

# Elder Law Section

*of the Washington State Bar Association*



## **Preserve the Office of Public Guardianship**

The Office of Public Guardianship (OPG) was established in 2007 with unanimous, bi-partisan legislative support. It was designed to respond to a widely-acknowledged unmet need for guardianship services. In particular, it was designed to serve individuals with cognitive disabilities who are alone (without family or friends to serve as volunteers) and poor (without funds to pay for needed services). The office was created within the Administrative Office of the Courts (AOC), and services were funded on a pilot basis.

By the end of 2008, the OPG was staffed, a program was developed and the office had contracted with certified professional guardians in six counties to deliver public-guardianship services, when appointed by courts to do so. It was off to an excellent start. The example in the box below gives one illustration.

One elderly man for whom a public-guardian was finally appointed in early 2009 was seen in emergency rooms more than fifty times in the preceding year. He was often homeless, had physical and mental health problems and had around \$700 a month in income – not enough to pay for guardianship services while meeting his other needs. After a public guardian was appointed, the emergency room use stopped, and stable housing and medical care were arranged. He got useful help and better care, at less expense to the state.

Then, in early 2009, as the AOC was facing the prospect of a substantial reduction to its biennial appropriation, it directed public guardians to stop taking new cases. And after the Legislature adopted its 2009-2011 budget bill, the AOC froze the OPG caseload for the remainder of the biennium. At that time, the statewide caseload was approximately fifty. The AOC did continue to fund the existing caseload (out of agency savings) and to administer the program.

Funding is needed to bring the OPG caseload to at least 100 cases in order to avoid loss of a program that is essential for one of the state's most vulnerable populations, to take advantage of the outstanding initial accomplishments of the program, and to allow the legislatively-mandated

WSIPP study to provide meaningful data and analysis for the 2011-2013 budget. With the OPG framework already in place, reversing the caseload freeze can be expected to save state funds that would otherwise be spent on the same client population for such things as emergency-room, hospital, and other forms of institutional care.<sup>1</sup>

The Supreme Court and the AOC have recognized the need, and have resolved to ask the legislature for \$274,000 in supplemental funding to address it. The Elder Law Section supports that request. The Legislature has been consistently supportive of the OPG. Last year it voted, without dissent, to expand its training authority to allow it to develop guardianship resources in parts of the state where none exist. We urge it now to provide the minimum funding needed to keep the program from failing.

In addition to the Elder Law Section, the following organizations support the Court's request to fund the Office of Public Guardianship:

AARP Washington  
Advisory Council, Aging & Disability Services, Seattle-King County  
Alzheimer's Association, Western and Central Washington State Chapter  
Catholic Community Services of Western Washington  
Disability Rights Washington  
Eldercare Alliance  
King County Bar Association  
King County Medical Society  
Lutheran Public Policy Office of Washington State  
National Academy of Elder Law Attorneys, Washington Chapter  
Pierce County Aging & Long Term Care Advisory Board  
Resident Councils of Washington  
Solid Ground  
The Arc of Washington  
Washington Association of Area Agencies on Aging  
Washington Association of Professional Guardians  
Washington State Catholic Conference  
Washington State Developmental Disabilities Council  
Washington State Long-Term Care Ombudsman Program  
Washington State Senior Citizens' Lobby

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<sup>1</sup> The public-guardianship program in Florida, serving only part of its state, saved more than \$1.8 million dollars for the state of Florida in one year, according to a report that can be obtained from the web site of the Department of Elder Affairs of the State of Florida at the following address: