LSPR 98.05
GUARDIANSHIP ORDERS AND REPORTS

(a) Appointment of Guardian. The initial Order of Appointment of a Guardian shall clearly specify the due date for filing the Inventory, Budget, Personal Care Plan and the first Annual Report, and shall schedule the hearing for approval of the Inventory, Budget, and Personal Care Plan in conformity with subsection (d) at the top of the Order in substantially the following form:

Due Date for Inventory, Budget & Personal Care Plan:_____

Court Hearing for Review for Inventory, Budget & Care Plan
_____, 20_____ at 11:00 a.m.

Reporting Period for Annual Report:
_____, 20_____ to _____, 20____

Due Date for First Annual Report: _____, 20_____

Court Hearing for Annual Review:_____, 20_____ at 11:00 a.m.

The Order of Appointment shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the order.

(b) Voting Rights. Pursuant to RCW 11.88.010(5), all orders of appointment of guardian shall address whether the alleged incapacitated person retains capacity to meaningfully excise the right to vote. If the incapacitated person's capacity deteriorates after appointment of a guardian, such that the capacity to exercise the right to vote is in question, this issue may be raised by motion at any time.

(c) Proof of Security. Within five (5) days of securing a required bond or of blocking withdrawals from an account, proof of the same shall be filed with the court.

(d) Inventory, Budget and Personal Care Plan

(1) Due Dates. The Inventory, Budget and Personal Care Plan for an incapacitated person shall be filed within 90 days from the date of appointment of a Guardian.

(2) Court Hearing. A hearing for the Court to review the Inventory, Budget and Personal Care Plan shall be scheduled to occur within 14 days after the due date of the reports. At this hearing, the Court shall determine whether any required bond has been posted or accounts blocked, and review whether a bond or blocked account is required. If, after review, the Court finds the reports acceptable, the Court shall enter an order approving the inventory and care plan, and authorizing expenditures in accordance with the budget.

(e) Annual Reports

(1) Reporting Period and Due Date. The Guardian shall file an Annual Report on behalf of the incapacitated person annually, unless other intervals are approved in advance by the Court. Unless modified by court order, the reporting period for each annual report shall be determined from the date of appointment of the Guardian. Each annual report shall be filed within 90 days after the ending date of the reporting period.

(2) Report Summary. Each annual report shall begin with a Summary of Annual Report substantially in the form included in the Appendix to these Rules. The Summary shall clearly identify the reporting period covered by the report and the due date for filing the next annual report.

(3) Court Hearing. A hearing for the Court to review the first annual report shall be scheduled to occur within 14 days after the due date of the report. At this hearing the Court shall review whether required bonds are in place, accounts are blocked, or whether such security should be required. If, after review, the court is satisfied the actions of the guardian have been proper, the court shall enter an order approving the report. This same procedure shall be followed for annual reports following the first annual report unless waived by the court.

(4) Order Approving Report. The guardian shall prepare and present any order approving report. The order approving an annual report shall identify the due date for the next report and the reporting period to be covered by that report in substantially the following form:

Reporting Period for Next Report:

_____, 20_____ to _____, 20_____

Due Date for Next Report:_____, 20_____

Court Hearing for Annual Review:_____ , 20_____ at 11:00 a.m.

The Order Approving Report shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the order.

(f) Review Hearings

(1) Delinquency. In the event an initial, annual, or tri-annual report has not been timely filed or scheduled for Court review as required by this rule, the Court may issue to the Guardian an Order to Show Cause to compel the filing of the report or appearance at a hearing to review the report.

(2) Hearing Schedule. Review hearings shall be scheduled on the Friday guardianship calendar.

(3) Sanctions. At the review hearing, the court may approve filed reports, compel reports to be filed, impose sanctions, and take other action as necessary to protect the interests of the incapacitated person, including initiating the process for appointing a new guardian.

[Adopted effective September 1, 2010.]