

RECEIVED & FILED  
Mason County Clerk

APR 16 2021

Superior Court of WA  
Sharon Fogo

AP  
8

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF MASON**

21-4-00040-23  
RTGAL 19  
Report of Guardian Ad Litem  
10136624



In the Guardianship of:

Virginia Lee Jackson,  
Respondent

No. 21-4-00040-23  
REPORT OF GUARDIAN AD  
LITEM  
(RTGAL)

Comes now Shawna Shearer, Guardian ad Litem for the respondent named above, and states as follows:

**RECOMENDATIONS**

- **I DO recommend that the Court find the above-named Respondent incapacitated as to her person and estate pursuant to RCW 11.88 and that Carolee Pailca be appointed as Full Guardian of Person and Full Guardian of Estate.**
- **I recommend that the Respondent does retain the right to vote.**
- **I do not recommend a bond or blocked account because the assets of the Respondent are more than \$3,000.00.**
- **I recommend that reports be filed on a yearly basis**

**1. Appointment:**

Date of Appointment: February 19, 2021.

Date of Service of Copy of Petition on Guardian ad Litem: February 25, 2021.

Date Guardian ad Litem's Statement of Qualifications was filed and served: March 8, 2021.

Jurisdiction: Washington is Respondent's home state because she has lived here for at least the six months prior to the petition being filed.

Venue: Venue is proper in Mason County because Respondent resides in Hoodspport, Mason County.

Confidential GAL Report

BISHOP, CUNNINGHAM & ANDREWS, INC., (P.S.)  
Attorneys at Law  
3330 Kitsap Way  
Box 5060, West Hills Station  
Bremerton, WA 98312  
TELEPHONE (360) 377-7691  
FACSIMILE (360) 377-5484

1 **2. Qualifications:**

2 I attest that I am free from influence by anyone interested in the results of these  
3 Proceedings. I attest that I have the requisite knowledge, training, and expertise to  
4 perform the duties required by statute. My Statement of Qualifications is on file with the  
5 Court. I attest that I am on the Guardian ad Litem Registry for Mason County and am  
6 qualified to serve as Guardian ad Litem in guardianship matters.

7 **3. Precipitating Issues:**

8 The Petition for Guardianship alleges that Ms. Jackson is at risk of personal harm due to  
9 physical and mental impairment. She requires assistance with care and activities of daily  
10 living including making important medical decision and who should care for her.

11 **4. Personal Information Regarding Respondent:**

12 Respondent, Virginia Jackson lives in her own home in Hoodspont, Washington. She has  
13 lived in that community approximately 15 years. She was previously a member of a  
14 community drum circle and is very spiritual. She lives alone and no longer drives.

15 She is very friendly and talkative and has an engaging disposition. She has been  
16 successful at enlisting natural supports to assist her with things like meals and  
17 transportation. She has several friends that she speaks to on a regular basis. She walks  
18 daily around her neighborhood. She is a vegetarian.

19 Despite the need over the last few years, she has been unwilling to allow caregivers in her  
20 home. She has not wanted anyone in the home because of the state of it (hoarding).  
21 Furthermore, she is reluctant to pay for the services. Restrictions on in-person visits due  
22 to Covid-19 have made it difficult to engage community resources but ultimately, Ms.  
23 Jackson often times rejects services when available.

24 **5. Medical/Psychological Report:** I reviewed the medical report from Dr. Burris filed  
25 under seal herein. Per Dr. Burris, Ms. Jackson is unable to manage her personal or  
26 financial affairs due to dementia which profoundly affects her short-term memory. She  
27 struggles to remember if she has done something or what she needs to do. This causes her  
28 to struggle with household chores, cooking, shopping, bill paying, medication. Dr. Burris  
recommends that she reside in an assisted living setting due to her dementia and  
depression. I spoke with Dr. Burris about Ms. Jackson's ability to complete a power of  
attorney document and he did not believe that she had the capacity to do so.

