

# **Whatcom County Superior Court**

## **INTRODUCTION TO GUARDIANSHIP PROCEEDINGS**

A Guardianship may be established in Washington for people who are unable, or who are no longer able, to take care of themselves either of their person (“Person”), of their finances (“Estate”), or both. This might be an elderly person, a developmentally disabled person attaining the age of majority (18), or even a fully-functional minor who perhaps received a settlement from an injury or death of their parent(s). These people are referred to as the Alleged Incapacitated Person (“AIP”). For the elderly, the court will weigh whether they had previously made arrangements for someone to take over their affairs, such as by a Power of Attorney. Once a Guardianship is established, the person is referred to as the Incapacitated Person (“IP”). A Guardianship (called a Conservatorship in some states) may authorize a Guardian to act in either a “Full” or “Limited” capacity as appropriate for the needs of the IP.

In 2011, the Washington Legislature enacted significant changes to Guardianship Law that, in essence, requires Guardians to seek court approval of their actions on behalf of the Incapacitated Person. Prior to that a Guardian of a person who would remain developmentally disabled for the duration of their life, for instance, might not have ever had to come back to court after being appointed as Guardian. The law now requires that no more than 3 years go by before the Guardian must obtain court approval of their actions, and the Letters of Guardianship issued by the County Clerk’s Office will expire if this approval process is not met. In turn, doctors, banks, DSHS, etc. must also comply with current law by demanding current Letters of Guardianship proving the Guardian’s authority to act.

The Superior Courts in all counties of this state are charged with:

1. Evaluating and protecting the constitutional rights of the AIP/IP;
2. Making a legal determination of incapacity; and
3. Overseeing compliance with the law. [RCW 11.92.050(4)]

It is the intent of the legislature to protect the liberty and autonomy of all people of this state and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. The legislature recognizes that people with incapacities have unique abilities and needs, and that some people with incapacities cannot exercise their rights or provide for their basic needs without the help of a guardian. However, their liberty and autonomy should be restricted through the guardianship process only to the minimum extent necessary to adequately provide for their own health or safety, or to adequately manage their financial affairs. [RCW 11.88.005]

The Whatcom County Superior Court offers procedural instructions and court approved forms for “pro se” parties (meaning parties not represented by an attorney), as well as a Court Facilitator available on a limited schedule to provide basic services with forms and procedures of all stages of a Guardianship. It also maintains a monitoring program to ensure Guardians’ compliance with the law under RCW 11.92.

THE BASIC PROCEDURE IS THIS:

***Establishing a Guardianship in Whatcom County***

A Petition for Guardianship of Person and/or Estate must be filed with the Superior Court Clerk in the county in which the AIP or their spouse or parent resides. For estates valued at less than \$3,000, the person petitioning for Guardianship (the "Petitioner") may request waiver of the filing fee and for payment of the Guardian ad Litem fee [RCW 11.88.030(4)]; however, who pays the fees is ultimately up to the judge at the hearing [RCW 11.88.090(10)]. Any interested person or entity may petition for a Guardianship. The Petitioner may or may not be the *proposed* Guardian, or a Petition may seek appointment of a Certified Professional Guardian "(CPG)" if there are no interested persons qualified (as defined in RCW 11.88.020) or willing to serve as Guardian. All persons interested in this legal action should be listed in the Petition and notified by mail of the filing of the Petition and court hearing to appoint a Guardian.

At the time the Petition is filed, the Clerk's Office appoints a Guardian ad Litem ("GAL") from an approved list of experienced and trained people, whose job is as a neutral investigator to report to the Court about the appropriateness of the proposed Guardianship arrangements. A GAL has some temporary powers that usually require court approval in emergent situations to protect an AIP from abuse, neglect, abandonment, exploitation and to authorize medical care [RCW 11.88.090 (8) and (9)]. The only time a GAL is not required is when the Petition is brought by a parent on the basis of minority only [RCW 11.88.090(2)(b)], or, at the discretion of a judge when a Guardian is resigning and the Standby Guardian is seeking appointment as Successor Guardian.

The AIP and the GAL must be personally served with a Notice of Guardianship Proceedings and a copy of the Petition for Guardianship within 5 days of filing the Petition. Personal service requires the hand-delivery of these documents by someone not interested in the case in the manner described in RCW 4.28.080 and a Declaration of Service must be filed. A GAL may be willing to sign a form that they "accept service". The AIP is entitled to appointment of an attorney if they request it and that attorney's job is to advocate for the interests of the AIP in the initial Guardianship proceedings. The AIP is entitled to a jury trial on the issue of capacity if so requested [RCW 11.88.045].

The GAL performs an investigation, including medical verifications where appropriate, and the Report of Guardian ad Litem is due within 45 days of their appointment by filing it with the court and serving it on all interested parties. A hearing then must take place, no less than 15 days from the time the GAL Report is filed and no more than 60 days from the date the Petition was filed, unless an extension is granted by the court. Any party to the proposed Guardianship may file a response to the GAL Report in accordance with RCW 11.88.090(7). The Petitioner must schedule the hearing either just before or immediately following the filing of the GAL Report (hearings must be scheduled 2 weeks in advance of the hearing date and all interested persons must be notified of hearing no less than 10 days prior to the hearing in the manner described in RCW 11.88.040).

At the court hearing, the judge may ask questions of any of the involved people present at the hearing if anything is not fully addressed in the Petition and GAL Report, or if the Petition is opposed in any way by other family members or persons interested in the welfare of the AIP. The judge may send – or parties may agree – to settle any dispute in mediation with the cost allocated among the parties.  
[RCW.11.88.09092]]

The AIP's presence at the hearing may be excused depending on the level of incapacitation that their physical or emotional status prohibits and this is typically addressed in the GAL Report. Usually an Order Appointing Guardian is signed, and the Guardian may then proceed to the Clerk's Office to have Letters of Guardianship ("Letters") issued. This is the proof that the Guardian has legal authority to act on the Incapacitated Person's behalf in accordance with the terms of the Order. Letters of Guardianship typically expire in 3 years, but not more than 5 years [RCW 11.88.127]. At this time the GAL is usually discharged. Estates under \$3,000 do not require a bond, but in situations with more significant assets a bond and proof of blocked accounts, etc. will generally be ordered. An Oath of Guardian and any required bond are required to be on file before the Clerk's Office will issue Letters [RCW 11.88.100].

### ***Duties of Guardian following appointment***

All persons interested in continuing to be notified of the Guardian's future filings and court proceedings regarding the Incapacitated Person should be immediately given an opportunity to do so [RCW 11.92.150]. A Standby Guardian is required to be put on file with the court [RCW 11.88.125] within 90 days of appointment of the Guardian. Also within 90 days of the appointment, the Guardian is required to file an Inventory (if the Guardianship is of the Estate) and a Personal Care Plan (if the Guardianship is of the Person) as applicable. A hearing must be scheduled for court approval of the Inventory, Personal Care Plan, Budget and Disbursements [RCW 11.92.040(1)]. At this 90-day hearing the schedule of future court approval is established (see below), although reports due on the status of the IP and a Guardian's accounting still need to be filed every year.

Complete duties of the Guardian are contained in RCW 11.92.040 and .043 and all Guardians should review this law thoroughly prior to being appointed and signing their Oath. At any time there is a change in residence, physical/mental status, or financial condition of the IP, or if there is a change of address of the Guardian and/or Standby Guardian, a notice must be filed with the court within 30 days [RCW 11.92.043(3)]. Court approval is required for sale of an asset of the IP's estate or any other major transaction or change affecting the Guardianship [RCW 11.92.140].

### ***Periodic Reporting and Court Approval***

Pursuant to RCW 11.92.040(2), the filing of reports on the status of the IP and Guardian's Accounting, as applicable, are due to be filed yearly within 90 days of the anniversary date of the appointment of the Guardian. A hearing approving Guardian's activities may be required yearly, biennially or triennially, and must occur within 30 days of filing the report(s) on the year requiring court approval. The expiration date on Letters of Guardianship is generally tied to the year the next court approval is

required. Following the hearing, a Guardian who is not represented by an attorney must be either escorted by court staff to the Clerk's Office or wait for the Court Clerk to finish all cases in court to bring the freshly-signed Order to the Clerk's Office to have new Letters of Guardianship issued.

### ***Miscellaneous Provisions***

Guardians are specifically prohibited from involuntary commitment of an IP for mental health issues or from consenting to therapy/procedures which induce convulsion, surgery solely for the purpose of psychosurgery, or other psychiatric or mental health procedures that restrict physical freedom of movement or rights of the IP under RCW 71.05.217 or as pursuant to RCW 11.92.190 [RCW 11.92.04395].

A Guardian may resign and have the Standby Guardian (or other proposed Successor Guardian) appointed by wrapping up all accountings and scheduling a court hearing [RCW 11.88.125]. A new GAL investigation may be required by the court.

A Guardianship may be transferred to another County ("change of venue") by initiating those proceedings in the County where the Guardianship was originally established [RCW 11.88.130]. Transfers from state to state require consultation of the law and procedures of the state where the Guardianship was originally established.

A Notice of Death must be filed and a Final Report/Accounting must be approved by the court in order to discharge a Guardian. A Guardian may administer the deceased IP's Estate under RCW 11.88.150 if applicable.

A Guardian may petition the court at any time for instructions on how to proceed in any aspect of the Guardianship.

Any interested party who has filed a Request for Special Notice of Proceedings may petition the court for a citation or issuance of an Order to Show Cause requiring the Guardian to file a report and/or accounting in the event the Guardian has failed to do so as required by court orders [RCW 11.92.160].

The IP, any interested person or entity, or the court on its own motion, may file a complaint to modify or terminate a Guardianship, or replace the Guardian or modify the authority of the Guardian, if it is in the best interest of the IP. The IP is entitled to an attorney of his or her own choosing if requested and if a hearing is directed by the judge. The court must take action, including dismissal without a hearing and potential sanction assessed in case of a frivolous or bad faith complaint, within 14 days after a complaint is filed. A judge may also defer consideration of the complaint to the next regularly scheduled hearing if that is coming up within 3 months of the filing of the complaint [RCW 11.88.120].

Many simple court approval processes may be completed with forms, but in all situations and especially in unique or emergency situations, **the courts highly recommend that parties and interested persons to seek attorney representation for assistance in these potentially complex and important legal matters.**

# **INSTRUCTIONS FOR ESTABLISHING A GUARDIANSHIP**

## **RCW 11.88 AND 11.92**

*Please first refer to Introduction to Guardianship Proceedings*

### **1. The proposed Guardian must take the mandatory lay guardian training:**

TO VIEW GUARDIANSHIP TRAINING VIDEO ON YOUR COMPUTER, GO TO:

<http://kingcounty.gov/courts/scforms/guardianship.aspx>

SCROLL DOWN TO:

"Guardianship 101" Web Training

You may complete the web-based training [here](#) (click on their website to watch video)

### **2. Complete the following forms:**

1. Petition for Guardianship of Person and/or Estate
2. Notice of Guardianship Petition
3. Order Appointing Guardian ad Litem
4. Declaration of Completing Mandated Guardian Training
5. Oath of Guardian
6. Proposed Order Appointing Guardian (keep the original to bring to court and file a copy marked "proposed")

### **3. Take the originals to the Clerk's Office on the 3<sup>rd</sup> floor of the County Courthouse (8:30 – 4:30) to be filed:**

The Clerk will assign a case number and a judge, and will appoint a Guardian ad Litem ("GAL"). If the Alleged Incapacitated Person's ("AIP") estate is valued at less than \$3,000 (as far as the Petitioner knows right now), you may ask the Clerk to waive the filing fee. The Petitioner is then required to serve the AIP and the GAL with a copy of the Petition (1), Notice (2), and the Order Appointing Guardian ad Litem (3) right away.

The GAL has 45 days to investigate the case and file/serve the GAL Report. As soon as that Report is received, the Petitioner must schedule a hearing.

### **4. Scheduling and confirming the hearing:**

Complete and file a Note for Motion Docket. Pick a Friday at 1:30 two weeks out, but first make sure your assigned judge is available by looking at Judicial Unavailability on the Whatcom County Superior Court web page. A copy of the Note for Motion Docket must be served or mailed to the GAL, the AIP, and to all interested persons.

On the week of your hearing, between Monday morning and noon on Wednesday, you must CONFIRM that your hearing will be proceeding as scheduled. Go to the Superior Court web page and click on "Clerk's Office", then "Confirm your hearing", and click on the link for the judge assigned to your case to confirm your hearing. If there are any problems with internet access or getting the confirmation email link to work, please contact the Clerk's Office at 360-778-5560.

**5. At the hearing:**

Arrive before 1:30 and be prepared to stay for up to 2 hours. All the cases on the calendar will be initially called and you must state your presence when your case is called. When it is your turn, approach to the tables with the original Order Appointing Guardian. The judge may have some questions or clarifications of the Petitioner and/or the Proposed Guardian and the GAL. Pass your Order to the clerk, who will pass it to the judge for signature. You will then need to wait until the session is done for the clerk to get your Order to the Clerk's Office. At the Clerk's Office, the Order directs the clerk to issue Letters of Guardianship which will be done that afternoon unless the judge orders a bond be put in place first. There is a \$5 charge for issuance of Letters.

**6. Next steps:**

There is significant work to be done in the first 90 days of being appointed Guardian and another hearing is required. These steps are included on the Instructions for First 90 Days After Being Appointed Guardian paper and related forms.

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHATCOM

In the Guardianship of: \_\_\_\_\_ ) Case No.:  
\_\_\_\_\_ )  
\_\_\_\_\_ ) PETITION FOR GUARDIANSHIP OF  
\_\_\_\_\_ ) PERSON AND/OR ESTATE  
\_\_\_\_\_ ) RCW 11.88.030  
An Alleged Incapacitated Person. \_\_\_\_\_ ) (PTAPGD)

**I. ALLEGED INCAPACITATED PERSON INFORMATION**

The name, age, address of present residence, and post office address of the Alleged Incapacitated Person are:

- A. Name: \_\_\_\_\_
- B. Age: \_\_\_\_\_
- C. Present Residence: \_\_\_\_\_
- D. Post Office Address: \_\_\_\_\_

**II. INFORMATION CONCERNING A GUARDIANSHIP FOR A CHILD**

**UNDER 18** (*This section to be filled out only if guardianship is sought with respect to a minor*)

Mother's name, phone number and address: \_\_\_\_\_

Father's name, phone number and address: \_\_\_\_\_

Mother/Father has \_\_\_has not \_\_\_signed a written consent for this guardianship.

[ ] A guardian should be appointed as to the estate of the child.

1 [ ] A guardian should be appointed as to the person of the child. (If this box is  
2 checked the following additional information must be provided: Name, address and  
3 date of birth of the proposed Guardian and all other adult persons living in the  
4 Guardian's household): \_\_\_\_\_

5 (The proposed guardian and all other adult persons living in the Guardian's  
6 household understand that they may be required to undergo a criminal and child  
7 protective services background check before an order appointing guardian may be  
8 entered. The guardian and all other adult members in his or her household must  
9 sign an authorization to release CPS records.)

10 The child is \_\_\_ is not \_\_\_ a member of an Indian tribe nor a child of a member of  
11 an Indian tribe.

12 Tribal Name and Address is: \_\_\_\_\_

13 **III. NATURE AND DEGREE OF ALLEGED INCAPACITY**

14 The nature and degree of the alleged incapacity are as follows:

15 A. Nature of Alleged Incapacity: \_\_\_\_\_

16 B. Degree of Alleged Incapacity: \_\_\_\_\_

17 **IV. DESCRIPTION/VALUES OF PROPERTY**

18 The approximate value and the description of the property owned by the Alleged  
19 Incapacitated Person is:

20 A. Real Property: \$ \_\_\_\_\_

21 B. Stock, Mutual Funds and Bonds: \$ \_\_\_\_\_

22 C. Mortgages and Notes: \$ \_\_\_\_\_

23 D. Bank Accounts \$ \_\_\_\_\_

24 E. Furniture: \$ \_\_\_\_\_

25 F. Other Personal Property: \$ \_\_\_\_\_

26 Total Approximate Value of Assets is: \$ \_\_\_\_\_

1 There are periodic compensation, pension, insurance, and allowances as follows:

2 A. Social Security Benefits: \$ \_\_\_\_\_ /month

3 B. Veterans Benefits \$ \_\_\_\_\_ /month

4 C. Washington State Assistance \$ \_\_\_\_\_ /month

5 D. Other: \$ \_\_\_\_\_ /month

6 Approximate Total Monthly Income: \$ \_\_\_\_\_

7 **V. EXISTING OR PENDING GUARDIANSHIPS**

8 There [ ] is [ ] is not an existing or pending Guardianship action for the person  
9 and/or the estate of the Alleged Incapacitated Person. If there is an existing or pending  
10 Guardianship, set forth the following:

11 A. State Where Guardianship/Limited Guardianship Pending or Established:

12 \_\_\_\_\_

13 B. Name of Guardian/Limited Guardian: \_\_\_\_\_

14 C. Date of Appointment: \_\_\_\_\_

15 D. Type of Guardianship: \_\_\_\_\_

16 **V. NOMINEE**

17 The name, address, telephone number, date of birth, and age of the proposed  
18 Guardian and the relationship to the Alleged Incapacitated Person are as follows:

19 A. Name of Nominee: \_\_\_\_\_

20 B. Address: \_\_\_\_\_

21 C. Telephone Number: \_\_\_\_\_

22 D. Age: \_\_\_\_\_

23 E. Relationship to Alleged Incapacitated Person: \_\_\_\_\_

24 The Nominee/Proposed Guardian [ ] has [ ] has not completed the Mandatory Lay  
25 Guardian Training or [ ] is not required because the Nominee is a CPG.

26 **VII. RELATIVES**

1 The name and addresses, and the nature of the relationship of the persons most  
2 closely related by blood or marriage to the Alleged Incapacitated Person are as follows:

3 A. Name: \_\_\_\_\_

4 Address: \_\_\_\_\_

5 Address: \_\_\_\_\_

6 Relationship: \_\_\_\_\_

7 B. Name: \_\_\_\_\_

8 Address: \_\_\_\_\_

9 Address: \_\_\_\_\_

10 Relationship: \_\_\_\_\_

11 C. Name: \_\_\_\_\_

12 Address: \_\_\_\_\_

13 Address: \_\_\_\_\_

14 Relationship: \_\_\_\_\_

15  
16 **VIII. CUSTODIAN OF PERSON TO BE ASSISTED**

17 The name, address, and telephone number of the person or facility having the care  
18 and custody of the Alleged Incapacitated Person and the length of time of said care and  
19 custody is:

20 A. Name: \_\_\_\_\_

21 B. Address: \_\_\_\_\_

22 C. Telephone: \_\_\_\_\_

23 D. Length of Time at Facility: \_\_\_\_\_

24  
25  
26 **IX. REASON FOR GUARDIANSHIP**

1           **A.** The reason for petitioning for Guardianship is as follows:

2           \_\_\_\_\_

3           **B.** The interest of the Petitioner in the appointment is as follows:

4           \_\_\_\_\_

5           **C.** Designate whether the appointment is sought as Guardian or Limited Guardian of  
6           the Person, the Estate, or both: \_\_\_\_\_.

7           **D.** Describe any alternative arrangements previously made by the Alleged  
8           Incapacitated Person, such as trusts, powers of attorney including any  
9           Guardianship nominations contained in a power of attorney, and why a  
10          Guardianship is nevertheless necessary. \_\_\_\_\_.

11           **X. AREAS OF ASSISTANCE**

12           **A.** The nature and degree of the alleged incapacity:

13           \_\_\_\_\_

14           **B.** The following are specific areas of protection and assistance required:

15           \_\_\_\_\_

16           **C.** The duration of guardianship should be as follows:

17           \_\_\_\_\_

18           **XI. GUARDIAN AD LITEM**

19           A Guardian ad Litem should be appointed from the Court's Registry.

20           **XII. BONDS AND FEES**

21           **A.** A bond in the amount of \$\_\_\_\_\_ should be  
22           [    ] established OR [    ] waived for the following reasons: \_\_\_\_\_

23           **B.** The payment of Guardian ad Litem's fees, subject to final determination and  
24           apportionment by the judge per RCW 11.88.090 (10), should be provided as  
25           follows:

26           [    ] by the Estate of the AIP and/or [    ] by the Petitioner and/or

              [    ] by the County for Estates valued at less than \$3,000.

1 **XIII. SUMMARY**

2 The Petitioner(s) request(s) the following relief:

3 [ ] An Order appointing a Guardian ad Litem for the Alleged Incapacitated Person;

4 [ ] An Order waiving the requirement for a filing fee;

5 [ ] An Order directing that the Guardian ad Litem's fees in this matter be paid by:

6 \_\_\_\_\_

7 [ ] An Order approving payment, by Petitioner(s), of reasonable attorney's fees and  
8 costs incurred in preparation and presentation of this Guardianship Petition; and

9 [ ] An Order appointing \_\_\_\_\_ as

10 [ ] Full [ ] Limited Guardian(s) of the [ ] Person and/or [ ] Estate of  
11 \_\_\_\_\_ subject to review in [ ] 12 [ ] 24 [ ] 36 months with  
12 the bond [ ] waived [ ] set in the amount of \$\_\_\_\_\_.

13 [ ] Other relief requested: \_\_\_\_\_

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_.

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

20 Signed at \_\_\_\_\_, Washington on \_\_\_\_\_, 20\_\_\_\_.

21 \_\_\_\_\_  
22 Signature

21 \_\_\_\_\_  
22 Printed Name

23 \_\_\_\_\_  
24 Address

23 \_\_\_\_\_  
24 Telephone/Fax Number

25 \_\_\_\_\_  
26 City, State, Zip Code

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26 Email Address

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHATCOM

In the Guardianship of: \_\_\_\_\_ ) Case No.:  
 )  
 ) NOTICE OF GUARDIANSHIP  
 ) PETITION  
 ) RCW 11.88.030(5)(b)  
 )  
An Alleged Incapacitated Person. ) (NT)

TO: \_\_\_\_\_, Alleged Incapacitated Person

TO: \_\_\_\_\_, Guardian ad Litem

**IMPORTANT NOTICE – PLEASE READ CAREFULLY**

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED  
IN THE WHATCOM COUNTY SUPERIOR COURT BY

\_\_\_\_\_. IF A GUARDIAN IS APPOINTED, YOU COULD  
LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

1. TO MARRY OR DIVORCE;
2. TO VOTE OR HOLD AN ELECTED OFFICE;
3. TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
4. TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
5. TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
6. TO POSSESS A LICENSE TO DRIVE;
7. TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
8. TO CONSENT TO OR REFUSE MEDICAL TREATMENT;

9. TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;

10. TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

**UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.**

1. YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN SUBSTANTIAL HARDSHIP TO YOU.

2. YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

3. YOU HAVE THE RIGHT TO BE PRESENT IN COURT AND TESTIFY WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

4. YOU HAVE THE RIGHT TO REQUEST THAT THE COURT REPLACE THE GUARDIAN AD LITEM.

5. A HEALTH CARE PROFESSIONAL MUST PREPARE A MEDICAL REPORT REGARDING YOUR ALLEGED INCAPACITY. IF YOU OPPOSE THE HEALTH CARE PROFESSIONAL SELECTED BY THE GUARDIAN AD LITEM, YOU MAY SELECT YOUR OWN TO PREPARE A REPORT. THE GUARDIAN AD LITEM MAY ALSO OBTAIN A SUPPLEMENTAL EXAMINATION.

Signed at \_\_\_\_\_, Washington on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

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Telephone/Fax Number

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City, State, Zip Code

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IN THE SUPERIOR COURT OF STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHATCOM

In the Guardianship of: \_\_\_\_\_ ) Case No.:  
)  
) ORDER APPOINTING GUARDIAN  
) AD LITEM  
) RCW 11.88.090  
)  
) (ORAPGL)  
)  
) **(CLERK’S ACTION REQUIRED**  
An Alleged Incapacitated Person. \_\_\_\_\_ ) **Paragraph 2.1,2.2,2.3)**

**FINDINGS OF FACT**

The Court finds:

1.1 The facts set forth in the Petition include those necessary to give the Court jurisdiction over this matter.

1.2 Pursuant to RCW 11.88.090, a Guardian ad Litem should be appointed.

1.3[ ] The Guardian ad Litem should be the person whose name next appears on the Whatcom County Guardian ad Litem registry; or

1.4[ ] The Guardian ad Litem should not be the person whose name next appears on the registry because the Court finds extraordinary circumstances exist as follows:

\_\_\_\_\_.

1.5[ ] Payment of the filing fee, and the fees-costs of the Guardian ad Litem by Alleged Incapacitated Person would result in a substantial hardship upon such person because

\_\_\_\_\_.

**ORDER**

The Court orders:

2.1 [ ] The Clerk’s filing fee is waived

**The hearing on the Guardianship petition shall occur (*within 60 days of this hearing*):**

2.2 [ X ] Date to be set by separate notice; OR

[ ] Date: \_\_\_\_\_ Hour: \_\_\_\_\_

Department: \_\_\_\_\_

Address: \_\_\_\_\_

2.3 Guardian ad Litem:

\_\_\_\_\_ is found or known by the Court to be a suitable disinterested person with the requisite knowledge, training or expertise, who is hereby appointed as Guardian ad Litem for the above-named person. The address and/or phone/fax or the Guardian ad Litem are: \_\_\_\_\_.

[ ] The Guardian ad Litem shall be appointed at public expense, to be paid at a rate not to exceed \$\_\_\_\_\_ per hour up to a maximum of \$\_\_\_\_\_ without further, prior Court approval. Should evidence hereafter be submitted showing that hardship did not exist or no longer exists, the Court shall reimburse the filing fee and all other fees and costs.

[ ] The Guardian ad Litem shall be appointed at private expense. The Guardian ad Litem shall be paid at a rate of \$\_\_\_\_\_ per hour up to \_\_\_\_\_(hours/dollars) without further order from the court. These amounts may be increased or modified only upon application to the court in advance of the Guardian ad Litem providing further services. An application to increase the fee limits shall be presented upon notice to all parties.

2.4 The Guardian ad Litem shall have the following duties as mandated by statute:(A) To file within five days of receipt of Notice of Appointment, and serve all parties personally or by certified mail with return receipt requested, his or her written statement of qualifications required by RCW 11.88.090(3)(b), which shall include all information required by RCW 11.88.090(3)(b).

(B) To meet and consult with the Alleged Incapacitated Person as soon as practicable following appointment and explain, in language which such person can reasonably be

1 expected to understand, the substance of the petition, the nature of the resultant proceedings,  
2 the person's right to contest the petition, the identification of the proposed Guardian or  
3 Limited Guardian, the right to a jury trial on the issue of his or her alleged incapacity, the  
4 right to independent legal counsel as provided by RCW 11.88.045, and the right to be  
5 present in court at the hearing on the petition;

6 (C) To determine whether mediation may be appropriate in the matter and if so, to bring a  
7 motion before the court.

