



WASHINGTON
COURTS
ADMINISTRATIVE OFFICE OF THE COURTS

September 18, 2012

TO: Judicial Community and Legal Community
FROM: Merrie Gough, Senior Legal Analyst
SUBJECT: SUMMARY OF CHANGES TO GUARDIANSHIP FORMS

The Pattern Forms Committee updated the set of Guardianship forms. The update includes changes to implement Laws of 2011, ch. 329, and recommended changes.

The table, below, describes the changes to the forms:

No.	Form No.	Title and description of changes.
1.	WPF GDN 01.0100	Petition for Guardianship of Person and/or Estate (RCW 11.88.030) This is a new form.
2.	WPF GDN 01.0300	Notice of Guardianship Petition (RCW 11.88.030) This is a new form.
3.	WPF GDN 03.0300	Guardianship Summary This is a new form.
4.	WPF GDN 03.0500	Motion to Extend Time to Complete Lay Guardian Training/Waive Requirements to Complete Lay Guardian Training This is a new form.
5.	WPF GDN 03.0600	Order to Extend Time to Complete Lay Guardian Training/Waive Requirement to Complete Lay Guardian Training This is a new form.

6.	WPF GDN 04.0100	<p>Order Appointing Limited Guardian of Person/Full Guardian of Person/Limited Guardian of Estate/Full Guardian of Estate/Full Guardian of Person and Estate</p> <p>On the first page, delete the box containing the “Clerk’s Information Summary.” Replace it with a box with the following information:</p> <p style="text-align: center;">“Guardianship Summary</p> <p>Date Guardian Appointed: _____</p> <p>Due Date for Inventory (no later than 3 months from appointment): _____</p> <p>Due Date for Care Plan (no later than 3 months from appointment): _____</p> <p>The clerk shall notify the auditor of loss of voting rights: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Due Date for Report and Accounting: _____</p> <p>Date of Next Review: _____</p> <p>Letters Expire On: _____</p> <p>Bond Amount: \$ _____</p> <p>Restricted Account Agreements Required: <input type="checkbox"/> yes <input type="checkbox"/> No</p> <p>Due Date for Receipt(s) of Funds in Blocked Account(s): _____</p> <p><input type="checkbox"/> Certified Professional Guardian (CPG) <input type="checkbox"/> Public Professional Guardian (PUG) <input type="checkbox"/> Lay (Family) Guardian (LGD) <input type="checkbox"/> Training Completed <input type="checkbox"/> Training Required</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 35%; text-align: center;">Incapacitated Person (IP)</th> <th style="width: 35%; text-align: center;">Guardian of: <input type="checkbox"/> Estate <input type="checkbox"/> Person</th> </tr> </thead> <tbody> <tr> <td>Name</td> <td></td> <td></td> </tr> <tr> <td>Address</td> <td></td> <td></td> </tr> <tr> <td>Phone</td> <td></td> <td></td> </tr> <tr> <td>Facsimile</td> <td></td> <td></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 35%; text-align: center;"><u>Standby Guardian</u></th> <th style="width: 35%; text-align: center;"><u>Interested Parties</u></th> </tr> </thead> <tbody> <tr> <td>Name</td> <td></td> <td></td> </tr> <tr> <td>Address</td> <td></td> <td></td> </tr> <tr> <td>Phone</td> <td></td> <td></td> </tr> <tr> <td>Relation to IP</td> <td></td> <td style="text-align: right;">“</td> </tr> </tbody> </table>		Incapacitated Person (IP)	Guardian of: <input type="checkbox"/> Estate <input type="checkbox"/> Person	Name			Address			Phone			Facsimile				<u>Standby Guardian</u>	<u>Interested Parties</u>	Name			Address			Phone			Relation to IP		“
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		<p>In paragraph 1.5, Capacity, in the fourth check box option, change "...estate in the areas as follows:" to "...estate in the following areas:"</p> <p>In paragraph 2.3, Powers and Limitations of the Guardian, change the text as follows:</p> <p style="padding-left: 40px;">"The powers and limitations of the Guardian should be as follows:</p> <p style="padding-left: 80px;"><input type="checkbox"/> unlimited under <u>All of the powers of a Guardian pursuant to the provisions of RCW 11.88 et. seq. and RCW 11.92 et seq. and that are not expressly limited by law or court order.</u></p> <p style="padding-left: 80px;"><input type="checkbox"/> other: _____ _____ _____.</p> <p style="padding-left: 40px;"><u>The guardian does not have power to consent to sterilization on behalf of the incapacitated person."</u></p> <p>In paragraph 2.4, Limitations and Restrictions Placed on the Incapacitated Person, change the text as follows:</p> <p style="padding-left: 40px;">"The limitations and restrictions placed on the Incapacitated Person should be <u>are</u> as follows:</p> <p style="padding-left: 80px;"><input type="checkbox"/> <u>The following rights are revoked:</u></p> <p style="padding-left: 120px;"><input checked="" type="checkbox"/> The right to vote or hold an elected office is revoked.</p> <p style="padding-left: 120px;"><input type="checkbox"/> The right to marry, or divorce, or enter into or end a state registered domestic partnership is revoked.</p> <p style="padding-left: 120px;"><input type="checkbox"/> The right to make or revoke a will is revoked.</p> <p style="padding-left: 120px;"><input type="checkbox"/> The right to enter into a contract is revoked.</p> <p style="padding-left: 120px;"><input type="checkbox"/> To appoint someone to act on your his or her behalf.</p> <p style="padding-left: 120px;"><input type="checkbox"/> To sue and be sued other than through a guardian.</p> <p style="padding-left: 120px;"><input type="checkbox"/> To possess a license to drive.</p> <p style="padding-left: 120px;"><input type="checkbox"/> The right to buy, sell, own, mortgage, or lease property is</p>