**6. Meeting with Respondent:** I met with Ms. Jackson by telephone on March 12, 2021  
after she had been served with guardianship paperwork. Ms. Jackson was very worried,  
and I explained my role and tried to explain the guardianship process. She expressed to  
me that she did have a problem with her memory and knew that she needed some help. I

1 had an appointment to meet with Ms. Jackson at her home on March 16, 2021. She was  
2 not at home but there was a note on the door stating she was at her neighbors, Carolee  
3 Pailca. I met with Ms. Jackson and Ms. Pailca together per Ms. Jackson's request. At this  
4 meeting I explained to her, in a language she could reasonably be expected to understand:  
5 1. the substance of the petition and nature of guardianship proceedings, and 2. the right to  
6 have an attorney appointed to represent her.

7 Ms. Jackson responded that she did not want an attorney to be appointed and that she  
8 knew she did need assistance. Toward the end of our meeting, she expressed that she did  
9 not want a guardianship and I again asked about an attorney. She stated that she did not  
10 want an attorney because she did not want to spend her money on an attorney.

11 I spoke with Ms. Jackson again on March 31, 2021 by telephone. During that  
12 conversation she again stated that she did not want a guardian and I encouraged her to get  
13 an attorney. She was hesitant because she did not want to spend any money but then  
14 agreed. She requested attorney Heidi Magaro (at Ms. Pailca's suggestion). I then filed a  
15 motion to have Ms. Magaro appointed to represent Ms. Jackson in this proceeding. Ms.  
16 Magaro gave me permission to speak with Ms. Jackson directly.

17 a. Summary of Meeting with Respondent:

18 Ms. Jackson was able to answer simple questions and understood that a guardian  
19 would be someone who could make decisions for her. She agrees that she would  
20 benefit from assistance with financial management and complex medical decision  
21 making. She initially was not able to suggest anyone who would be able to serve  
22 in this role. Ms. Jackson is no longer driving. She stated that when something  
23 breaks in her home, she will not get it fixed. She expressed concern that her  
24 memory is so poor that she doesn't remember if she took her medication. She  
25 leaves herself notes but then loses the notes. She has a longtime friend that she  
26 speaks with daily, but she could not tell me her name.

27 Later by phone she did agree that she would like Ms. Pailca to be her guardian.  
28 Ms. Pailca was present during this telephone call. Ms. Jackson does appear  
comfortable with Ms. Pailca and Ms. Pailca has taken an active role in Ms.  
Jackson's daily life, making sure she eats, takes her medications, etc. She was  
very concerned about the guardianship process and made several phone calls to  
various agencies to advocate for Ms. Jackson. She also has engaged community  
health worker to try to facilitate services for Ms. Jackson.

**7. Individuals Interviewed:** During the course of my investigation, I interviewed the  
following person(s):

Carolee Pailca, neighbor, proposed lay guardian:

Confidential GAL Report

BISHOP, CUNNINGHAM & ANDREWS, INC., (P.S.)  
Attorneys at Law  
3330 Kitsap Way  
Box 5060, West Hills Station  
Bremerton, WA 98312  
TELEPHONE (360) 377-7691  
FACSIMILE (360) 377-5484

1 Ms. Pailca has known Ms. Jackson for approximately one year. She assists Ms. Jackson  
2 with many of her daily needs. Ms. Jackson has been increasingly anxious due to the  
3 guardianship proceeding. Ms. Pailca believes that Ms. Jackson would be best in an  
4 assisted living environment.

5 Donna Benett, friend:

6 Ms. Benett is Ms. Jackson's longtime friend. They speak on the phone daily. Ms. Benett  
7 is concerned about Ms. Jackson's increasing confusion. For instance, although they speak  
8 daily, Ms. Jackson does not remember Ms. Bennett's name. Ms. Benett contacted Ms.  
9 Holgerson-Bjork last winter to see if she could encourage Ms. Jackson to turn her heat on,  
10 she was worried that Ms. Jackson would freeze. She agreed that Ms. Jackson needs a  
11 guardian.

12 Geri Purvis, community member:

13 Ms. Purvis was contacted by Ms. Jackson's daughter to arrange for groceries to be  
14 delivered (Ms. Purvis owns Hood Canal Grocery). Ms. Purvis has tried to assist Ms.  
15 Jackson and participated in a clean-up of Ms. Jackson's home so she could have  
16 caregivers in the home. The home was described as a hoarding situation. She stated that  
17 the community planned an additional clean up. She stated that Ms. Jackson was unsafe  
18 living alone due to her dementia and agreed that she needed a guardian.

