

Disability and Guardianship Project

9420 Reseda Blvd. #240, Northridge, CA 91324
(818) 230-5156 • www.spectruminstitute.org

March 16, 2016

House Judiciary Committee
Washington Legislature
P.O. Box 40600
Olympia, WA 98504-0600

Re: Need for Legislative Oversight on the Implementation of RCW 11.88.045;
Appointment and Performance of Counsel for Guardianship Respondents

Dear Committee Members:

Our organization filed a report today with the Washington Supreme Court. The primary focus of the report is the failure of the Judicial Branch to implement RCW 11.88.045 which provides for the appointment of counsel to represent respondents in adult guardianship proceedings. The report demonstrates how the failure of the courts to appoint attorneys for all respondents, to adopt performance standards for the attorneys, to require them to attend proper training programs, and to implement a monitoring mechanism violates Title II of the Americans with Disabilities Act.

We are providing a copy of *The Justice Gap* to the Senate Law and Justice Committee and the House Judiciary Committee. The report and related reference materials document a huge gap between the policy established by the Legislature in RCW 11.88.045 requiring attorneys for all vulnerable adults in these proceedings – presumably attorneys who are qualified and who perform services in a competent manner – and the day-to-day practices of the courts in processing these cases.

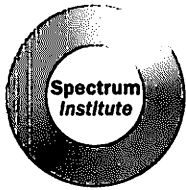
There are 20,000 adults under guardianship in Washington State, with hundreds being added to the guardianship rolls each year. Many are seniors while a significant segment of these respondents are people with intellectual and developmental disabilities. Our research shows the implementation of RCW 11.88.045 varies from county to county. This is contrary to constitutional requirements that laws of statewide application should be implemented uniformly throughout the state so that respondents receive equal protection of the law regardless of their geographic location.

Spectrum Institute is willing to conduct an informational briefing on “Access to Advocacy Services in Guardianship Proceedings.” It would inform legislators and staff about what the Legislature can do to ensure that the courts are complying with the letter and spirit of RCW 11.88.045, the Americans with Disabilities Act, and the Washington Law Against Discrimination in the context of guardianship proceedings. Please let us know if this is something you would like to schedule.

Respectfully submitted:

A handwritten signature in cursive script that reads "Thomas F. Coleman".

Thomas F. Coleman
Legal Director, Spectrum Institute
tomcoleman@spectruminstitute.org



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March 16, 2016

Senate Law and Justice Committee
Washington Legislature
P.O. Box 40466
Olympia, WA 98504-0466

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