8 (D) To obtain a written report according to RCW 11.88.045 and such other written or oral  
9 reports from other qualified professionals as are necessary to permit the Guardian ad Litem  
10 to complete the report required by RCW 11.88.090 and to advise Alleged Incapacitated  
11 Person of the identity of the health care professional selected by the Guardian ad Litem to  
12 prepare the medical report. If Alleged Incapacitated Person opposes said health care  
13 professional selected by the Guardian ad Litem , the Guardian ad Litem shall use the health  
14 care professional selected by Alleged Incapacitated Person , but may obtain a supplemental  
15 examination by a different physician or psychologist or advanced certified nurse practitioner;

16 (E) Pursuant to 45 C.F.R. 164.514, all providers who are covered entities under HIPAA and  
17 their business associates and upon verification of the authority of the Guardian ad Litem to  
18 receive the required information, shall release to the Guardian ad Litem a copy of the  
19 medical report required by RCW 11.88.045.

20 (F) To meet with the person whose appointment is sought as Guardian or Limited Guardian  
21 and ascertain:

22 (i) The proposed Guardian's knowledge of the duties, requirements, and limitations  
23 of a Guardian;

24 (ii) The steps the proposed Guardian intends to take or has taken to identify and meet  
25 the needs of Alleged Incapacitated Person.

26 (G) To consult as necessary to complete the investigation and report required by RCW  
11.88.090 with those known relatives, friends, or other persons the Guardian ad Litem  
determines to have had a significant, continuing interest in the welfare of Alleged  
Incapacitated Person:

1 (H)To investigate alternate arrangements made or which might be created, by or on behalf of  
2 the Alleged Incapacitated Person, such revocable or irrevocable trusts, durable powers  
3 attorney or blocked account; whether good cause exists for any such arrangements to be  
4 discontinued; and why such arrangements should not be continued or created in lieu of a  
5 Guardianship:

6 (I)To provide the Court with a written report which shall include the following:

7 (i) A description of the nature, cause and degree of incapacity, and the basis upon  
8 which this judgment was made;

9 (ii) A description of the needs of the Incapacitated Person for care and treatment, the  
10 probable residential requirements of the Alleged Incapacitated Person and the basis upon  
11 which these findings were made;

12 (iii) An evaluation of the appropriateness of the Guardian or Limited Guardian whose  
13 appointment is sought and a description of the steps the proposed Guardian has taken or  
14 intends to take to identify and meet current and emerging needs of the Alleged  
15 Incapacitated Person;

16 (iv) A description of any alternative arrangements previously made by the Alleged  
17 Incapacitated Person or which could be made, and whether and to what extent such  
18 alternatives should be used in lieu of a Guardianship, and if the Guardian ad Litem is  
19 recommending discontinuation of any such arrangements, specific findings as to why  
20 such arrangements are contrary to the best interest of the Alleged Incapacitated Person;

21 (v) A description of the abilities of the Alleged Incapacitated Person and a  
22 recommendation as to whether a Guardian or Limited Guardian should be appointed. If  
23 appointment of a Limited Guardian is recommended, the Guardian ad Litem shall  
24 recommend the specific areas of authority the Limited Guardian should have and the  
25 limitations and disabilities to be placed on the Alleged Incapacitated Person;

26 (vi) An evaluation of the Alleged Incapacitated Person's mental ability to rationally  
exercise the right to vote and the basis upon which the evaluation is made;

1 (vii) Any expression of approval or disapproval made by the Alleged Incapacitated  
2 Person concerning the proposed Guardian or Limited Guardian or Guardianship or  
3 Limited Guardianship;

4 (viii) Identification of persons with significant interest in the welfare of the Alleged  
5 Incapacitated Person who should be advised of their right to request special notice of  
6 proceedings pursuant to RCW 11.92.150; and

7 (ix) Unless independent counsel has appeared for the Alleged Incapacitated Person,  
8 an explanation of how the Alleged Incapacitated Person responded to the advice of the  
9 right to jury trial, to independent counsel, and to present at the hearing on the petition.

10 (J) Within forty-five days after notice of commencement of the Guardianship proceeding  
11 has been served upon the Guardian ad Litem, and at least fifteen days before the hearing on  
12 the petition, unless an extension or reduction of time has been granted by the Court for good  
13 cause, the Guardian ad Litem shall file a report and send a copy to the Alleged Incapacitated  
14 Person and his or her counsel, spouse, all children not residing with a notified person, those  
15 persons described in (I)(viii) of this subsection, and persons who have filed a request for  
16 special notice pursuant to RCW 11.92.150. If the Guardian ad Litem needs additional time  
17 to finalize his or her report, then the Guardian ad Litem shall petition the Court for a  
18 postponement of the hearing or, with the consent of all other parties, an extension or  
19 reduction of time for filing the report. If the hearing does not occur within sixty days of  
20 filing the petition, then upon the two-month anniversary of filing the petition and on or  
21 before the same day of each following month until the hearing, the Guardian ad Litem shall  
22 file interim reports summarizing his or her activities on the proceeding during that time  
23 period as well as fees and costs incurred.

24 (K) To advise the Court of the need for appointment of counsel for the Alleged  
25 Incapacitated Person within five court days after the meeting described in (A) of this  
26 subsection unless (i) counsel has appeared, (ii) the Alleged Incapacitated Person  
affirmatively communicated a wish not to be represented by counsel after being advised of  
the right to representation and of the conditions under which court-provided counsel may be  
available, or (iii) the Alleged Incapacitated Person was unable to communicate at all on the

1 subject, and the Guardian ad Litem is satisfied that the Alleged Incapacitated Person does  
2 not affirmatively desire to be represented by counsel.

3 (L) The Guardian ad Litem shall provide the Court with a working copy of the Guardian ad  
4 Litem report pursuant to local rule or custom.

5 (M) The Guardian ad Litem shall have the authority, in the event that the Alleged  
6 Incapacitated Person is in need of emergency life-saving medical services and is unable to  
7 consent to such medical services due to incapacity pending the hearing on the Petition, to  
8 give consent for such emergency life saving medical services on behalf of the Alleged  
9 Incapacitated Person.

10 (N) At any time during the course of the Guardian ad Litem's appointment he/she may  
11 petition the Court for additional instruction and authorization to undertake specific duties,  
12 including but not limited to consent for medical treatment beyond which is provided in  
13 paragraph (M) above.

14 (O) The Court also ORDERS:

15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 DATED AND SIGNED THIS \_\_ DAY OF \_\_\_\_\_, 20\_\_.

