



SPOKANE COUNTY COURT HOUSE

# SUPERIOR COURT FOR SPOKANE COUNTY

GUARDIANSHIP MONITORING PROGRAM  
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## **How did the Guardianship Monitoring Program begin?**

The Spokane County Superior Court Judges have long been concerned about and committed to keeping Spokane County's incapacitated persons safe from abuse and exploitation. However, they lacked the resources to protect incapacitated persons under guardianships at the level they felt was necessary. In 1999, under the leadership of Judge Kathleen M. O'Connor, a feasibility study was undertaken by the judges to determine whether resources were available to support a volunteer Guardianship Monitoring Program in Spokane County. After review of the feasibility study, the Superior Court Judges established the Program in the spring of 2000 with a starting date of November 2000.

AARP's Washington State Director, Jo Senters, with assistance from Mike Courtney, AARP Health Advocacy Services Local Coordinator, and Merry Kogut, Attorney and Project Manager for the Administrative Services Division of the Department of Social and Health Services, provided financial support for Program Development. In addition, Ms. Senters worked with AARP's Washington, D.C. headquarters, to send information to AARP members in Spokane County, and encourage them to consider volunteering for this important Program.

Judge Harold D. Clarke, Ret. volunteered to chair the Advisory Committee, which worked diligently to oversee the development of Spokane's Guardianship Monitoring Program. The Advisory Committee developed sub-committees to devise forms and procedures for Program staff and volunteer jobs. Judge Kathleen M. O'Connor chaired the Records Research subcommittee, and was assisted by Advisory Committee members Court Commissioner Valerie D. Jolicoeur; Karen Sayre, Attorney at Law; and Viv Nachtwey, Deputy Clerk. Linda Petrie, Regional Coordinator, Long-Term Care Ombudsman's Office, chair of the Court Visitors Subcommittee, worked with Judith N. Ross, Public Information Manager, Aging and Long Term Care of Eastern Washington; and Willa Johns, Director, ARC of Spokane. Court Commissioner Joseph F. Valente, who worked with Advisory Committee member Jeanne Kopp, CPA, chaired the Financial Auditor subcommittee. Diane G. Robertson, Assistant Court Administrator and Director of the Guardianship Monitoring Program, chaired the Recruitment subcommittee and was assisted by Judge Clarke.

Retired and Senior Volunteer Programs (RSVP) became a partner with the Guardianship Monitoring Program and provided invaluable assistance in recruiting and supporting volunteers.

## **Guardianship Monitoring Program 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.

## **Guardianship Monitoring Program 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.

## **Guardianship Monitoring Program Goals:**

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 Fast Facts**

### CASELOAD:

1900+ current open cases (approx. 650 Certified Professional Guardians & approx. 1250 non-certified guardians)

(Reviewed & closed an additional 3274 since Guardianship Monitoring Program was established in November 2000)

Guardianship and Trust Forms Website: [www.spokanecounty.org/superiorcourt/guardianforms](http://www.spokanecounty.org/superiorcourt/guardianforms)

### VOLUNTEERS:

All volunteers attend training, sign confidentiality agreements, pass background checks and receive on-the-job training and supervision. Most of our volunteers are retired professionals in the community, such as nurses, teachers, accountants, and bookkeepers, to name a few. All volunteers fill out reports that are reviewed by staff and judicial officers and filed in the Court File.

*Records Researchers* – Review files for addresses, phone numbers, and basic information about guardianship case.

*Financial Auditors* - Review Guardian's Report & Accountings, verifying account balances and making sure there are no discrepancies in accounting.

*Court Visitors* - Observe conditions, care, and health of Incapacitated Person including meeting with guardian, caregivers, and other individuals who assist person under guardianship.

## **How are objectives and goals met?**

Local family/lay guardianship training was established in January 2007. This training has been held monthly ever since. Judicial Officers volunteer to teach these monthly classes. Approximately 15 potential guardians are trained monthly.

The Guardianship Monitoring Program website has all the local forms, legislative changes and general information available at any time. GMP Staff network with local agencies (Attorney General's Office, Adult Protective Services, Division of Developmental Disabilities, and many others) to educate the public of new requirements, legislative changes, and other current issues. Staff including Judicial Officers, and Volunteers review, approve, and process care plans and accountings submitted by guardians.

## **How GMP handles cases gone bad?**

Case #1: A Court Visitor was assigned on a random visit. The Court Visitor reported back to the Court the Incapacitated Person was high functioning mentally and the guardianship was terminated. Included in this guardianship was a trust. Substantial funds were recovered (\$250,000) due to breach of fiduciary duties (not administering the trust funds properly) thus disqualifying the IP from public benefits.

Case #2: Financial Auditor reviewed annual accounting of the Incapacitated Person (minor child left as beneficiary of deceased father's life insurance policies). The Guardian, mother of IP, spent the entire \$176,000 dollars on everyday living expenses. The Court appointed a Guardian ad Litem and a lawsuit was filed against the attorney in the case for not setting a bond or blocked accounts, which allowed the Guardian/Mother to spend the money. The Guardian ad Litem was able to recover \$100,000 on this case.

Case #3: Guardianship case where guardian is the son of the Incapacitated Person. Prior to the guardianship being established a loan was granted between the guardian (creditor) and his parents (debtors) for approximately \$100,000. A financial auditor reviewed annual accounting and saw a "gift" of \$94,000. The guardian attempted to gift himself \$94,000 instead of applying this amount to the loan that needed to be repaid by the IP (other spouse passed away). The Court deemed that the \$94,000 should be applied to the loan as they had a debtor/creditor relationship.

## **Guardianship Monitoring Program Staff**

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