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| (Copy Receipt) | | (Clerk’s Date Stamp) |
|  | SUPERIOR COURT OF WASHINGTON **COUNTY OF WHITMAN** |  |
| In the Guardianship/Conservatorship of:  ROBERT J. HENRY  Respondent / Individual | | CASE NO. 22-4-01938-32  **CONFIDENTIAL**  **COURT VISITOR REPORT**  **RCW 11.130.280/11.130.380** |

**COURT VISITOR RECOMMENDATION SUMMARY**

1. GUARDIANSHIP is appropriate and should be  Full Limited.

GUARDIAN recommended: **Sally Denton, CPG #11827**

1. CONSERVATORSHIP is appropriate and should be  Full Limited

CONSERVATOR recommended: **Sally Denton, CPG #11827**

Bond amount recommended: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Blocked Accounts are recommended.

Assets are less than $3000.00, no bond required.

Bond to be reviewed upon filing of Inventory or Plan

1. A LEAST RESTRICTIVE ALTERNATIVE is available, in full or in part, and adequate to meet the needs of the adult.
2. DISMISSAL OF THE PETITION FOR  Guardianship  Conservatorship **IS** **NOT** recommended.
3. The Respondent’s primary language is English.

An interpreter **IS NOT** recommended.

1. **Notice, Venue and Jurisdiction**

Notice

|  |  |
| --- | --- |
| Date of Appointment: | 9/6/22 |
| Date of Court Visitor Served Copies of Petition(s): | 9/6/22 |
| Date Court Visitor Statement of Qualifications Filed or Served: | 9/6/22 |

Venue

The Respondent resides in *Spokane County.*

The Respondent owns real property in Spokane County.

The Respondent has been admitted by Court Order to an institution in this County.

The Respondent owns real property in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County but does not reside in

Washington state. The Respondent lives in: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Jurisdiction

Washington is the Respondent’s home state because the Respondent has lived here for at least six (6) months prior to the filing of the Petition.

Washington is NOT the Respondent’s home state, but jurisdiction is appropriate because:

**2.** **Precipitating issues.** (briefly explain Visitors impression on why Petition was filed)

On or about May 24, 2022, Respondent’s son called 911 to report his concern that his father was “failure to thrive”. The EMT on the scene observed Respondent to be “confused” and took him to Holy Family hospital in Spokane where he was admitted. Respondent has been at Holy Family since that admission.

Respondent’s son, Zachery, had been appointed as Respondent’s agent in a Health Care Power of Attorney executed by Respondent on August 2, 2020. Zachery was involved in initial consultations with Holy Family, after his father’s admission by telephone and in person visits. He visited his father twice: May 26 and May 29. Since that time Holy Family has been unable to contact Zachery and because medical and other care decisions were required for Respondent, Holy Family filed for guardianship.

**3. Professional Evaluation.**

A Professional Evaluation was requested.

A Professional Evaluation was obtained from Dr. Kristine Coons, MD, Spokane, WA and is filed with this report.

A Professional Evaluation was not obtained because:

\_\_\_\_Respondent declined or refused a Professional Evaluation

\_\_\_\_There is sufficient information available to determine what the Respondent’s needs

and abilities are without a Professional Evaluation.

Information from any physician or other person known to have treated, advised or assessed the Respondent relevant physical or mental condition (RCW 11.130.280(5)(c)):

*None.*

**4. Respondent information**

**a.** **Meetings with Respondent** (one visit must be in person)

|  |  |  |
| --- | --- | --- |
| Dates of Meetings | Location of Meeting | Other Persons Present |
| 9/12/22 | Holy Family Hospital | None |
| 9/20/22 | Holy Family Hospital | None |
| 9/30/22 | Holy Family Hospital | None |

Please describe any communication barriers and how the Respondent was best able to understand the Court Visitor or others:

No communication barriers were identified or apparent during my three meetings with Respondent at Holy Family. On each visit, Respondent, who presents as a pleasant man with good eye contact, listened intently. On occasion, he responded appropriately and at others his responses were not connected to reality and time. For example, on the first two visits, he said he had a house in Spokane and that his son and daughter lived there. He had already sold his home on May 23, 2022. He said he wants to “get out of this jail” and return to his house.

On the second visit, when I described how the proceeds from the sale of his house had been depleted in his credit union account and that his son, Zachery had been the one to withdraw many if not all of the money ($40,000 until the account was blocked by this Court’s order), he was very upset and wanted to “*kick his ass*”. While not condoning this violent outburst, nevertheless his anger was understandable.

