

# Guide to Requesting a Public Guardian

**A Public Guardian is the guardian of last resort and should only be requested after all alternatives have been exhausted.**

A public guardian may be requested for an active guardianship or for a possible new appointment.

If a public guardian is needed for an active guardianship proceed to Step 2 below.

If a public guardian is needed for a new appointment proceed to Step 1.

1

- A petition for guardianship must be filed. Statute prohibits the Office of Public Guardianship (OPG) from petitioning for guardianship. Petitions are usually filed by individuals concerned about the alleged incapacitated person's (AIP) decision-making abilities, including family members, friends, facility leadership (hospitals, nursing homes, adult family homes) and social service workers (Adult Protective Services and the Division of Developmental Disabilities).
- After a petition is filed, the court appoints a guardian ad litem, and an investigation to determine if a guardian is needed is initiated.

## 2

- As part of efforts to identify a successor guardian for an existing guardianship or a proposed guardian for a new appointment a professional involved with the guardianship process, usually a guardian ad litem, social worker or an attorney reviews the requirements below to determine if the AIP or actual incapacitated person (IP) is eligible for public guardianship services.

- Age 18 years or older.
- Income does not exceed 200 percent of the federal poverty level. *For 2016, income cannot exceed \$23,540.00 annually or \$1,961.00 monthly; this number may change from calendar year to calendar year and the eligibility would change accordingly, **or***
- Is receiving long-term care services through the Washington State Department of Social and Health Services, **and**
- There is no one else qualified, willing and able to serve. The requester will be asked to provide a list of persons contacted.

Due to limited funding, the Office of Public Guardianship (OPG) cannot provide public guardianship services to everyone who satisfies the eligibility criteria, therefore, priority is given to AIP/IPs who are:

- Indigent/Homeless.
- At significant risk of harm from abuse, exploitation, abandonment, neglect, or self-neglect.
- In eminent danger of loss or significant reduction in public services that are necessary to live successfully in the most integrated and least restrictive environment that is appropriate for a specific individual.

3

- If the eligibility requirements are satisfied, the requestor should complete the Referral Form (*click on the link at the bottom of the page*).

4

- When OPG receives the completed Referral Form, staff will e-mail a brief case description to the certified professional guardian listserv. Professional guardians interested in accepting appointment will be instructed to contact the requestor.

5

- If a certified professional guardian has not agreed to accept appointment within 72 hours (excluding Saturdays and Sundays) after the case description has been e-mailed to the certified professional guardian listserv, the requestor should notify OPG that a public guardian is still needed.

6

- After OPG is notified that a public guardian is needed, staff will perform a background check on the AIP/IP.

*A background check is run to locate family members and learn as much about the AIP/IP as possible. If estranged family members are located, the requestor may be asked to contact family to determine if they are willing to serve as the guardian. Safety of the AIP/IP and public guardians is important, therefore, OPG needs to know about the criminal history of the AIP/IP. OPG will need the social security number and birth date of the AIP/IP to run a background check.*

7

- OPG will e-mail the background check and referral form to a public guardian. If the public guardian is available to provide guardianship services to the AIP/IP, the public guardian will arrange to meet the AIP/IP prior to appointment. Public guardians may decline to accept a case for many reasons, including IPs service needs and guardian's skills are incompatible.

8

- All Orders Appointing a public guardian must contain specific language (see attached sample order).

**Proceed to Referral Form**