



GUARDIANSHIP IN WASHINGTON



What is a guardian?

A guardian is a person or entity appointed by a court to provide decision-making assistance and protect a minor or adult who the court has determined is legally incapable of managing some or all of his or her own affairs.

Who is eligible to become a guardian?

Any adult, related or unrelated, to the person subject to guardianship can serve as a guardian. Additionally, a financial institution or corporation such as a bank trust department may serve as guardian of an estate.

How does one qualify to become a guardian?

All guardians must meet the following minimum qualifications. Professional and public guardians must meet additional qualifications. (See sidebar)

- Eighteen years of age
- Of sound mind
- Deemed suitable by the court
- No felony or misdemeanor convictions involving moral turpitude

Guardians that are nonresidents of Washington must appoint a resident agent to accept service of process in all actions or proceedings with respect to the estate and file the appointment with the court.

Types of guardians

There are three types of guardians in Washington: Lay, professional and public. For details about the standard qualifications required of guardians, visit www.courts.wa.gov.



LAY GUARDIAN

A lay guardian is typically a family member or friend of the person subject to guardianship. They are usually a volunteer who isn't paid to perform guardianship services. Online training is required.



PROFESSIONAL GUARDIAN

A professional guardian is an individual appointed by the court who is not a member of the incapacitated person's family and charges fees for carrying out duties. In addition to court supervision, professional guardians are certified and regulated by the Certified Professional Guardianship Board.



PUBLIC GUARDIAN

A public guardian is a certified professional guardian who contracts with the Office of Public Guardianship (OPG) to provide services to low income individuals. The current budget supports 75 residents in need of a guardian. There is an estimated 4-5 thousand residents in Washington State in need of a public guardian.



Are professional guardians supervised?

With over 250 certified professional guardians appointed in Washington, the need to provide and impose high standards is on the rise to protect those who are unable to care for themselves.

Certification, training, and discipline are all regulated by the superior courts and the Certified Professional Guardianship Board (CPGB). Each entity has separate and distinct roles in the supervision of guardians.

SUPERVISORY ROLE OF THE SUPERIOR COURT

Lay, professional and public guardians are all appointed under the general direction of the superior court. Superior courts also:

- Modify and terminate guardian relationships.
- Review guardian compensation.
- Monitor and report guardian accountability.

SUPERVISORY ROLE OF CPGB

Certified professional guardians are regulated by the Certified Professional Guardianship Board. The board is composed of appointed members, including professional guardians, attorneys, advocates for incapacitated persons, and representatives from courts, state agencies and a number of other entities relevant to guardianships. CPGB provides the following oversight for professional guardians:

- Process and approve applications for certification.
- Adopt and implement mandatory training.
- Adopt standards of practice.
- Investigate grievances.
- Adopt, enforce, and impose disciplinary regulations.
- Adopt ethics opinions to provide guidance.



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Why the need for guardians?

The US population is aging and Washington State is unprepared to support a society where individuals 65 and older outnumber those 18 and younger. It is crucial to support the current system with adequate resources and support to fulfill the needs that exist and prepare the inevitable increase in need in the future. The Census Bureau predicts that 28% of the total population will be 65 years and older by the year 2020, and this percentage will increase to nearly 40% by the year 2060.

Add this to the number of Americans coping with mental illness and poverty, and it's hard not to see the tremendous need for guardians well into the future. With the changing demographic there will be more individuals who lack the support of friends or family to aid in the case of incapacitation. Currently there are not enough professional guardians to meet the demand in Washington State.

The Washington State Institute of Public Policy estimates that thousands of Washington residents are in need of a guardian, but do not have access. Without a guardian incapacitated persons are vulnerable to homelessness, exploitation and other abuses, and inappropriate living arrangements such as hospitals and psychiatric facilities.

This is not only costly for Washington State financially, but there is an ethical obligation to protect the most vulnerable citizens.

256

Number of Certified Professional Guardians in Washington State. To become a professional guardian the CPGB requires applicants to hold an associate degree or higher, have relevant work experience, hold a certificate from the University of Washington's Guardian Certificate Program, Pass a background checks with the FBI, Washington State Patrol, and DSHS, have a FICO credit score of 700 or higher (the CPGB may consider score between 650-699 on a case by case basis), professional guardians must complete 24 CEUs biennially, and re-certify with the Office of Public Guardianship annually. This is in addition to their annual or triennial reports to the superior court.

17

Number of public professional guardians in Washington State. Public guardians must complete the same requirements as the professional guardians. Public guardians must also submit quarterly client status reports to the Office of Public Guardianship and are limited to a maximum caseload of 20 clients per public guardian.

3500

Estimated number of persons served by a certified professional guardianship program support a maximum of 75 vulnerable adults.

19,000

Estimated number of lay guardianships in Washington State. Lay, or family, guardians make up the majority of guardianship cases in Washington State.

5,200,000

Number of adults that have co-occurring mental health and drug addiction disorders; 5.7 million adults are affected by bi-polar disorder; and 2.4 million Americans live with schizophrenia.

38,000

Number of veterans that sustained injuries during Operations Enduring Freedom and Iraqi Freedom. Approximately 8,300 (22%) of these men and women may include traumatic brain injury.

Statistics: Bureau of Labor Statistics Forecast, National Alliance on Mental Illness, US Department of Veterans Affairs, US Census Bureau, Washington Courts, and Washington State Institute for Public Policy.