**b. Personal Information Regarding Respondent**

|  |  |
| --- | --- |
| Date of Birth: | February 20, 1966 |
| Age: | 56 |
| Current Residence/Dwelling: | Holy Family hospital |
| Proposed Residence/Dwelling: | Adult Family Home or other suitable residence |
| Telephone number: | (509) 474-4890 (Staci Wright, Social Worker) |

1. **Respondent’s Responses Regarding Specific Issues:**

|  |  |
| --- | --- |
| Respondent’s views about appointment sought by Petitioner: | Respondent met with Sally Denton the proposed Certified Professional Guardian on September 12, 2022 in his room at Holy Family hospital. The meeting was pleasant and they had a good rapport. Both Ms. Denton and I explained the purpose of our visits and that Holy Family wanted a guardian appointed to help with his care and other decisions. Respondent said, “That sounds good to me” and “I’m ok with that” or words to that effect. |
| Respondent’s views about proposed Guardian/Conservator: | See above. |
| Respondent’s views about proposed powers and duties, scope and duration of proposed guardianship: | See above. |
| Respondent’s views on costs and expenses may be paid from the Respondent’s assets: | Respondent did not have a view about costs and expenses to be paid from his assets. |
| Right to counsel or choice of counsel: | Respondent did not request counsel and counsel is not indicated. |
| Right to a jury trial: | Respondent did not request a jury trial and jury trial is not indicated. |
| Least Restrictive Alternatives exist or discussed? | Due to Respondent’s diagnosed mental capacity and confusion, least restrictive alternatives were not discussed. |

1. **Summary of Interview with Respondent.** *(Report as closely as possible the*

*Respondent’s own words when appropriate.)*

See 4. Above (Communication Barriers).

During my second visit with Respondent, after explaining the depletion of his credit union account, his son’s involvement with the withdrawals, clarifying that he had sold his house (on May 23, 2022 – the day before Zachery called 911), and Respondent’s inability to articulate any plans if he were to be discharged, he said, “I’m done here.”

When I asked him what he meant by that he said, “I’m checking out, I’ll be gone.”

When, in an effort to calm him down and give him some hope, I explained there were a number of people trying to help him be safe, get the care he needed, and find an appropriate residence for him to be discharged to, he leaned back in his bed and said, “Well, I can’t do anything about anything anyway so, thank you.”

**5. Investigation.**

**a. Individuals Contacted.**

|  |  |  |
| --- | --- | --- |
| **Name** | **Dates of Contact** | **Relationship to Respondent** |
| Sally Denton | 9/8/22  9/12/22  9/23/22 | Proposed Guardian (CPG) |
| Kelli Hatten | 9/12/22  9/13/22  9/15/22  9/23/22 | DSHS Caseworker |
| Staci Wright | 9/9/22  9/14/22  9/15/22  9/16/22  9/20/22 | Providence Social Worker |
| Dayna Bly | 9/16/22 | GESA Credit Union Rep |
| Jennifer Rivera | 9/8/22  9/15/22  9/16/22  9/26/22 | Daughter of Respondent |
| Chad Davis | 9/15/22 | Longtime family friend |
| Shannon Roeber | 9/15/22 | DSHS HCS caseworker |
| Randy McGee | 9/15/22 | Realtor |
| Rich Mickey | 9/15/22 | Realtor |
| Joshua Huff | 9/15/22 | Home buyer |
| Erica | 9/15/22 | First American Title |
| Jessica Finch | 9/15/22  9/21/22 | GESA Credit Union  Security Operations Mgr. |

***Investigation Detail (summary of interviews with Individuals Contacted):***

Jennifer, Respondent’s daughter felt “betrayed” by her brother’s involvement in the credit union withdrawals and was concerned about how to stop his access. She was relieved when I told her the Court had “blocked” further withdrawals from the account. She admitted she and her father had been “estranged” for years but that she loved him and wanted what is best for him. Although she initially expressed an interest in becoming his lay guardian she agreed that her estrangement and the fact that she did not live in the same town as her father would be difficult. She wanted to be kept advised and updated on her father’s care, condition, and whereabouts. When I explained that a CPG is required by the rules in their standards of practice to seek the opinions of family members in decision making, he agreed with the appointment of Ms. Denton.

Chad Davis, a longtime family friend admitted that around the time of Respondent’s hospitalization, his normally regular contact with Zachery fell off and he has not heard from Zachery or been able to contact him since June, 2022.

Holy Family hospital staff, as reported by Staci Wright, have found Respondent to be pleasant and compliant with medication regimens.

Credit union representatives reported that on June 9, 2022 a check in the amount of $103,646.64 was deposited into Respondent’s account by Zachery who presented a Power of Attorney document to do so. Since then (until the Order Blocking Withdrawals was entered) a total of forty (40) withdrawals have been made from Respondent’s account totaling over $40,000 and leaving a balance of $60,300.92. Since the Order Blocking Withdrawals was entered, Zachery has made at least one attempt to make a withdrawal and was advised “the account is blocked by Court order due to suspicious activity.”

