



TRAINING OPPORTUNITY

Whatcom County Superior Court

Annual Recertification Training: Title 11 Guardians ad Litem
June 4, 2010

Invitation to Participate: Title 11 Guardianship Guardians ad Litem on court registries in **Island, San Juan, Skagit and Whatcom Counties** are invited to receive their statutorily mandated annual recertification training in Bellingham on June 4, 2010. Certified Professional Guardians residing in those counties are also invited to participate. Applications are pending for CLE/Ethics credit from the State Bar Association and the AOC for Certified Professional Guardians, for 6.5 hours.

Date/Time/Location: The training will commence promptly at 8:00 am and will conclude at 4:00 pm on Friday, June 4, 2010, in Bellingham. The training will be conducted at the Port of Bellingham Squalicum Harbor "Boathouse" Facility. There is ample free parking. Directions are printed below.

Registration & Cost: Completed registration forms and the box lunch order and fees must be received no later than May 26th. The registration form and box lunch food order form appear below. This notice and the registration form are available at <http://www.whatcomcounty.us/superior> We will be pre-ordering box lunches, so be sure to complete the order form taking care to note any dietary restrictions/preferences. **Cost:** The cost of the training is **\$85.00** and includes all course materials, beverages, snacks and lunch.

Any Other Information: If you are unable to access any of the online materials, or require any other information, contact N.F. Jackson at (360) 676-7688 or nfjackson@whatcomcounty.us

Training Topics:

Statutory Changes, Case Law & Bills of Interest
Autism 101 & Non-Verbal Communication
State/Local Forms & Procedures (See homework assignment, below)
Current Economic Issues – Outliving Assets, GAL Fees, Services
Revisions to State Curriculum – What is useful, useless or missing? (Homework!)
State-Filed Guardianships
Ethical and Legal Considerations in Communications: Banks, Law Enforcement, APS
Hypotheticals, hypotheticals and more hypotheticals (Have any to suggest?)
War Stories!

Pre-Training Homework: Download materials at: <http://www.whatcomcounty.us/superior>

1. Read the online Title 11 Training Curriculum/Training Plan. Please make notes as to what we REALLY need; what's there that is good, what is useless and what is missing. We will compile your ideas and forward them to the State.
2. Record what practices are inconsistent, between judges and between counties. Please include your list with your registration materials, for anonymous forwarding to the staff to address in the procedures session.
3. Read the hypotheticals, making discussion notes to share in the training.

Directions to the Squalicum Boathouse 2600 S. Harbor Loop, Bellingham, WA 98225
From I-5 Northbound

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| <ol style="list-style-type: none">1. Take the Lakeway Drive exit into Bellingham2. At off ramp, turn right at the stop sign3. At the light, turn right onto Lakeway Drive4. Once on Lakeway Drive, the second stop light merges with Holly Street5. Proceed down Holly through several stop lights6. Turn left at 'F' Street and get into the right lane. | <ol style="list-style-type: none">7. Turn Right over the railroad tracks onto Roeder Avenue8. Proceed to Coho Way (there will be a left turn lane)9. Left onto Coho Way and follow the road until the stop sign10. Turn left at the second stop sign11. Follow the road to the web lockers to Zuanich Point Park12. The Squalicum Boathouse will be at the end of the road, with ample free parking. |
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WHATCOM COUNTY SUPERIOR COURT

Annual Recertification Training: Title 11 Guardians ad Litem June 4, 2010

REGISTRATION

NAME (Last/First/MI): _____

STREET ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____

FAX: _____

EMAIL: _____

CAPACITY: Guardian ad Litem Certified Professional Guardian

COUNTY:
(GAL: Check each for which you are on registry; CPG: check each where you are appointed)

Island County San Juan County
 Skagit County Whatcom County

FEE:
Please forward your personal or business check for \$85.00, payable to **Whatcom County Superior Court**, to be received no later than May 26th. We are not presently able to process credit/debit card payments.