19 \_\_\_\_\_  
20 Judge/Court Commissioner

21 Presented by:

22 \_\_\_\_\_  
23 Signature

24 \_\_\_\_\_  
25 Printed Name

26 \_\_\_\_\_  
Address

\_\_\_\_\_ Telephone/Fax Number

\_\_\_\_\_ City, State, Zip Code

\_\_\_\_\_ Email Address

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR WHATCOM COUNTY

In re the Guardianship of:

\_\_\_\_\_

\_\_\_\_\_

**No.**

**Declaration of Completing Mandated  
Guardianship Training  
(DCLCMP)**

I, \_\_\_\_\_ (name of Guardian) certify that I:

[ ] viewed the video "Instructions for Guardians" on \_\_\_\_\_ (date  
video was watched); OR

[ ] completed the Administrative Office of the Courts web based training "Guardianship  
101" on \_\_\_\_\_ (date training was completed). A copy of the  
certificate of completion is attached to this declaration.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is  
true and correct.

Signed at \_\_\_\_\_, [City] \_\_\_\_\_ [State] on \_\_\_\_\_ [Date].

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Print or Type Name

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHATCOM

In the Guardianship of:

\_\_\_\_\_,  
Incapacitated Person      DOB: \_\_\_\_\_

No.

**Oath of Guardian  
RCW 11.88.100  
(OA)**

Being first duty sworn upon oath, I \_\_\_\_\_ solemnly swear that:

1. I have been appointed:  
 Full  Limited Guardian of the Person and  
 Full  Limited Guardian of the Estate of \_\_\_\_\_ (the Incapacitated Person).
2. I shall faithfully perform all the duties of my trust as Guardian according to law. I understand that the basic duties of a Guardian are described in Chapters 11.88 and 11.92 of the Revised Code of Washington (RCW).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

\_\_\_\_\_  
Signature of Guardian

\_\_\_\_\_  
Print Name of Guardian

[ ]WSBA [ ]CPG#

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
\*Telephone/Fax Number

\_\_\_\_\_  
Email Address

**If you do not want your personal phone number on this public form, you may list your telephone number on a separate form which may be available to parties and the court, as well as its staff and volunteers, but will not be made available to the public. Use Form WPF GDN 03.0100, Guardianship Confidential Information form (Telephone Numbers), for this purpose.**



<u><b>Incapacitated Person (IP)</b></u>	<u><b>Guardian of [ ] Estate [ ] Person</b></u>
<u>Name:</u>	<u>Name:</u>
<u>Address:</u>	<u>Address:</u>
<u>Phone:</u>	<u>Phone:</u>
<u>Facsimile:</u>	<u>Facsimile:</u>
<u>E-mail Address:</u>	<u>E-mail Address:</u>
<u>Relationship of Guardian(s) to IP:</u>	

<u><b>Interested Parties</b></u>	<u><b>Address</b></u>	<u><b>Relation to IP</b></u>

THIS MATTER came on regularly for hearing on a Petition for Appointment of Guardian or Limited Guardian of \_\_\_\_\_, the Alleged Incapacitated Person.

[ ] The Alleged Incapacitated Person was present in Court;

[ ] The hearing was conducted outside of the courtroom at the location of the Alleged Incapacitated Person;

The Alleged Incapacitated Person's presence was waived for good cause shown other than mere inconvenience, as set forth in the file and reports in this matter;

The Guardian ad Litem was present. The following other persons were also present at the hearing: \_\_\_\_\_

The Court considered the written report of the Guardian ad Litem and the Medical/Psychological/ARNP Report, the testimony of witnesses, remarks of counsel, and the Documents filed herein. Based on the above, the Court makes the following:

### **FINDINGS OF FACT**

**1.1 Notices:** All notices required by law have been given and proof of service as required by statute is on file.

Notice was provided to the Regional Administrator of DSHS pursuant to RCW 11.92.150, but DSHS neither appeared at this hearing nor responded to the Petition.

The Alleged Incapacitated Person is a child and Notice is not required to a Tribe because the child is not subject to the Indian Child Welfare Act, 25 USC 1983 et seq.

The Alleged Incapacitated Person is a child subject to the Indian Care Welfare Act and notice has been provided to the minor child's Tribe.

**1.2 Jurisdiction:** The jurisdictional facts set forth in the petition are true and correct, and the Court has jurisdiction over the person and/or estate of the Alleged Incapacitated Person.

**1.3 Guardian ad Litem:** The Guardian ad Litem appointed by the Court has filed a report with the Court. The report is complete and complies with all the requirements of RCW 11.88.090.

**1.4 Alternative Arrangements Made By The Alleged Incapacitated Person:**

The Alleged Incapacitated Person did not make alternative arrangements for assistance, such as a power of attorney, prior to becoming incapacitated.

The Alleged Incapacitated Person made alternative arrangements for assistance, but such arrangements are inadequate in the following respects: \_\_\_\_\_.

\_\_\_\_\_ has been acting in a fiduciary capacity for the Alleged Incapacitated Person and should NOT continue to do so for the following reasons:  
\_\_\_\_\_

**1.5 Capacity:** The Alleged Incapacitated Person, \_\_\_\_\_, is

incapable of managing his or her personal affairs

incapable of managing his or her financial affairs

the Alleged Incapacitated Person is in need of a full Guardianship over his or her  
 person

estate

the Alleged Incapacitated Person is capable of managing some personal and/or financial affairs, but is in need of the protection and assistance of a limited Guardian of his or her

person

estate,

in the areas as follows: \_\_\_\_\_  
\_\_\_\_\_

**1.6 Guardian:** The proposed Guardian is qualified to act as Guardian of the Person and/or Estate of the Incapacitated Person. Proposed Guardian's address: \_\_\_\_\_  
\_\_\_\_\_

and phone and fax numbers: \_\_\_\_\_ and e-mail address:  
\_\_\_\_\_

**1.7 Guardian ad Litem Fees and Costs:**

The Guardian ad Litem was appointed at  county expense  estate expense and shall submit a motion for payment of fees and costs pursuant to the local rules.

The Guardian ad Litem has requested a fee of \$\_\_\_\_\_ for services rendered and reimbursement of \$\_\_\_\_\_ for costs incurred while acting as Guardian ad Litem. Fees in the amount of \$\_\_\_\_\_ and costs in the amount of \$\_\_\_\_\_ are reasonable and should be paid as follows:

\$\_\_\_\_\_ by the Guardian from the guardianship estate and/or

\$\_\_\_\_\_ by \_\_\_\_\_ for the following reason(s):

\_\_\_\_\_

**1.8 Bond:** The assets of the Alleged Incapacitated Person:

Total less than three thousand dollars (\$3,000) and therefore no bond is required.

Are to be placed in a blocked account with an insured financial institution or are to be held by a bank or trust company, and therefore no bond is required.

Are in whole or in part to be held by the Guardian and bond in the amount of \$\_\_\_\_\_ is required.

**1.9 Right to Vote:** The Alleged Incapacitated Person

is

is not

capable of exercising the right to vote due to the following facts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

### CONCLUSIONS OF LAW

**2.1** That \_\_\_\_\_ is an Incapacitated Person within the meaning of RCW Chapter 11.88, and a

Full  Limited Guardian of the Person (“Guardian of the Person”) and/or

Full  Limited Guardian of the Estate (“Guardian of the Estate”)

should be appointed, and that \_\_\_\_\_ is a fit and proper person as required by RCW 11.88.020 to be appointed as such Guardian.

