and Elder Services is small with limited resources.



AOC Decision Packages

- Guardianship Monitoring and Training
- Funding for OPG



2SSB 5604

- **Uniform Guardianship, Conservatorship and Other Protective Arrangements Acts** repeals and replaces RCW 11.88, RCW 11.92, and RCW 26.10
- **Introduces minor guardianship to replace current non-parental custody statute**
- **Introduces conservatorship**
- **Introduces Other Protective Arrangements**



New Terminology, Definitions, & Provisions

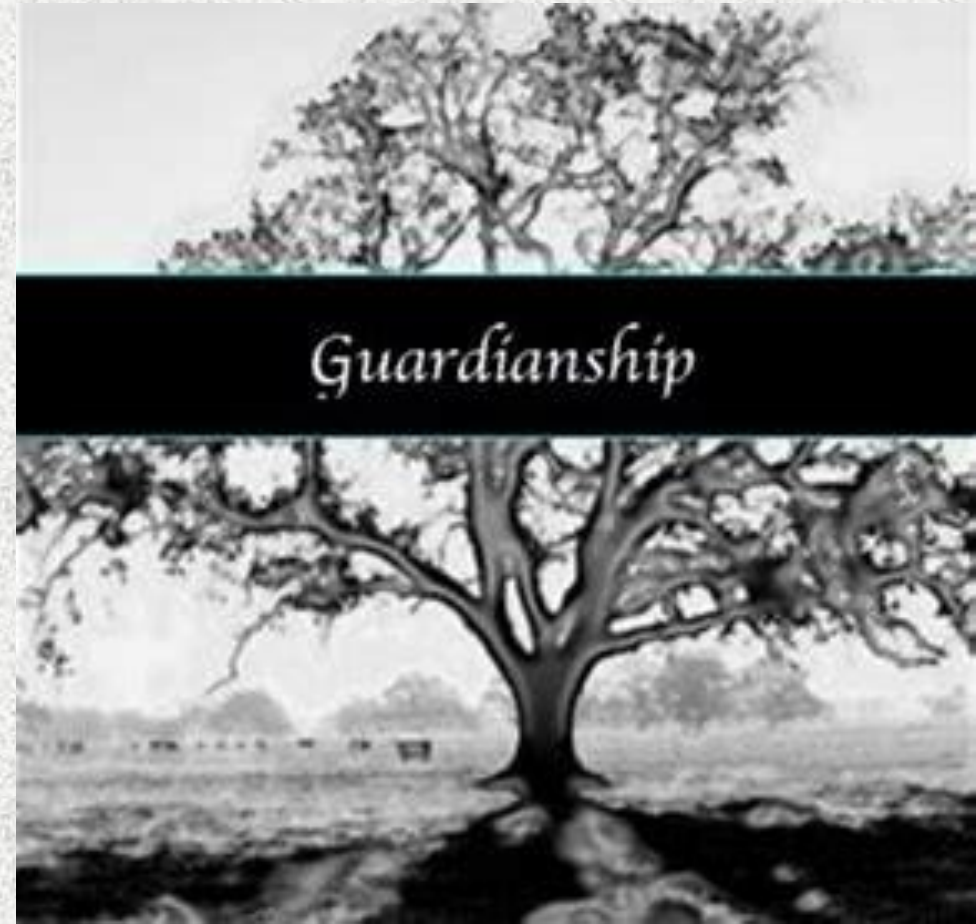


- **Conservatorship and Other Protective Arrangements**
- **Emergency Guardianship and Conservatorship**
- **Respondent**
- **Adult Subject to Conservatorship, Individual Subject to Conservatorship**
- **Adult Subject to Guardianship, Individual Subject to Guardianship, Person Under Guardianship.**
- **Minor Subject to Guardianship and Minor Subject to Conservatorship**
- **Guardian ad Litem and Visitor**



Guardianship under 5604

- **Basis for Appointment**
- **Petitions**
- **Power and Duties of a Guardian**
- **Guardian of the Estate**



Minor Guardianship & Conservatorship



- Basis for appointment of a Guardian requires the “best interest” standard. Demonstration of parental “unfitness” is required under RCW 26.10.
- 5604 requires “clear and convincing” evidence of a parent’s unwillingness or inability to exercise parental evidence. RCW 26.10 requires detriment to the child to be considered as a basis for non-parental custody.
- RCW 26.09 has evidentiary and notice requirements if a parent plans to move the minor. 5604 does not require the guardian to give notice.



Other Protective Arrangements

- Codifies the Least Restrictive Alternatives
- Reporting, Fiduciary Duties, Accounting, etc.
- Basis for Protective Arrangement instead of Guardianship or Conservatorship



Priorities of Office and Guardianship and Elder Service



- **Updating the court rules, CPG Board regulations, and advancing the UW Guardian Certificate Program curriculum**
- **Education and Training**
- **Eliminating the Grievance Backlog**
- **Securing Adequate Staffing and Resources for the Office**

Contact Information



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