MAIL REGISTRATION, BOX LUNCH ORDER, INCONSISTENCIES HOMEWORK & FEE TO:

Guardian ad Litem Training
Whatcom County Superior Court
311 Grand Avenue
Bellingham, Washington 98225

Last Name: _____

Coffee, tea, orange juice, fresh fruit and assorted pastries will be provided in the morning.
Assorted cookies and beverages will be available in the afternoon.

LUNCH

Please select sandwich **OR** salad, not both.

Sandwich In A Box

All sandwich box meals include mixed cut fruit, Kettle potato chips and a Haggen bakery cookie. Assorted bottled beverages and lemonade will be provided.

- Turkey Express**
Not just any turkey sandwich. This one is made to order with homestyle turkey breast, arugula, and provolone on a sourdough baguette. We top that with sweet n' spicy tomato jam.
- Roast Beef To Go**
A hearty sandwich filled with seasoned roast beef, Tillamook cheddar and garlic aioli on eight-grain bread. Served with lettuce, Roma tomatoes and red onion.
- Ham on the Run**
The classic taste of smoked ham, Emmental Swiss, and Dijon mayonnaise on our fresh bakery sesame bagel with green leaf lettuce and Roma tomatoes.
- The Quick Wrap**
Flamed-grilled tortilla wraps in your choice of cashew chicken, vegetarian, Italian, turkey pesto, Tuscan chicken, pan-seared salmon or steak & potato.
- WellAware™ Winner**
When our Catering Executive Chef and our Corporate Registered Dietitian team up, great taste meets healthy options! Your choice of our turkey sandwich with sweet n' spicy tomato jam, our vegetarian wrap, or our portobello mushroom sandwich accompanied by a crispy cucumber and radish salad, heart-healthy roasted rosemary nuts and fresh cut fruit topped with honey lime yogurt for dessert.
- Chicken Hogie**
One of our most popular signature sandwiches made with our deli roast chicken, Roma tomatoes, avocado, red onion, pesto mayonnaise and Asiago cheese on a hoagie roll. Yum!
- Deli Club**
This classic Haggen deli favorite is layered seasoned roast beef, homestyle turkey breast, crispy bacon, Emmental Swiss cheese and Dijon mayonnaise on swirl rye bread topped off with Roma tomatoes, red onion and green leaf lettuce.
- Portobello Mushroom**
Marinated roasted portobello mushroom with roasted tomato, basil, goat cheese, arugula on our BellaTerra® ciabatta.

Salad In A Box

Salad box meals include mixed cut fruit, our bakery fresh rosemary focaccia bread and a Haggen bakery cookie. All salads come with dressing on the side.

- Chicken Cobb**
A delicious combination of our Haggen Premier rotisserie chicken with blue cheese, Roma tomatoes, real bacon bits, black olives and romaine lettuce. Served with your choice of blue cheese or balsamic vinaigrette dressing.
- Shrimp Louie**
Another classic with bay shrimp, sliced egg, Roma tomatoes, Tillamook cheddar tossed with romaine and served with our Signature Louie dressing.
- Chicken Caesar***
We toss romaine lettuce with our Haggen Premier rotisserie chicken and shaved Asiago. Classic Caesar dressing and croutons finish it off. *Classic Caesar also available.
- Citrus Green**
A light combination of mixed greens with toasted pine nuts, orange sections, and golden raisins accompanied by sherry mustard vinaigrette.
- Bibb and Blue**
A mix of bibb and arugula with blue cheese, spiced walnuts and a sherry mustard vinaigrette.

Special Requests (Example: substitute with whole wheat, no lettuce, allergic to nuts, etc.)