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		<p>revoked.</p> <p>[] The right to possess a license to drive is revoked.</p> <p>[] The right to consent to or refuse medical treatment is revoked.</p> <p>[] The right to decide who shall provide care and assistance is revoked.</p> <p>[] The right to make decisions regarding social aspects of <u>your</u> <u>his or her</u> life is revoked.</p> <p>[] Other <u>limitations and restrictions</u>:</p> <p>_____</p> <p>_____</p> <p>_____.”</p> <p>Split paragraph 3.3 and create a new paragraph 3.4 as follows:</p> <p>“3.3 Letters of Guardianship/Limited Guardianship</p> <p>The Clerk of the Court shall issue <u>Letters of Guardianship valid until (date)</u> _____ to (name of <u>Guardian</u>) _____ upon the filing of an oath.:-</p> <p>[] Full [] Limited Guardianship of the Person and/or</p> <p>[] Full [] Limited Guardianship of the Estate to _____</p> <p>_____ (name of Guardian),</p> <p>upon the filing of an oath.</p> <p><u>3.4 Lay Guardian Training</u></p> <p>[] Does not apply. The Guardian is a <u>certified professional guardian or financial institution.</u></p> <p>[] The Petitioner submitted evidence that the Guardian successfully completed Lay Guardian Training.</p> <p>[] <u>The Guardian must complete and file proof of completion of Lay Guardian Training or obtain an</u></p>
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		<p><input type="checkbox"/> Other: _____ _____ _____.”</p> <p>In paragraph 3.14, Duration of Guardianship, change the check box options as follows:</p> <p>“This Guardianship shall continue in effect:</p> <p><input type="checkbox"/> until (date) _____; OR <input type="checkbox"/> until <u>it is</u> terminated pursuant to RCW 11.88.140; <input type="checkbox"/> until further order of the court. The necessity for the Guardianship to continue shall be periodically reviewed; <input type="checkbox"/> until (date) _____; OR <input type="checkbox"/> <u>The guardianship should continue until the incapacitated person, who is a minor, turns 18 years old; OR</u> <input type="checkbox"/> Other: _____.”</p> <p>In paragraph 3.16, Notice of Right to Receive Pleadings, change the second sentence as follows:</p> <p>“...<u>Within 90 days from the date of appointment,</u> The Guardian shall, <u>in writing,</u> 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.”</p> <p>Change paragraph 3.20 as follows:</p> <p>“Guardian’s <u>Account or Report</u></p> <p>The Guardian’s <u>account or</u> report shall cover the:</p> <p><input type="checkbox"/> 12 (twelve)-month <input type="checkbox"/> 24 (twenty-four)-month <input type="checkbox"/> 36 (thirty-six)-month</p> <p>period following the appointment. The Guardian’s Guardian must file his or her <u>account or report by _____ (date, is due which is within 90 days of the end of the reporting period)</u> and shall comply with the requirements of RCW 11.92.040(2) and RCW 11.92.043(2).</p>
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		<p><u>The court must review the account or report within 120 days of the end of the reporting period.</u></p> <p><input type="checkbox"/> A review hearing is set for (date) _____.</p> <p><input type="checkbox"/> The guardian must set a review hearing date on or before (date) _____ [within 120 days of the end of the reporting period.]</p> <p><input type="checkbox"/> The court will review the account or report on or before (date) _____ [within 120 days of the end of the reporting period.], without a hearing. The court may set a review hearing at a later date.”</p>
7.	WPF GDN 04.0250	<p>Letters of Guardianship</p> <p>This is a new form.</p>
8.	WPF GDN 05.0300	<p>Guardian’s Report, Accounting, Proposed Budget</p> <p>In Section A, paragraph 4, change the first two check box options as follows:</p> <p>“<input type="checkbox"/> The incapacitated person is a veteran who has served in of the United States Military who is receiving or has received veteran’s benefits and the guardian of the estate manages those veteran’s benefits. Notice <u>must be provided at least 15 days before the hearing to: The Department of Veteran’s Affairs: WAREA Fiduciary Hub, The Department of Veteran Affairs, 550 Foothill Drive, P.O. Box 58086, Salt Lake City UT 84158. (Check www.va.gov to verify the address is current.) (RCW 73.36.020). Henry M. Jackson Federal Building, 915 Second Avenue, Seattle, WA 98174.</u></p> <p><input type="checkbox"/> The incapacitated person is a <u>Medicaid</u> client of the Department of Social and Health Services (<u>DSHS</u>) who <u>(1) pays guardian’s fees; and (2) is required to contribute to the cost of his or her care in a nursing home or other similar facility. Notice must be provided at least 10 days before the hearing to DSHS. (WAC 388-79-0450).</u>”</p>