19 Nora Haugan, community member:

20 Ms. Haugan had previously done Ms. Jackson's taxes. She learned that Ms. Jackson was  
21 not doing well this last year and began to try to assist her with other members of the  
22 community. She assisted Ms. Jackson in getting some financial information together to  
23 provide to Home and Community Services in the hopes of getting Ms. Jackson some  
24 assistance in the home. She also participated in the effort to get Ms. Jackson's home  
25 cleaned up so caregivers could come into the home. She does agree that Ms. Jackson  
26 needs assistance. She was concerned about guardian for Ms. Jackson, not because she  
27 didn't need it but who the guardian would be.

28 Nikki Lundberg, Home and Community Services:

Ms. Lundberg had an open case with Ms. Jackson to try to get her COPES services. She  
has been working with her since summer of 2019. At that time Ms. Jackson agreed to  
complete an assessment but then cancelled and would accept any services. Maybe  
because of the situation in her home. Ms. Jackson is over resources for this program.

Marcia Marasco, daughter:

I called Ms. Marasco twice and left messages requesting she call me to discuss this  
guardianship action. Ms. Marasco has not contacted this GAL. I was given her address by  
Geri Purvis.

**8. Written Materials reviewed:** During the course of my investigation, I reviewed the  
pleadings, Adult Protective Services investigation notes and emails from Home and  
Community Services

1  
2 A review of the written materials demonstrate that Ms. Jackson has become increasingly  
3 unsafe over the last several years due to her dementia. Her unsafe behaviors have  
4 triggered several referrals to Adult Protective Services, for instance she was driving until  
5 recently and became lost in Shelton. She could not find her car and staff from the Mason  
County Auditor's office assisted her in getting back home, triggering a referral to Adult  
Protective Services.

6 Additionally, the written materials demonstrate that she has difficulty following through  
7 obtaining services that would allow her to be safe and healthy.

8 **9. Description of Respondent's Needs for Care and Treatment, Probable Residential**  
9 **Requirements, and Basis: Nature, Cause and Degree of Incapacity - Functional**  
10 **Limitations:** The following is a description of the nature, cause, and degree of  
incapacity, and the basis upon which this judgment is made:

11 Ms. Jackson resides alone in her own home. She has had several APS referrals over the  
12 last two years. She requires assistance with Chores services to include transportation,  
13 food preparation and medication reminders. Ms. Jackson has a diagnosis of depression.  
14 She is isolated in her home and when depressed she finds it difficult to get out of bed and  
seek out assistance. Her doctor has recommended assisted living for about two years and  
she agrees but then does not follow through.

15 She has a lot of assistance from members of the Hoodspout Community. However, her  
16 vulnerability leaves her open to being taken advantage of because she needs to rely on  
17 others for her basic needs.

18 **10. Investigation of the Respondents Ability to Manage Health, Safety, Nutrition,**  
19 **and Housing:**

20 Ms. Jackson is not able to manage appointments/ medications, etc. She requires full  
21 assistance with maintaining a healthy diet. She makes poor decisions regarding her safety,  
22 this last winter one of Ms. Jackson's friends called the APS worker assigned to implore  
23 her to encourage Ms. Jackson to turn the heat on. She didn't want to because she didn't  
want to spend her money.

24 **11. Investigation of the Respondents Ability to Manage Finances:**

25 Ms. Jackson receives social security in the amount of \$1,216.00 per month (\$1,364.50  
26 less \$148.00 for Medicare). She also receives two annuity payments in the amount of  
27 \$22.97 and \$499.94. The lesser annuity payment will probably cease this year.

1 She has liquid assets in the amount of approximately \$68,000.00. She has her own home  
2 with a mortgage of approximately \$42,000.00.

3 She is over resources for COPES and TAOS (Medicaid programs which provide  
4 caregiving and chores assistance). She is unwilling to pay for caregiving services despite  
5 her stated need for them.

6 A responsible person is necessary to ensure that she receives necessary care. This person  
7 will also be able to assist her in applying for Medicaid services of other programs when  
8 she is eligible.