**Whatcom County Superior Court
Guardianship Guardian ad Litem Training ~ RCW Title 11
Annual On-Going Education Requirement
June 4, 2010**

Schedule

Time	Page (duration)	Topic	Presenter	
8:00	8:15	15	Welcome & Introductions	Jackson
8:15	8:30	15	Statutory Changes, Case Law & Bills of Interest	Boyer
8:30	9:15	45	Autism 101: Recognizing Differences/Communicating	Nelson
9:15	9:30	15	Questions and Answers, Autism	Bergsbaken
9:30	9:45	15	Hypothetical #1: Autism & Medical, , Ethical Considerations	McCormick
9:45	10:00		Break	
10:00	10:45	45	Head Injuries: Degrees of Incapacity/Communicating	Mott
10:45	11:00	15	Questions and Answers, Head Injuries	Bergsbaken
11:00	11:15	15	State Filed Guardianships	Reyes
11:15	12:00	45	APS Hot Topics; Ethical & Legal Considerations in Communications w/Banks, Law Enforcement, APS	Quigley & Reyes
12:00	12:15	15	Hypothetical #2: Need to Appoint Attorney?	Henderson
12:15	12:30		Catch Up Time	
12:30	1:00		LUNCH	
1:00	1:30	30	Current Economic Issues: Outliving Assets, GAL Fees, Services, , Ethical Considerations	Jackson & Maxwell
1:30	2:00	30	Hypothetical #3, Ethical Considerations	Henderson & McCormick
2:00	2:30	30	Revisions to State Curriculum: Useful, Useless & Missing	Hansen & Lamborn
2:30	2:45		Break	
2:45	3:00	15	Whatcom Monitoring Project	Armstrong
3:00	3:15	15	Inconsistencies: Counties & Judges: Homework Report	Jackson & J.A.
3:15	3:45	30	Open Mic: War Stories from the Front Line!	Participants
3:45	4:00	15	Summary & Questions	All Faculty
4:00			ADJOURN	
		6.75		

Materials to include:

1. Boyer materials
2. Nelson Materials
3. Mott Materials
4. Hypotheticals (3)
5. State Curriculum

Pre-Training Homework:

1. Read hypotheticals , identify issues for focus
2. Hand in list of judge and county inconsistencies
3. Read curriculum and make recommendations

Whatcom County Superior Court
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Participant Homework

We need to hear your perceptions of inconsistencies between the Whatcom Judges and between the sister courts in Island, San Juan and Skagit Counties. The inconsistencies might include requirements and expectations, GAL appointment terms and practices, report writing expectations, care plans, annual reports, etc.

Please list perceived inconsistencies between Whatcom County JUDGES:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

Please list perceived inconsistencies between the different COUNTIES:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

Attach additional sheet, if needed, under JUDGES and/or COUNTIES headings.

Please return with your registration materials.

2010 Whatcom Title 11 GAL Training
AUTISM Hypothetical #1
Interview of a Non-verbal Person

Sam is about to turn 18 and his biological parents are requesting co-guardianship of him. He is diagnosed with multiple pervasive difficulties including moderate mental retardation with autistic features. Sam survived a kidney transplant at age 5, which is currently showing signs of failing. In addition, he has recently been diagnosed with heart and liver conditions, which are possibly related to the years of being on anti-rejection medications although that is unclear. According to medical records provided to the GAL, his current prognosis is poor. Sam attends a Life Skills class at Bellingham High School whenever his health allows. The only other relatives are a paternal grandmother in Utah who cares for her aging mother. The maternal grandmother and grandfather are deceased. There is a maternal aunt living in South Carolina. She has two grown children. The AIP has no siblings.

This case initially appears to be a "slam-dunk" as it relates to a guardianship; however, interview of the parents and collaterals reveals difficulties.

Although the parents are requesting co-guardianship, it is found that the parents—though married—do not reside in the same home. Sam resides with his mother; the father lives and works out-of-town and has for the past five years. Further they are not in agreement with how his current and future medical needs should be managed. The parents are interviewed separately in the GAL's office (prior to meeting the AIP) in order to get their separate reports and clarify their intentions to be co-guardians. The mother believes that it is in Sam's best interest that he should be allowed to "go" and that there should not be any attempt at another transplant or heroic treatment of his heart and liver medical conditions. She has been a stay-at-home mom since Sam's birth. The father believes that it is in Sam's best interest to have every effort made to continue his life and all options exercised rather than 'giving up.' It is his belief that the mother does not administer the medications correctly and that is the reason for Sam's failing health and the organ rejection. He states that he would do more for Sam, but that he finally found a good job that he can't leave because of the pay and medical benefits. He comes "home" about one weekend a month. Both deny that Sam has ever made any statement regarding his desires for medical care.

