



Washington State Guardianship Training and WA WINGS

Montana Children, Families, Health and Human Services Committee Presentation
March 10, 2016

AGENDA

1. Describe Washington's Required Training for:
 - Professional Guardian Applicants
 - Lay Guardians
2. Provide a Report on Washington WINGS

PROFESSIONAL GUARDIANSHIP TRAINING

Course Overview

- Program is eight months in duration
 - October through May
- 90 contact hours in Program
 - 3 courses of 30 contact hours each
 - Hybrid “blended” learning with 56 hours classroom, 34 hours online learning
 - Classroom - Four Weekends (Fri-Sat)

Assume 1 hour outside reading, study, & review per course contact hour

PROFESSIONAL GUARDIANSHIP TRAINING

Course Overview

- Program fee is \$2,997 or \$999/course
- One time program application fee of \$50
- Quarterly registration fee of \$35



PROFESSIONAL GUARDIANSHIP TRAINING

Requirements

- Requires broadband, internet access.
- Requires proficiency with a personal computer.
- Applicants must meet one (1) of the following three (3) requirements:
 - Associate of Arts degree (AA) and three years experience; or
 - A Baccalaureate degree (B.A.) and two year of experience; or
 - An Advanced degree (Masters or Doctorate) and one year experience.



PROFESSIONAL GUARDIANSHIP TRAINING

Application Process

- A typed letter of application (500-word maximum) describing:
 - Your primary interest for wishing to enroll in the Guardianship Certificate Program.
 - Your experience working with persons of diminished capacity.
 - Your goals and expectations of the program personally and professionally.
- Your résumé listing your education and applicable experience.
- A non-refundable, program application fee of \$50.



PROFESSIONAL GUARDIANSHIP TRAINING

Guardianship Certification

NOTE: for students interested in applying to the Washington State Supreme Court, Certified Professional Guardianship Board for certification as a Professional Guardian, there are additional qualifications beyond successfully completing the Guardianship Certificate Program at the University of Washington. These requirements are outlined in General Rule 23.



PROFESSIONAL GUARDIANSHIP TRAINING

Course I- Guardianship Law, Concept & Practice

- List the statutory duties of a guardian of person and estate, and identify the limitations on guardians in Washington State.
- Describe how potentially incapacitated persons are identified and become involved in the guardianship legal process and understand the alternatives to guardianship
- Discuss the historical and legal context of the guardian-client relationship, including fiduciary duty.
- Discuss how the decision standards (substituted judgment and best interests) and concept of residual capacity function as protections for the rights of incapacitated persons.
- Identify the multiple institutions and stakeholders encountered during guardianship practice and discuss how they create both challenges and opportunities in daily practice.
- Identify and use basic concepts that apply to the tasks of guardianship practice.
- Identify challenges in communication with incapacitated persons and strategies for ascertaining information, focusing on skills of listening and observation.
- Enumerate the steps of an ethical decision-making process, including strategies for ethical analysis, and understand its application.



PROFESSIONAL GUARDIANSHIP TRAINING

Course II - Roles & Duties of Guardians

- Relate statutory requirements (RCWs) to steps in meeting obligations of the Guardian of the Person and Guardian of the Estate.
- Identify and describe specific steps, systems, and timelines in the process of guardianship.
- Describe best practices for each step, including resources for assistance.
- Collect and synthesize client information and write plans and reports that are comprehensive, well organized, and literate.
- Describe and effectively navigate the social and health service system of benefits available to clients.
- Define acronyms and other specialized vocabulary of guardianship.



PROFESSIONAL GUARDIANSHIP TRAINING

Course III- Complex Issues in Guardianship

- Apply CPG standards of practice as a reference point and guide for problem solving.
- Apply an ethical decision-making model to complex issues in guardianship practice, such as medical care and complicated financial situations.
- Describe and demonstrate good communication techniques for engaging in constructive problem solving with client, family, and other stakeholders.
- Assess limits of expertise and appropriateness as a proposed guardian in specific cases.
- Describe the role of the guardian as a representative of the court and identify strategies to make that relationship more effective, including developing quality reports.
- Describe professionalism in the role of the guardian, including responsibilities to clients, the courts, the CPG Board, the profession, and broader society.
- Discuss social oppression of persons with cognitive disabilities in American society and strategies for identifying personal biases and addressing discrimination by the guardian and others toward client.



PROFESSIONAL GUARDIANSHIP TRAINING

Current Role of CPGs Responding to Survey

	Percent	Count	Percent
Sole practitioner		16	41.0%
Owner of an agency		8	20.5%
Working for an agency		9	23.1%
Not practicing		4	10.3%
Other – please describe:		2	5.1%
Total		39	100.0%



LAY GUARDIAN TRAINING

Course Overview

- Online
 - Two hour, Narrated
 - Four Required Modules
 - Introduction
 - Guardianship of the Person
 - Guardianship of the Estate
 - Guardianship Forms
 - Two Voluntary Modules
 - Vocabulary
 - Resources



After the conference NGN sought and received support from the State Justice Institute and the Albert and Elaine Borchard Foundation on Law and Aging to help implement state WINGS pilot programs.

The goal was to have a state's highest court partner with other guardianship stakeholders to establish a WINGS entity to:

- Identify strengths and weaknesses in the state's current system;
- Address key policy and practice issues;
- Engage in outreach, education, and training; and
- Serve as an on-going problem solving mechanism.

In 2014, NGN and the State Justice Institute sought applications from state high courts to create a WINGS program. The Washington State Supreme Court, with the support of other guardianship stakeholders, submitted a request for a WINGS grant.

Washington, the District of Columbia, Indiana, Minnesota, and Mississippi each received a \$7,000 WINGS grant.

In Washington, other stakeholders pledged more than \$14,000 in matching funds to leverage the \$7,000 WINGS grant.

- Created a 12 person Steering Committee to guide the work of stakeholders;
- Administered an online needs assessment survey where more than 400 stakeholders statewide responded;
- Held a conference, where 205 diverse stakeholders discussed and prioritized recommendations;
- Established four committees to refine and implement 23 recommendations; and
- Planning a second conference for March 17, 2016.

- Change the title “Title 11 Guardian ad litem” (2017).
- Change the statutory reference “incapacitated person” (2017)
- Draft a statewide court rule requiring use of standardized reporting forms (2017).
- Develop a proposal for statewide guardianship monitoring (2017).
- Develop a proposal for a Guardianship Ombudsman (2017).
- Develop a proposal to address guardian ad litem credentialing, registry and selection and the investigative process (2017)



- Develop a plan to provide reduced fee or free legal services.
- Develop a plan to provide conflict resolution services.
- Provide a court-appointed attorney to the person needing guardianship services.
- Establish additional minimum qualifications for Guardians ad litem.
- Establish a hotline to respond to guardian questions and grievances.
- Improve professional guardian certification.
- Require WSP and FBI background checks for lay guardians.
- Improve minimum qualifications for all guardians.



- Post information on the web that will help the family and friends of persons needing decisional support understand the guardianship process.
- Develop a training to help all professionals involved with the guardianship process understand roles and responsibilities.
- Develop and present a guardianship document monitoring process for all courts.
- Improve the online lay guardian training and develop a training manual.
- Develop and train stakeholders about alternatives to guardianship including supported decision-making.



- Develop new or revised standards of practice for lay and professional guardians that address specific issues of concern including:
 - Conflict of Interest.
 - Isolation of persons in a guardianship.



