

Guardianship of: \_\_\_\_\_

Spokane County Cause No. \_\_\_\_\_

### STATEMENT OF GUARDIAN AD LITEM QUALIFICATIONS

This statement is presented as required by RCW 11.88.090(3)(b)(I).

A. Requisite areas of knowledge, training and experience are detailed below:

1) **The needs of the impaired elderly:**

I served as an Assistant Attorney General (AAG) in the Spokane Office from August 1984 to October 1988. During that time, I received extensive training and practiced in the area of benefits for the elderly and impaired. This included General Assistance Unlimited (GAU), Limited Casualty Protection - Medically Indigent (LCPMI), licensing of Adult Group Homes, Division of Developmentally Disabled (DDD), involuntary commitment proceedings at Eastern State Hospital, and all manner of treatment programs administered through Community Mental Health Center (CMHC) of Spokane.

Additionally, I received extensive and ongoing training and practiced almost exclusively in Juvenile Court in Spokane and outlying counties pursuant to RCW 13.34. This often involved parents who were, by reason of some specified disability or mental illness, unable to adequately parent their children within the definition of the statute. On several occasions, I was appointed by the court as Guardian Ad Litem for these parents due to their alleged inability to fully appreciate the significance of the dependency proceedings.

In several cases, I have been involved with the establishment of dependency for children who, by reason of their DDD status, became wards of the Juvenile Court in these proceedings.

While an associate with the Spokane firm of Roberts & Seines, P.S. I practiced in the area of Social Security benefits law. During this time, I worked with local area physicians regarding the diagnosis of various recognized disabilities for the purpose of perfecting clients' applications for Social Security benefits. This practice included appearing before a federal Administrative Law Judge in hearings relating to the awarding of such benefits.

2) **The needs of persons with physical disabilities:**

In the course of the practice outlined above, I regularly reviewed medical records and sought the consultation of medical professionals in the Spokane area relating to the diagnosis and treatment of a myriad of conditions which prevent individuals from functioning as competent and independent citizens. I have attended and participated in numerous triage settings involving physicians and counselors to discuss a client's disability and establish a realistic and achievable treatment program for the client.

3) **The needs of persons with mental illness:**

As mentioned in (1) above, I have represented the State of Washington, Department of Social and Health Services (DSHS), Eastern State Hospital in hundreds of hearings involving a petition for involuntary commitment for treatment. I have read a similar number of petitions alleging various psychological conditions requiring such treatment. The petitions alleged a wide range of psychosis including schizophrenia, paranoia, an assortment of delusions, manic and major depressive disorders, grave disability and criminal behavior. Often, after an initial period of treatment, a petition for continued treatment would be filed. These petitions were accompanied by an affidavit by the staff which outlined the initial presenting conditions, treatment plans, and the patient's progress to date. The hearings almost always included the testimony of the licensed practitioners at the hospital to establish the elements of the disability or condition which required treatment.

4) **The needs of persons with developmental disabilities:**

As mentioned in (1) above, I have had experience in this area in connection with my practice both as an AAG and private practitioner. DDD was a client while an AAG in Spokane. As mentioned above, DDD was an eligibility recognized under RCW 13.34 which formed the basis for a dependency proceeding in Juvenile Court. I was involved with a few of these while an AAG. With Roberts & Seines I was appointed GAL for several minors alleged to be developmentally disabled and am, therefore, also familiar with DDD professionals and resources in the community.

5) **Other areas relevant to the needs of incapacitated persons:**

I am familiar with many of the community resources related to incapacity. This includes the myriad of services available at CMHC as well as knowledge of many individual professionals in the community. Additionally, having represented DSHS for four years as an AAG, I am familiar with department policy and procedure relative to the provision of services for incapacitated persons as well as the administrative process involved with initiating those services.

6) **Legal Procedure:**

In addition to the training outlined above, I have served as appointed as GAL in over two hundred (200) cases in Spokane county 11.88 proceedings. My investigations have always been completed on time and, where not impeded by events beyond my control, reports have been filed in a timely manner. Although most of these cases involved guardianship being established by stipulation at least one was tried with counsel appearing for both the petitioner and alleged incapacitated person. That case resulted in a limited guardianship over the estate being established as I had recommended. Each case resolved either by stipulation or trial in the manner recommended in my report.

Since January 16, 1998, I have served as an Administrative Law Judge for the Office of Administrative Hearings, Spokane, Washington. The cases I hear are primarily with the Employment Security Department but often are with the Department of Social and Health Services or other state agency. I have heard thousands of cases in which at least two parties appear, often represented, and in which issues of the admissibility and credibility of evidence, statutory misconduct and good cause are argued and decided. I retired in August 2014.

I have completed all but the 2001 mandatory Spokane County Superior Court GAL training and have practiced law in Washington since 1980. I have extensive trial, administrative and appellate practice and understand the dynamics involved with balancing the need for advocacy with the need for non-confrontative resolution of problems.

7) **The requirements of Chapters 11.88 and 11.92 RCW.**

I am familiar with all of the requirements both for the execution of GAL duties under 11.88 and for guardians outlined in 11.92. Although I do not serve as a guardian, knowledge of those requirements is critical in the process of evaluating the appropriateness and qualifications of prospective guardians. Additionally, I am familiar with the legal requirements of such peripheral but significant procedures as injunction which may be necessary in certain instances to preserve status quo pending a final hearing in these cases.

- B. I have completed all Guardian Ad Litem training approved by the Spokane County Superior Court and have participated in on-going training through Continuing Legal Education courses offered in Spokane County and the Washington State Bar Association. I was unable to participate in the November 2001 mandatory training because I was recalled to active duty following the September 11, 2001 attacks. I have most recently attended and was a presenter at the mandatory annual GAL training on October 30, 2020 at Gonzaga Law School, Spokane, WA. I was also a presenter at the "Day 1" training for new Guardian ad Litem candidates on October 29, 2020. I am otherwise in full compliance with the requirements for Guardians ad Litem pursuant to RCW 11.88 and local rules.

Dated: September 15, 2021

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William C. Dodge  
Guardian ad Litem for Kenneth