An interview of the AIP took place at his home. Sam, at 5'8" is moderately obese, and very reluctant to be introduced to the GAL. He attempts to hide under the kitchen table and begins to scream "no, no" and kick at his mother when she tries to coax him into a chair. When the GAL commented on the multiple bruises visible on her arms, she reports that Sam becomes combative easily. She goes on to say that the school has made multiple reports to CPS because of his self-inflicted bruises. Although the mother wants to persist in

getting Sam's cooperation, the GAL insists that she stop since it is obvious that an interview is impossible. At that point, Sam retreats to a corner in the living room to watch a video, which he starts himself. The mother collapses into a chair and breaks into tears with the comment, "I am worn out...this is so hard." She spontaneously states that giving Sam his daily medications is difficult because they go through the same routine. She sees this as a sign that Sam does not want to continue to live. Observation of the modest home, including Sam's bedroom, finds some signs of physical violence (e.g., holes in the walls and damaged furniture).

Interview of the school staff confirms that they have made multiple complaints to CPS as mandated because of the bruises on Sam. He will occasionally get combative with the staff although he does respond to their calming techniques. He does resist taking his medication at school, although will take it if he does not see the medication bottles and only sees the medication. Staff concern is that the mother is exhausted with providing his primary care. They do not believe that she is physically abusing Sam, but have concern that she is not able to effectively control his outbursts without one or both of them getting injured. They have not had any contact with the father, although Sam has been in the program for the past four years.

Interview of the medical staff at Children's Hospital confirms that Sam has a poor prognosis for survival beyond age 25 because of his medical conditions. They have noticed the parental conflict regarding treatment options and are concerned that one parent will block the other when it comes to making medical decisions. Although there could be some relationship between the medication and organ rejection that is beginning to appear, the doctor clearly states that rejection of the transplant could have occurred regardless. He has required sedation prior to physical exams because of his combative nature.

Both relative collaterals, interviewed by phone, believe that Sam should have a professional guardian and be placed in a group home. Neither relative desires to be a resource for Sam. The aunt does not wish to divulge her children's contact information and they are not listed in the court documents as essential contacts.

- Is a co-guardianship in Sam's best interest or should a professional guardian be recommended?
- Is Sam making a statement by refusing his medications or is it just a behavioral reaction?
- What other recommendations would it be appropriate for the GAL to make?

2010 Whatcom Title 11 GAL Training

Hypothetical #2

Need to Appoint an Attorney

Maude is an 85-year old woman who has been married for 30 years to Harold. She has memory problems that may be Alzheimer's but she hasn't been diagnosed. Prior to her marriage to Harold, Maude had 3 children. The children hate Harold because they believe he gambled away the community money that could be used for Maude's care. They also wonder if Harold may have beat Maude up, causing head injuries and subsequent memory problems. None of the children have lived in the area in 20 years, and only come up once a year to visit.

Harold is very thrifty with his gambling money and doesn't want to spend money on unnecessary expenses, which he considers a cellular phone. Harold frequents the local casino, leaving Maude alone in the home. Sometimes Maude does okay, and sometimes she doesn't. While "whipping a little something up" Maude scorched the kitchen walls extensively, requiring expensive sheetrock and structural work. As a result, Harold disconnected the oven. Maude has also wandered out of the house looking for a cat that has been dead for 25 years. On every occasion, a neighbor has brought her home and settled her back in and then called one of the children to report what had happened.

As to the neighbors, Maude goes over to their house frequently to visit and have coffee. They have been good friends for over 25 years.

Harold went to the casino one day and when he came home, Maude was gone. Assuming she had gone to visit at the neighbors, he went over there. The neighbors were upset that they couldn't get in touch with of Harold when Maude fell down the front steps of their house on her way over. The paramedics were called and she was transported to the hospital, unconscious.

Because the neighbors couldn't get in touch with of Harold, they called each of Maude's children and talked to her son, Louie, who lives in Louisiana and is unemployed. He gave consent for her to be treated over the phone and immediately flew out to stay with her during her recovery.

