FILED
SUPREME COURT
STATE OF WASHINGTON
APRIL 23, 2020
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE BY WASHINGTON STATE COURTS TO THE COVID-19 PUBLIC HEALTH EMERGENCY	))))))	ORDER RE: VISITATION OF CERTIFIED PROFESSIONAL GUARDIANS No. 25700-B-617

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee issued and extended a "Stay Home, Stay Healthy" order directing non-essential businesses to close, banning public gatherings, and requiring Washingtonians to stay home except to pursue essential activities through at least May 4, 2020; and

WHEREAS, the Certified Professional Guardianship Board ("Board") via a memo from its Chair dated March 3, 2020, recognized the public health emergency and the importance of

avoiding in-person visits by certified professional guardians ("CPGs") as circumstances dictate and the use of informed judgement; and

WHEREAS, the Board memo also stated the Board expectation that CPGs document their reason for not visiting an incapacitated person in person and the outreach that was done instead in accordance with Board Regulation 404.1; and

WHEREAS, preventing the further spread of COVID-19 continues to be a compelling concern, as well as CPGs' fiduciary duty to be informed and make decisions about the care and safety of incapacitated persons.

NOW, THEREFORE, pursuant to the Supreme Court's plenary authority with respect to guardianship practice and CPGs in their role as officers of the court, and the duty to ensure the safety of incapacitated persons, CPGs, and the public.

IT IS HEREBY ORDERED:

1. Certified Professional Guardians of the person must continue to be adequately informed to make decisions with respect to the care and safety of incapacitated persons. In accordance with Certified Professional Guardianship Board Regulation 404.1, the Certified Professional Guardian may use an alternative means of visitation such as: live video conferencing; telephone calls; interviews with third party experts such as medical providers; or interviews with care providers. CPGs shall continue to document the alternative means of visitation and outreach, along with documentation of the circumstances.

2. Nothing in this order prevents courts from developing and implementing jurisdiction specific procedures that meet the directives outlined herein.

3. This order shall cover the time period of the state of emergency due to COVID-19 and shall remain in effect until further order of the Washington Supreme Court.

DATED at Olympia, Washington this 23rd day of April, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE