

A proposal to establish a public guardianship program

The problem. In Washington today there are approximately 4,500 people who need the kind of help a guardian provides but who can't get it. They can't get it because they are poor and alone. Most states have some program to meet this kind of need for guardianship services; Washington does not. In many cases, we wait for a crisis and then provide publicly funded services in an institutional setting, such as a nursing home. That is both (in many cases) a bad solution for the individual and the most costly solution for the public. And, in addition to being at increased risk of institutionalization, people who need, but don't get, guardianship services are at increased risk of abuse or exploitation.

Proposal: To establish a state office of public guardianship that would contract with certified professional guardians to provide services to eligible individuals. Eligible individuals would be those determined by courts *under current legal standards* to need guardianship services but who lack the means to pay for them and who are without family or friends to provide services on a voluntary basis. Companion bills to implement the proposal are SB 5320 and HB 1130. Each has passed out of the Judiciary Committee in its respective chamber.

Key features of the current proposal:

- It would establish a state office of public guardianship in the judicial branch. The office would contract with certified professional guardians or entities employing them to provide guardianship services.
- It would make no change in the state guardianship laws (which establish criteria and procedures for establishing guardianships).
- It would prescribe caseload limits for providers of public guardianship services to promote high quality services.
- It would reduce pressures to institutionalize individuals who, with needed help, could live in more independent settings.
- It would be cost effective for the state. (A Virginia public guardianship program showed average per case annual savings of more than \$12,000 after subtracting program costs, according to a national study published by the ABA Commission on Law & Aging.)
- It would begin with a pilot phase, with a study to determine costs and savings.

The proposal to establish a public guardianship program came from the Elder Law Section of the Washington State Bar Association, and is based on the August 2005 report of its public guardianship task force. The following organizations support the establishment of a public guardianship program:

AARP Washington

Advisory Council on Aging & Disability Services, Seattle-King County

Alzheimer's Association, Western & Central Washington Chapter

American Civil Liberties Union of Washington

Fremont Public Association

King County Bar Association

King County Medical Society

Lutheran Public Policy Office of Washington State

National Academy of Elder Law Attorneys, Washington State Chapter

National Association of Social Workers, Washington State Chapter

Pierce County Aging & Long Term Care Advisory Board

Puget Sound Alliance for Retired Americans

Washington Adult Day Services Association

Washington Association of Area Agencies on Aging

Washington Association of Home Care Agencies

Washington Protection & Advocacy System

Washington State Bar Association

Washington State Catholic Conference

Washington State Long-Term Care Ombudsman Program

Washington State Medical Association

Washington State Senior Citizens' Lobby

Washington State Superior Court Judges' Association

Washington State Bar Association
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