Maude's condition stabilized pretty quickly with Louie constantly at her bedside (except when he went to the motel that Maude was financing with a community credit card to sleep) and she was transferred to a care facility within a week. Louie and Harold had a showdown in the hospital and so Harold only came to visit when Louie wasn't there, which was in the evenings and first thing in the morning. Harold made a deal with Maude to call him when Louie left her bedside, and sometimes she would "forget" and call Harold while Louie was there, causing an uproar.

While Maude was in the hospital, Louie called a friend from high school who was now a lawyer to come to the hospital and execute for Maude a Durable Power of Attorney naming Louie as her attorney-in-fact for health care. Louie did not tell Harold, but he left a copy at the care facility.

Two weeks after Maude's fall, Louie left and went back to Louisiana. Harold became a more frequent visitor and saw her during the day as well as in the morning and evening. He became concerned that she was doing well in the morning and not so well in the evenings and that she wanted to come home but he didn't think she would be able to stay home alone. He asked her caregivers and nurses about her prognosis and they said they couldn't talk to him because Louie was her attorney-in-fact for health care. Keeping his outrage under control, Harold asked her if she wanted to sign a Durable Power of Attorney naming him as her attorney-in-fact for both finances and health care and she said "yes." He then took her to his attorney who drew up the paperwork.

Louie called every week to check on his mom, and was met with the unhappy news that the care facility could no longer disclose her health information to him. Completely outraged, he flew back to Washington (on Maude's community credit card) and started a guardianship action, naming himself as the prospective guardian of Maude.

You are appointed as GAL. Consider the following:

1. You go to visit Maude in the late afternoon and Harold is there, requesting as her attorney-in-fact to be included in the discussions about guardianship.
2. Maude requests that Harold remain in the room while you describe the guardianship action to her, and her rights.
3. You talk to Maude alone after Harold has left the room and she says she doesn't want to lose her right to own property, but she could use some help in making decisions, but that her husband has always helped her.
4. You ask her specifically if she wants an attorney appointed for her to represent her in opposing the guardianship or the proposed guardian. She says that she doesn't think she needs an attorney, she doesn't know who would pay for an attorney and she wants her husband to help her.
5. You come back a few days later, after lunch, and talk to Maude alone. She seems to understand what you are asking and says she is in agreement that she needs help in making decisions, but wants her husband to be the one helping her.
6. A short while later, she asks who you are.
7. You ask Maude about the Powers of Attorney and she remembers signing the one for Harold, but doesn't remember the one for Louie.
8. Louie is in town and asks to meet with you in Maude's room. He begins to tell his version of the history of events and Maude nods in agreement. He asks that you inquire of Maude while he is in the room whether she wants him to be her guardian.
9. Louie leaves the room and you ask Maude if she is in agreement with the guardianship and she says that she wants her son to help her.
10. What follow-up questions do you ask? When do you ask them?
11. What if you determined, based upon your encounters with Maude, that she didn't want an attorney to oppose the guardianship, but she didn't want her son to be the guardian. Would you still ask the court to appoint her an attorney?
12. What if you heard from her neighbors that she had called them, upset, asking them to hire her an attorney?
13. What if you determined that she didn't want an attorney and at the final hearing, Maude stood up and said she wanted to say a few words and those few words were that she didn't agree with the guardianship and she just wanted to be left alone?

2010 Whatcom Title 11 GAL Training Hypothetical #3

Tom Jones is 87 years old. He has never been married and has no children. He was a successful insurance salesman and invested well. He has always been very frugal and lived simply in his own home. He wouldn't even buy a friend a cup of coffee when they went out. He can be described not only as a miser, but also as a curmudgeon.

A few years ago he started having memory problems which have gotten worse. He has three living siblings. About two years ago, his sister Sally asked Jack Smith, an acquaintance who is a handyman, if he could do some repair work at Tom's house and also help with Tom's yard. Tom objected, but Sally said that she could pay Jack for his work at Tom's house. Tom reluctantly said okay.