### 9 **12. Alternatives to Guardianship/Limitations on Guardianship:**

10 There is no evidence that Ms. Jackson previously completed advance directives such as  
11 power of attorney documents or a trust. Due to her dementia this GAL does not believe  
12 she is capable of executing a power of attorney document. Her doctor also stated that she  
13 lacks the capacity to complete a power of attorney.

14 I called Ms. Jackson's daughter on two occasions and requested a return call. I have not  
15 received any correspondence from her. Per APS records and reports from others, Ms.  
16 Jackson and her daughter have been estranged on and off for several years. Recently, Ms.  
17 Jackson's daughter attempted to help Ms. Jackson by getting food delivery set up. She  
18 has indicated that she would be willing to have Ms. Jackson move to New Jersey (where  
19 she lives) in an assisted living. Ms. Jackson has no desire to move to New Jersey.

### 20 **13. Duration and Limitations:**

21 Duration to be indefinite, Ms. Jackson should retain the right to the right to make  
22 decisions regarding social aspects of her life and the right to vote.

### 23 **14. Evaluation of Proposed Guardian(s):**

24 Carolee Pailca desires to serve as lay guardian of person and finances. She has known  
25 Ms. Jackson for about one year and is her neighbor. Over the past six months especially,  
26 Ms. Pailca has been assisting Ms. Jackson with food, etc. They visit regularly and are  
27 comfortable with each other.

28 Ms. Pailca was provided information about the lay guardianship training and immediately  
completed the program. She continued to be interested in serving as guardian. I have  
observed her to take time to engage Ms. Jackson and advocate for her wishes. At the  
same time, she will express to Ms. Jackson what she thinks is in her best interest and  
assist her in accessing resources to meet her needs.

1 She has demonstrated that she is a strong advocate who will utilize professionals to learn  
2 about resources available to assist Ms. Jackson and assist her in accessing them.

3 I am concerned that Ms. Pailca could potentially "burn out" because Ms. Jackson is  
4 unsafe in her own home, but Ms. Pailca has assured me that she will be working toward  
5 Ms. Jackson moving to assisted living and set boundaries by getting others to assist with  
6 care until such time as Ms. Jackson does move.

7 I did contact three professional guardianship agencies that serve Mason County. None of  
8 the agencies are willing to take Ms. Jackson as a client because she lives in her own home  
9 and lives in Hoodspert.

10 **15. Estimate of Estate.** The assets, funds, and income of Respondent are as follows:

11 Ms. Jackson receives a monthly income from Social Security and annuities. She is over  
12 resources for Medicaid benefits. If she moves to an assisted living at this time, she should  
13 be able to pay privately for the two years required to allow her to stay in the same  
14 placement when and if she becomes eligible for Medicaid. Her liquid assets are  
15 approximately \$68,000.00. She also owns her own home with a small mortgage of about  
16 \$42,000.00

17 **16. Recommendation Regarding Bond/Annual Reports:**

18 I recommend a bond or blocked account. The guardian should file a report annually.

19 **17. Recommendation Regarding Presence of Respondent at Hearing:**

20 Ms. Jackson should attend the hearing remotely or in person.

21 **18. Guardian ad Litem Fees & Discharge:**

22 I respectfully request that the Court approve Guardian ad Litem fees as detailed in the  
23 separately filed Declaration of Guardian ad Litem Fees and authorize payment from the  
24 estate of Virginia Jackson. I recommend that I be discharged as Guardian ad Litem at the  
25 time of the court hearing, having completed the assigned duties.

26 **19. Individuals Who Should Be Advised of Their Right to Request Special Notice of  
27 Proceedings Pursuant to RCW 11.92.150:**

28 M. Marasco  
PO Box 182  
High Bridge, NJ 08829

Confidential GAL Report

BISHOP, CUNNINGHAM & ANDREWS, INC., (P.S.)  
Attorneys at Law  
3330 Kitsap Way  
Box 5060, West Hills Station  
Bremerton, WA 98312  
TELEPHONE (360) 377-7691  
FACSIMILE (360) 377-5484

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE  
OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Bremerton, Washington, this 12th day of April, 2021.

  
SHAWNA SHEARER, WSBA #51338