Staci Wright, Petitioner and Social Worker for Providence has made a referral to Adult Protective Services regarding the withdrawals. She relied on the Declaration in Support of Motion for Order Blocking Withdrawals in her referral. Ms. Wright is a ‘mandatory reporter’ for suspected abuse, neglect, and exploitation. After explaining the loss of money from his account and Respondent’s statement that he was “done”, at my request, Ms. Wright increased the “watch visits” for Respondent in his room to monitor possible self-abuse or harm. Additionally, based on my expectation that Zachery may be very upset at his father when the account was blocked, Ms. Wright imposed a restriction on his visits and access to Respondent.

Conversations with Erica, the agent at First American Title (closing agent) confirmed that at closing, Respondent and Zachery came to the office together. Zachery read closing documents to his father and, although Respondent showed some confusion, he ultimately signed the documents. Erica stated that the confusion showed by Respondent was not unusual given the language and number of documents involved and that Respondent appeared to understand them after explanation and appeared to sign them voluntarily.

Conversations with the realtors involved in the sale of Respondent’s house did not disclose any untoward or alerting behaviors or statements that would have caused them to change their interactions with Respondent or involvement with the transaction.

The DSHS representatives confirmed that efforts are underway to find a suitable adult family home for Respondent and qualify him for Medicaid pending appointment of a Guardian/Conservator and access to his account balance.

**b. Written Materials Reviewed.**

|  |  |  |
| --- | --- | --- |
| **Name of document(s)** | **Name of document(s)** | **Name of document(s)** |
| Notice of Petition for Guardianship, Conservatorship, or Protective Arrangement | Petition for Guardianship, Conservatorship, or Protective Arrangement of an Adult | Providence – Guardianship contact sheet |
| Confidential Professional Evaluation – Dr. Coons | Acceptance of Appointment of Guardian / Conservator | Order Appointing Court Visitor – Adult |
| Notice of Hearing and Declaration of Mailing | Health care POA dated August 2, 2020. | Declaration of Proposed Guardian/Conservator |
| Spokane County Assessor Official Valuation Notice – 2022-2023 Tax Period | Credit union list of withdrawals |  |

***Investigation Detail (summary of review of written materials):***

Respondents home located at 41 E. Heroy, Spokane, WA was sold at the closing on May 23, 2022.

Sally Denton is a Certified Professional Guardian, CPG #11827, in good standing with the CPG Board. She has the requisite training, education, and experience to serve Respondent’s best interests as Guardian and Conservator.

Respondent’s estate consists, as far as I have been able to determine in my investigation/visits, exclusively of his credit union account. There is no record of any direct or other deposits into his account since May 2022.

The Professional Evaluation of Dr. Coons establishes the medical basis for a guardianship in that he has “permanent neurological deficits” from “multiple stokes”. He “remains partially oriented to location, but not to time, circumstances or insight.” He is “unlikely to improve.”

**6. Investigation – Guardianship / Conservatorship**

**a. Investigation Detail:** A summary of: a) self-care and independent living tasks the respondent can manage without assistance or with existing supports, b) could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and c) cannot manage:

a) self-care and independent living tasks the respondent can manage without assistance or with existing supports.

Respondent is likely unable to manage activities of daily living without assistance.

b) could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making.

Respondent is likely able to manage activities of daily living with reminders and support in an environment that provides safety, security, and nutritional and medical support and oversight. Supported decision making would be possible if decisions were carefully explained allowing Respondent to express opinions and preferences.

c) Respondent’s repeated insistence that he still owns a home in Spokane as well as his questionable reliance on his son to manage his affairs in Respondent’s best interests demonstrate that he is unable to manage his estate or business affairs

Respondent should retain his right to vote. It is more likely than not that with assistance and explanation, he could reasonably exercise that sacred right.

**Limitations recommended:**

to vote or hold an elected office.

to marry, divorce or enter into or end a state registered domestic partnership.

to make or revoke a will.

to make financial decisions about money

to enter into a contract

to appoint someone to act on Respondent’s behalf

to sue and be sued other than through a guardian

to possess a license to drive subject to final determination of the Dept of Licensing

to buy, sell, own, mortgage, or lease property

to consent to or refuse medical treatment

to decide who shall provide care and assistance

to make decisions regarding social aspects of Respondent’s life because of the following factors that would justify a limitation under RCW 11.130.335

Other:

**c. Investigation Detail:**  a) A recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and: (i) If a guardianship is recommended, whether it should be full or limited; and (ii) If a limited guardianship is recommended, the powers to be granted to the guardian:

There is no protective arrangement that is appropriate to meet Respondent’s significant and needs for support. Full Guardianship of the Person and Full Conservatorship is the only reasonable solution to provide for his needs and safety.