**2.2** That the limitations and restrictions placed on the Incapacitated Person should be as follows:

- ] SHALL NOT HAVE THE RIGHT TO MARRY OR DIVORCE;
- ] SHALL NOT HAVE THE RIGHT TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- ] SHALL NOT HAVE THE RIGHT TO APPOINT SOMEONE TO ACT ON HIS/HER BEHALF;
- ] SHALL NOT HAVE THE RIGHT TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- ] SHALL NOT HAVE THE RIGHT TO POSSESS A LICENSE TO DRIVE;
- ] SHALL NOT HAVE THE RIGHT TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- ] SHALL NOT HAVE THE RIGHT TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- ] SHALL NOT HAVE THE RIGHT TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- ] SHALL NOT HAVE THE RIGHT TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF HIS/HER LIFE;
- ] SHALL NOT HAVE THE RIGHT TO VOTE OR HOLD AN ELECTED OFFICE.

**2.3** That the Guardian of the person upon the issuance of Letters, shall have the following authority and responsibilities:

All of the powers and responsibilities of a Guardian of the person pursuant to the provisions of Chapter 11.92 RCW.

To review, release, consent to the release of and use as appropriate all medical, dental, mental health, psychological, psychiatric, medication, laboratory and social services work records, charts, evaluations and reports concerning the incapacitated person;

To monitor the conditions and needs of the incapacitated person.

To consent to and arrange for, or refuse to consent to, medical, dental, psychological or psychiatric treatment and care, including any and all medications, diagnostic testing, evaluation, examination, placement and/or transfer to an appropriate health care facility such as, but not limited to, an adult family home, hospital, assisted living facility or nursing home;

To select or discharge any health care or medical provider;

To decide code status of the incapacitated person, including the use of life sustaining measures, including intravenous therapy, tube feedings, hydration, antibiotics, pain medications and comfort care;

To provide substitute informed consent (RCW 7.70.065) to medical or dental treatment, medications for the incapacitated person, including surgery, except where contrary to law;

To provide for or contract for case care or management services on behalf of the incapacitated person;

To provide for such other personal assistance as the incapacitated person requires;

To establish a pre-need burial or cremation plan for the incapacitated person;

Pursuant to 45 CFR 164.514, all providers who are covered entities under the Health Insurance Portability and Accountability Act (HIPAA), and/or their business associates shall release any and all health information requested by the Guardian, to the Guardian, upon receiving a copy of this document.

**2.4** That the Guardian of the estate shall have, upon the issuance of letters, the following authority and responsibilities:

All of the powers of a Guardian of the estate pursuant to the provisions of Chapter 11.92 RCW.

To undertake the management of the financial affairs of the incapacitated person, including but not limited to contracting for and incurring obligations on behalf of the incapacitated person, becoming representative payee of any income from Social Security,

income from employment of the incapacitated person, and any other sources of revenue or income;

To locate and gather assets;

To enter any safe deposit box(es) held in the name of the incapacitated person (individually or with another), and inventory and/or remove any contents there from, and to maintain and/or close said box(es) or to add items thereto, or to drill open the safe deposit box(es) in the event the keys to the box(es) are misplaced or missing, as deemed by the Guardian to be in the incapacitated person's best interests;

To close any financial accounts, including bank accounts held individually or jointly with another, and to make withdrawals, deposits or transfer of funds into or out of any such accounts, without the necessity of obtaining the written authority of any other person named on any such joint accounts;

To establish guardianship account(s);

To proceed to expend funds as necessary for the benefit of the incapacitated person subject to review by the Court;

To convert all holdings, including but not limited to savings accounts, money market accounts, IRAs, mutual funds, stocks, bonds, cash, automobiles, mobile homes, and any other personal property, including pensions, annuities, 401Ks, and any other income, into the name of said Guardian for the purposes of the guardianship; and all other reasonable duties required of a Guardian.

Any bank, savings and loan, credit union, stock brokerage, insurance company, or other institution holding assets of the incapacitated person, including but not limited to cash, investments, stocks, bonds, certificates, funds, safe deposit box or personal property, shall release information or deliver the assets to the Guardian as directed by the Guardian.

The Guardian is further authorized to remove the incapacitated person's name from any joint bank account and/or financial account and change the mailing address of any bank and/or financial statement to any address the Guardian may request. In the event that an asset has signatories or co-owners in addition to the incapacitated person, the Guardian shall

have the authority to block all access to such account, safe deposit box or property until true ownership has been discovered.

The Guardian is authorized to enter any dwelling, residence or storage area rented or owned by the incapacitated person, or access the land or property owned or rented (individually or with another) by the incapacitated person without the necessity of obtaining the written authority of any other person named on any such dwelling, land, property or storage area.

If it appears that the sale of real estate will be necessary to pay for the incapacitated person's expenses, the Guardian shall have the authority to retain a real estate appraiser to appraise said real estate, in order to petition the court for authority to sell the real property.

The Guardian is authorized to make disbursements for nursing home care, medical expenses and incidental expenses on behalf of the incapacitated person.

The Guardian shall also have authority to arrange pre-need cremation or burial arrangements as may be necessary.

The Guardian shall also have the authority to remove change, and/or re-key any lock to the incapacitated person's home, apartment, storage unit, rental property, vehicles or any other locked property that is owned by the incapacitated person.

///

### **ORDER**

**All of the findings of fact and conclusions of law completed and checked off above are hereby ordered by the Court; and the Court also orders as follows:**

**3.1 Prior Power of Attorney:** Any Power of Attorney of any kind previously executed by the Incapacitated Person:

is not canceled

is canceled in its entirety

is canceled in its entirety except for those provisions pertaining to health care.

**3.2 Appointment of Guardian:** \_\_\_\_\_ is appointed as  
[  ] Full [  ] Limited Guardian of the Person (“Guardian of the Person”) and/or  
[  ] Full [  ] Limited Guardian of the Estate (“Guardian of the Estate”)  
of \_\_\_\_\_, and the powers of the Guardian and the limitation  
and restrictions placed on the Incapacitated Person shall be as set forth in Conclusion of Law  
Paragraphs 3.2-3.4.

**3.3 Letters of Guardianship/Limited Guardianship:** The Clerk of the Court shall issue  
[  ] at no cost Letters of  
[  ] Full [  ] Limited Guardianship of the Person and/or  
[  ] Full [  ] Limited Guardianship of the Estate  
to \_\_\_\_\_, upon the filing of an oath and  
[  ] A Guardianship bond in the amount of \$\_\_\_\_\_.

All assets in excess of the bond amount shall be held in blocked financial accounts a receipt  
for which shall be filed within 30 days from entry of this order.

[  ] bond is waived.

