

# SUPERIOR COURT FOR SPOKANE COUNTY

**GUARDIANSHIP MONITORING PROGRAM**  
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## **MISSION STATEMENT:**

The Guardianship Monitoring Program is dedicated to forging a partnership between the Spokane County Superior Court and the community by using volunteers to monitor guardianship services provided to incapacitated people in order to reduce the potential for the abuse and exploitation.

## **OBJECTIVES:**

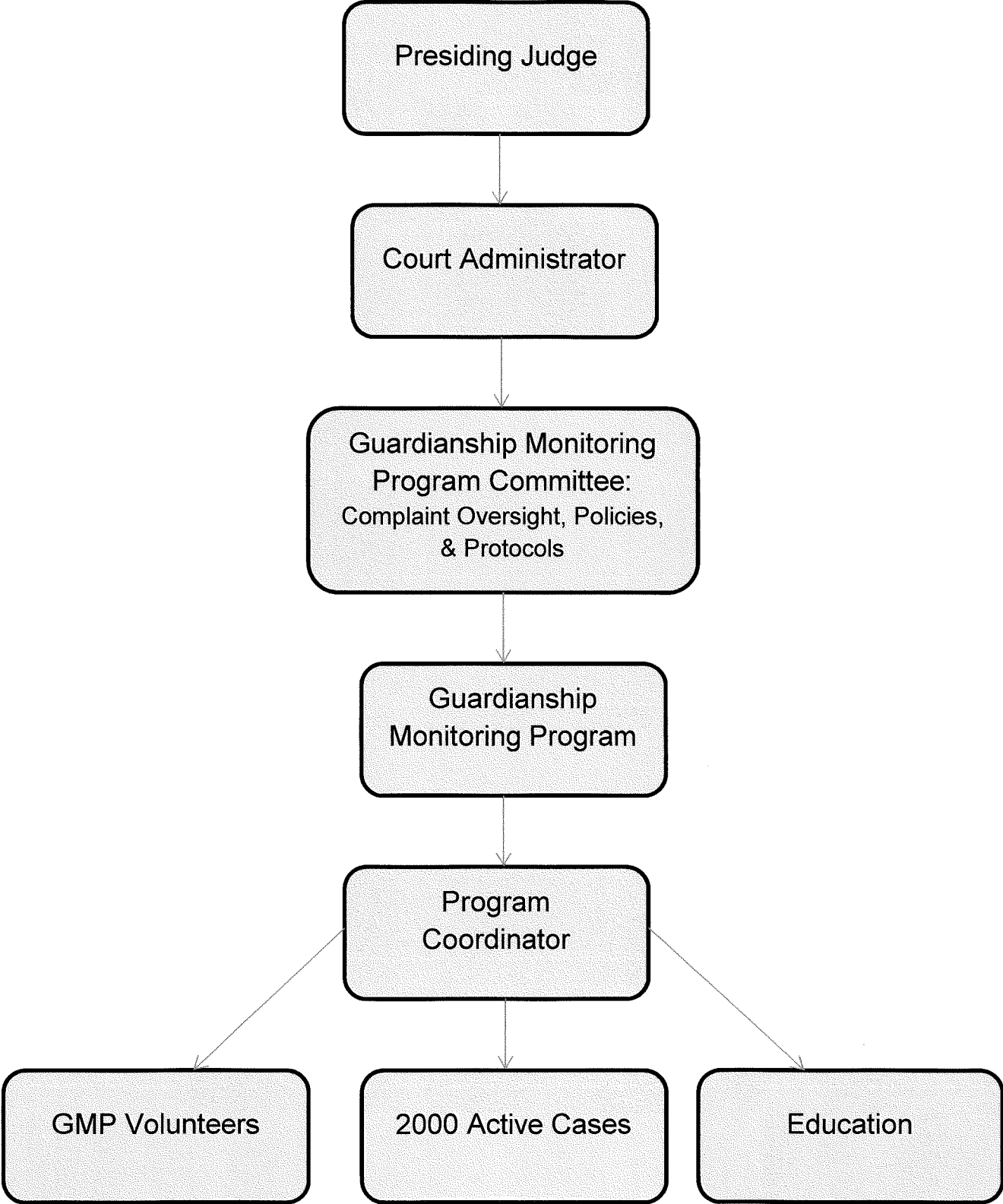
To reduce the potential for the abuse and exploitation of Spokane County's vulnerable citizens under guardianships, to educate guardians about their responsibilities, and to increase the community's awareness of the guardianship system and the problems faced by incapacitated people. The court utilizes trained volunteers as records researchers, financial auditors, and court visitors to research court files, perform audits, and visit incapacitated persons.

## **GOALS:**

The Guardianship Monitoring Program was implemented to improve the Superior Court's ability to monitor guardian's handling of the ongoing care and financial affairs of Spokane County's incapacitated citizens under court-supervised guardianships. To review the guardianship court files to ensure that the required documents have been filed, to complete financial audits to ensure that the incapacitated person's estate is being managed effectively, and to visit guardians and incapacitated people to determine if the needs of the incapacitated person are being met.

Guardianship Monitoring Program Organizational Chart

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### **PROGRAM COORDINATOR:**

1. Recruits, interviews, selects, trains and evaluates volunteers. Provides on-going training, assistance and support to volunteers.
2. Supervises the management of court files for research, audits, visits and court commissioner reviews.
3. Assists professional and nonprofessional guardians and the public regarding paperwork and questions.
4. Supervises and controls administrative work-flow by scheduling, assisting, directing and evaluation the work of subordinates.
5. Manages and directs daily operations of the program.
6. Resolves complaints or problems from professional and non-professional guardians.

### **GMP VOLUNTEERS:**

1. Records Researchers research court files to verify that court-ordered documents and reports have been filed and update addresses and phone numbers of the incapacitated person and their guardian.
2. Financial Auditors review court-ordered accountings of the incapacitated person's finances, submitted to the court by the guardian, to ensure that the incapacitated person's finances are being handled properly and in their best interest.
3. Court Visitors visit the incapacitated persons, guardians, and any other caregivers to ensure that the incapacitated person's needs are being met and adequate care in being provided. This monitoring function enables the court to have first-hand information about persons under guardianship.

### **EDUCATION:**

1. Mandatory Guardian Training effective January 1, 2007 for non-professional guardians.
2. The Program Coordinator and Commissioners participate in community outreach events and speaking opportunities.

### **COMPLAINT PROTOCOLS:**

#### **11.88 GUARDIAN COMPLAINT PROTOCOL**

1. **Purpose:** The protocol that follows is intended to provide a standardized complaint resolution procedure for complaints against guardians appointed pursuant to RCW 11.88 in Spokane County Superior Court. This protocol applies to **all** guardians, professional or otherwise, except where otherwise stated. All written complaints and subsequent correspondence shall be placed in the public portion of the legal file subject to General Rule 22 requirements.

2. Receiving Complaints: The court will not accept or act upon a telephonic complaint, other than to provide the address to which to deliver or mail a written complaint (on the standardized form) against a guardian. When the court receives the standardized complaint form against a guardian, it shall forthwith be routed to the Guardianship Monitoring Program Coordinator, who will assign it to the appropriate Superior Court Commissioner.

3. Processing Procedures:

A. The assigned commissioner shall, within ten (10) working days of his/her receipt of the complaint, have the Guardianship Monitoring Program Coordinator send a letter of receipt to the complainant.

B. The assigned commissioner shall review the guardianship file in its entirety in light of the complaint and within fifteen (15) working days of receipt of the complaint have the Guardianship Monitoring Program Coordinator:

(1) Send a letter to the complainant dismissing the complaint as unsubstantiated/inconclusive/insufficient basis; or

(2) Send a copy of the complaint to the guardian and/or the attorney for the guardian to review and direct a response within 15 working days from the date of the commissioner's letter. If the guardian does not respond within 15 working days a show cause hearing will be set and the guardian must appear.

C. Upon a receipt of the guardian's response, the assigned commissioner shall review the response and forward a copy of the response to the Guardianship Monitoring Program Coordinator to send to the complainant within 10 working days:

(1) Resolve and/or dismiss the complaint by letter to all interested persons, or

(2) Set a show cause hearing, or

(3) Appoint an 11.88 Registry Guardian Ad Litem to investigate issues identified, in writing, by the assigned Commissioner. Notice of the appointment of a Guardian Ad Litem shall be mailed to the complainant, guardian, guardian's attorney and any other interest persons of record. The report of the Guardian Ad Litem is due within 14 days of the appointment unless the time is extended by the assigned Commissioner for good cause.

D. In cases involving a CPG, the Guardianship Monitoring Program Coordinator shall notify the CPG Board that there is a complaint pending and the final disposition of the complaint.

4. Hearing to Review GAL Report: The assigned commissioner shall conduct a hearing to review the GAL's report and recommendations, and as a result of the hearing will enter written Findings of Fact and an Order:

- A. Dismissing the complaint; or
- B. Directing remedial or other relief actions to be taken by the guardian; and
- C. Directing additional review dates for hearings as appropriate; and/or
- D. Determining allocation or payment of GAL fees; and
- E. Sanctions, as appropriate, which may include reimbursement to the incapacitated person, suspension from taking new cases (Professional Guardians only), removal from the case, referral for prosecution, and other appropriate sanctions.

F. If the guardian is a Certified Professional Guardian (CPG)

The commissioner may refer the case to the CPG Board for further action regarding GR 23 Standards of Practice (ethical) violations. Such referral is mandatory in the event that the CPG is removed from a case for cause. The assigned commissioner may refer the case to the CPG Board at any stage of the complaint process. However, the CPG Board will not act on a complaint regarding a CPG involving active guardianship cases until the local Superior Court has investigated the case. While the Board will act on **any** judicial referral, it generally will not act on a complaint pending action by the local Superior Court until receipt of Findings of Fact, Conclusions of Law and Order.

G. Final Resolution: The complaint is closed only upon entry of Findings of Fact and an Order directing same and the discharge and compensation of the GAL. All pleadings and orders regarding the complaint will be filed in the appropriate guardianship court file. In cases involving a CPG, the Guardianship Monitoring Program Coordinator shall forward the final pleadings to the CPG Board.

### ADULT PROTECTIVE SERVICES PROTOCOL

This protocol applies to guardianship cases where the Court and/or the Guardianship Monitoring Program (GMP) receives notice that Adult Protective Services (APS) is investigating allegation(s) of abandonment, abuse, financial exploitation or neglect by the guardian or proposed guardian.

1. In cases where the investigation is ongoing and APS has not yet made a "finding" that the allegation is substantiated, unsubstantiated or inconclusive, the matter will be evaluated on a case-by-case basis. If GMP receives such information, it will be

referred to a Court Commissioner or the Judge assigned to the case. The judicial officer will determine what action, if any, needs to be taken by the Court.

2. In cases where APS has made an initial ‘finding’ that an allegation of abandonment, abuse, financial exploitation or neglect has been “substantiated” against the guardian the court shall take the following presumptive action:

1. If the finding is being appealed, the Court will set a show cause hearing why the guardian should not be suspended and an interim successor guardian be appointed pending outcome of the appeal.
2. If the finding is not being appealed, the Court will set a show cause hearing why the guardian should not be removed and a successor guardian appointed.

Note: Words in quotes above are terms of art defined in the WAC governing APS investigations, i.e. 388-71-0105.