Jack started to work around Tom's house. After a few months, Jack and his wife filed for divorce and Jack was kicked out of his house. He asked Tom if he could rent a room at Tom's house in exchange for work around the house. Tom said okay because he had come to enjoy Jack's company. Not long after moving in, Jack asked Tom for a loan. Tom lent Jack \$5,000 and Jack signed a note at 5% interest with small monthly payments. A few months later Jack again borrowed \$5,000 from Tom.

Jack started to help Tom with his mail and saw that Tom received income from rent on a commercial property as well as dividends on stocks and interest on bonds and bank deposits. He learned that Tom was worth about three million dollars.

Jack started to take Tom to visit the credit union where Tom kept a lot of his money. He somehow convinced Tom to take out an ATM/debit/Visa card and have one also in Jack's name so that Jack could help him. Jack started taking Tom out to dinner a lot and used the debit card to "treat" Tom to dinner. Jack also started to tell Tom that his siblings were not nice people and were after his money and wanted to put him in an old folks home.

Slowly, Tom stopped seeing his siblings because he didn't trust them. Jack took Tom to an attorney to have Tom revise his will and do a durable power of attorney making Jack his attorney in fact. When the attorney drew up the papers, Tom refused to sign them. Jack then went online and found a form Durable Power of Attorney form and took Tom to Tom's bank so the bank manager, with whom he was friendly, could notarize Tom's signature.

Tom's sister and a friend of Tom's were concerned about Tom. When they found out about the power of attorney making Jack Tom's attorney in fact they filed a vulnerable adult complaint seeking to protect Tom from undue influence by Jack. Jack managed to convince Tom that the sister and friend were suing him and would put him in a home, so Tom and Jack hired an attorney to oppose the petition and it was dismissed. The judge found it was brought in good faith, however, and ordered Tom to pay their attorney's fees.

During the next nine months after that vulnerable adult hearing, Tom's memory problems increased. Tom was more and more dependent on Jack for transportation and for helping with household chores. Jack had Tom agree to having a friend of Jack's become the paid property manager for Tom's commercial rental property. Jack's son moved into Tom's house to live with Jack and Tom. Tom's Visa was used by Jack to pay all of the household expenses, including food for all three of them.

Jack told Tom he wanted him to take a trip with him. He used Tom's Visa to charge the down payment on a condo rental which would be used by Jack and his family and Tom. Jack also used Tom's Visa to charge many purchases for Jack and Jack's other family members.

Jack also encouraged Tom to invest about \$200,000 in a biodiesel company that Jack was working for. The company would pay Jack a bonus for any investors he found. Jack took Tom to see an attorney recommended by the biodiesel company owner. Sue Simple. Ms. Simple met with Tom and Jack and reviewed the investment agreement. She set up a follow up appointment to execute the agreement.

The morning of the day the followup appointment was scheduled, Tom fell and broke his hip. He was taken to the hospital by Jack who claimed he was the attorney in fact for Tom and told the social worker that Tom's family had nothing to do with him. Tom was scheduled for hip surgery the next day. That night, at Jack's request, Sue Simple came to the hospital with her paralegal, a computer and a printer and drafted a new will for Tom leaving everything to Jack.

Tom's sister and brother heard about Tom's hospitalization and rushed to see him. Jack told the hospital they weren't to see Tom. The hospital's attorney met with the siblings who then hired an attorney and filed a petition for guardianship of Tom. You are appointed as the GAL for Tom. The guardianship petitioner's attorney asks you to investigate and file a vulnerable adult complaint against Jack.

You learn that since Tom was hospitalized, Jack has used Tom's checkbook to pay 1) Sue Simple's bill of over \$5,000; 2) a contractor to start a remodel of Tom's house.

Note: this is based on an actual case from another county.

What do you do as GAL?

- 1. Should you file the vulnerable adult petition?**
- 2. Should you act to freeze Tom's accounts?**
- 3. You are contacted by the police lieutenant in charge of a criminal investigation against Jack. The police want copies of all of your files on this case. What do you do?**
- 4. You learn that Jack has given all of Tom's files to Sue Simple to hold for safekeeping. Should you as GAL do anything?**