If bond is waived, the Guardian is required to report to the Court if the total assets of the  
Incapacitated Person reaches or exceeds Three Thousand Dollars. Pursuant to RCW  
11.88.100, the Guardian of the Estate shall file a yearly statement showing the monthly  
income of the Incapacitated Person if said monthly income, excluding moneys from state or  
federal benefits, is over the sum of Five Hundred Dollars per month for any three  
consecutive months.

**3.4. Notification of Loss of Voting Rights:** If the Court has found sufficient facts, as  
stated in Paragraph 9 of the Findings of Fact above, that the Incapacitated Person is unable to  
rationally exercise the right to vote, the Clerk of the Court shall notify the County Auditor.

**3.5 Report of Substantial Change in Income of Assets:** Within 30 days of any  
substantial change in the Estate’s income or assets, the Guardian of the Estate shall report to

the Court and schedule a hearing. The purpose of the hearing will be for the Court to consider changing the bond or making other provision in accordance with RCW 11.88.100.

**3.6 Inventory:** Within three months of appointment, the Guardian of the Estate shall file a verified inventory of all the property of the Incapacitated Person, which shall come into the Guardian's possession or knowledge, including a statement of all encumbrances, liens and other secured charges on any item. A review hearing upon filing of the inventory

[  ] is required.

[  ] is not required.

**3.7 Disbursements:** On or before the date the inventory is due, the Guardian of the Estate shall also apply to the Court for an Order Authorizing Disbursements on behalf of the Incapacitated Person as required by RCW 11.92.040.

**3.8 Personal Care Plan:** The Guardian of the Person shall complete and file within three (3) months after appointment a Personal Care Plan which shall comply with the requirements of RCW 11.92.043(1).

**3.9 Status of Incapacitated Person:** Unless otherwise ordered, the Guardian of the Person shall file an annual report on the status of the Incapacitated Person that shall comply with the requirements of RCW 11.92.043(2).

**3.10 Substantial Change in Condition or Residence:** The Guardian of the Person shall report to the Court within thirty (30) days any substantial change in the Incapacitated Person's condition, or any change in residence of the Incapacitated Person.

**3.11 Designation of Standby Guardian:** Within three months of appointment, the Guardian shall file a written designation of a standby Guardian that complies with the requirements of RCW 11.88.125.

**3.12 Authority for Investment and Expenditure:** No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government.

**3.13 Duration of Guardianship:** This Guardianship shall continue in effect:

- until \_\_\_\_\_ [date]; OR
- until terminated pursuant to RCW 11.88.140;
- the necessity for the Guardianship to continue shall be periodically reviewed.

**3.14 Discharge/Retention of Guardian ad Litem:**

- The Guardian ad Litem is discharged; or
- The Guardian ad Litem shall continue performing further duties or obligations as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**3.15 Notice of Right to Receive Pleadings:** The following persons are described in RCW 11.88.090(5)(d), and the Guardian shall notify them of their right to file with the Court and serve upon the Guardian, or the Guardian's attorney, a request to receive copies of pleadings filed by the Guardian with respect to the Guardianship (*if the space provided is not sufficient to list all the individuals entitled to receive the right to file a notice, please list the names on a separate piece of paper and attach it to this Order*):

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**3.16 Guardian Fees:**

The Guardian shall petition the Court for approval of fees. If the Incapacitated Person is a client of the Department of Social and Health Services (DSHS), then the Guardian shall provide notice of any request for approval and payment of its fees and costs to DSHS. The Guardian may advance itself \$\_\_\_\_\_ per month subject to Court review and approval.

**3.17 Guardian ad Litem Fee:**

[ ] Fees and costs are approved as reasonable; OR  
[ ] The Guardian ad Litem fees and costs are approved as reasonable in the total amount of \$\_\_\_\_\_. They shall be paid from [ ] the Guardianship estate assets,  
[ ] Whatcom County, or [ ] other source(s) as follows: \_\_\_\_\_.

**3.18. Legal Fees:** The legal fees and costs of \_\_\_\_\_ are approved as reasonable in the amount of \$\_\_\_\_\_, and shall be paid from the

[ ] Guardianship estate assets  
OR

[ ] other source(s) as follows: \_\_\_\_\_.

**3.19. Guardian’s Report:** The Guardian’s report shall cover the

- [ ] 12 (twelve) month
- [ ] 24 (twenty-four) month or
- [ ] 36 (thirty-six) month

period following the anniversary date of the appointment. The Guardian’s report is due within 90 days of the end of the reporting period and shall comply with the requirements of RCW 11.92.040(2).

**3.20. Mandatory Lay Guardian Training:**

The guardian (s):

[ ] is a certified professional guardian and thereby is not required to complete the

required lay guardian training video or web cast.

[ ] is not a certified professional guardian and:

[ ] has completed the required [ ] training video or [ ] web cast and filed proof with the court.

[ ] has not completed the required training video or web cast. Within three months of appointment, the guardian shall complete the required training and file proof with the court.

[ ] the training requirement is waived for good cause.

DATED AND SIGNED IN OPEN COURT THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge

Presented by:

\_\_\_\_\_  
Signature of Pro Se or Attorney

\_\_\_\_\_  
Printed Name of Pro Se or Attorney,  
WSBA/CPG #

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone/Fax Number

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Email Address

**SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY**

In the Guardianship of:

\_\_\_\_\_

An Alleged Incapacitated Person.

NO. \_\_\_\_\_

ASSIGNED JUDGE: \_\_\_\_\_

**NOTE FOR MOTION DOCKET (NTMTDK)**

Civil Motion Calendar - subject to Confirmation that hearing will proceed and other provisions of WCCR 77.2

**NOTE FOR MOTION DOCKET**

Please take note that the issue in this case will be heard on the date set out in the margin and the clerk is requested to note the same on the motion docket for that day, **subject to the confirmation rule.**

**FRIDAY** @ **1:30 p.m.**  
Date and Time of Hearing

**Nature of Hearing:**

- Petition for Order Appointing Guardian
- 90-day review of Inventory / Personal Care Plan
- Annual  Biennial  Triennial Review
- Appoint Successor Guardian
- Transfer Venue to another County
- Close Guardianship

**CERTIFICATE OF MAILING:**

I certify under penalty of perjury under the laws of the State of Washington that I mailed a copy of this document to the parties listed below, postage prepaid on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: Signature \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_  
SUBMITTED BY: \_\_\_\_\_

Signature of Lawyer or Moving Party \_\_\_\_\_

Print or Type Name; (and WSBA # if Attorney) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_

If Attorney, Party Represented: \_\_\_\_\_

oPetitioner \_\_\_\_\_

oRespondent/Other: \_\_\_\_\_

NAME (below) \_\_\_\_\_ WSBA: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Attorney for:  Petitioner  Respondent/Other

NAME (below) \_\_\_\_\_ WSBA: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Attorney for:  Petitioner  Respondent/Other