**d. Investigation Detail:** A statement of the qualifications of the proposed guardian and

if the respondent approves or disapproves of the proposed guardian:

Ms. Denton has no history of discipline or complaints with the CPG Board which oversees her work and compliance with the Rules and Regulations for CPGs in Washington. I particularly note her compliance with the Reg 600 Series: [Washington State Courts - Guardian Portal](https://www.courts.wa.gov/guardianportal/index.cfm?fa=guardianportal.cpg&content=rules) which requires CPGs to consider the opinions and preferences of the incapacitated person they are appointed to protect.

Respondent approved of having Ms. Denton serve as his guardian.

1. **Proposed Guardian and Proposed Conservator** **Information**

**GUARDIAN**  **CONSERVATOR**

|  |  |
| --- | --- |
| Name: | Sally Denton |
| Mailing Address: | PO Box 1417, Post Falls, ID 83877 |
| Street Address *(if different from above)* |  |
| Telephone Numbers: | (509) 954-7454 |
| Fax Number: | (208) 712-3306 |
| Email Address | [saldtn@aol.com](mailto:saldtn@aol.com) |
| If Guardian is Certified, Provide Certification No.: | #11827 |
| Relationship between Proposed Guardian / Conservator and Respondent | None |

**Conservator is not different than Guardian named above.**

**f. Investigation – Conservatorship – Detail:** Findings of Review financial records of

the Respondent:

**Estimate of Estate (Based on Available Information).**

|  |  |
| --- | --- |
| Real Property | $ |
| Bank Accounts -GESA Credit Union | $60,300.92 |
| Investments/Securities | $ |
| Personal Property / Vehicles | Nominal |
| Bank/Trust Account | $ |
| Mortgages and Notes | $ |
| Other Debts or Liabilities |  |
| Sources of Income: None known | $ |
| **ESTIMATED TOTAL** | **$60,300.92** |

**g. Investigation Detail – RESIDENCE / DWELLING** Description of Respondent’s present dwelling, date of visit, why Court Visitor did not visit Respondent’s dwelling and any dwelling which is reasonably believed the Respondent will live at if appointment is made:

Respondent does not own a home or other real estate.

**h. Investigation Detail – RESIDENCE/DWELLING** A statement whether the proposed

dwelling meets the respondent's needs and whether the respondent has expressed a residential preference:

Respondent stated that he would like to live in a residential home in a neighborhood with other people “like me.”

**7. Recommendation Regarding Presence of the Respondent at Hearing.**

The presence of the Respondent  should  should not be waived. Respondent is

able  unable to attend the hearing. Provide a statement if Respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate:

Respondent is likely to still be a Holy Family hospital at the time of the hearing and moving him to allow an in-person appearance would not be in his best interests. Arrangements have been made with hospital staff to facilitate an appearance via ZOOM.

*Explain if the Respondent has refused to attend the hearing after being fully informed of the right to attend and the potential consequences of failing to do so; or there is no practicable way for the Respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.* *Does not apply.*

The following special arrangements should be made for the hearing *(i.e., relocation of hearing site to residence of the Respondent provision for hearing assistive devices, etc.)*. *See* ***7.*** *above.*

**8. Other Recommendations: None.**

**9. Recommendation as to Court Visitor’s Continuing Involvement in Future Proceedings.**

I recommend that the Court Visitor  be  not be involved in future proceedings in this

matter.

I have incurred time for this investigation as shown on the attached Declaration of Court Visitor Fees. I respectfully request the Court approve 15 hours in this case as provided for in the Order Appointing Court Visitor.

Due to the existence of significant personal assets in the Respondent’s credit union account, I respectfully request my fees be paid privately at the rate of $175 per hour, the amount I customarily charge for private pay cases.

**10. Individuals / Entities who should be notified of future activities a guardian or conservator** *(Spouses, domestic partners and adult children of the Respondent are default notice parties. Other notice parties include those with an ongoing interest in the Respondent’s estate or person. Explain why Notice should not be given or restricted).*

|  |  |
| --- | --- |
| **Name, Title and Address** | **Relationship to Respondent** |
| Jennifer Rivera, Daughter  6747 20th St. E, Apt 6  Fife, WA 98424 | [**X**] Adult Child |

Dated: September 30, 2022.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that to the best of my knowledge the statements above are true and correct.

|  |  |  |
| --- | --- | --- |
|  |  | William C. Dodge |
| Signature of Court Visitor |  | Printed Name of Court Visitor |