In Section A, insert the following new paragraph 12:

“12. Lay Guardian Training

Does not apply. The Guardian is a certified professional guardian or financial institution.

(Name of guardian) _____ successfully completed the required lay guardian training. The certificate of completion is is not on file with the court or attached.

The court waived (name of guardian) _____’s requirement to complete lay guardian training.

The guardian or limited guardian was required to complete additional or updated training. (Name of guardian) _____ successfully completed this additional or updated training. The certificate of completion is is not on file with the court or attached.

Does not apply. Is a professional or institution.”

Renumber the remaining paragraphs.

In Section B, paragraph 13, Status Report, below “a. Status” delete “...was born on (date) _____ and...”

In Section C, in paragraph 16, Estate Information, insert the following as the first sentence:

“For Accounting Period Starting (date) _____ and ending (date) _____.”

Change sections a. through e. as follows:

“a. Total Assets at Market Value as of the beginning of review period \$ _____

~~(As of the beginning of review period (date) _____)~~

b. Total Receipts \$ _____

Write total amount for entire accounting period. Do not use monthly amount.

Income:	
Social Security (SSA)	\$
SSI	\$
VA/Railroad/CSA Pension	\$
Retirement Pension	\$
Wages	\$
Interest and Dividends	\$
Other	\$

~~(Filed under a Sealed Financial Source Documents cover page as Exhibit “___” is a list of all of the receipts that the guardian has received during this accounting period — e.g. check register.)~~

c. Total Disbursements (Payments) - \$ _____

Disbursements:	
Room and Board (rent, nursing home, family home)	\$
Personal Funds	\$
Entertainment & Travel	\$
Transportation (mileage, bus pass, taxi scrip, etc.)	\$
Medical and Dental	\$
Guardian Fees (if allowed)	\$
Attorney Fees	\$
Other:	\$

~~(Filed under a Sealed Financial Source Document cover page as Exhibit “___” is a list of all of the disbursements that the guardian has made during this accounting period.)~~

d. Adjustments to Market Value of Estate +/- \$ _____

(Net gain/loss in value of assets over accounting period.)

~~(Attached to this report as Exhibit “___” is a listing of all of the adjustments to the market value of the estate, such as: new assets that have not yet been reported, assets that have decreased in value over the course of this accounting period (e.g. an automobile), gifts~~

		<p>mo): _____</p> <p>Letters Expire On: _____</p> <p>Bond Amount:\$ _____</p> <p>Restricted Account Agreements Required: <input type="checkbox"/> yes <input type="checkbox"/> No</p> <p>Due Date for Receipt(s) of Funds in Blocked Account(s): _____</p> <p><input type="checkbox"/> Certified Professional Guardian (CPG) <input type="checkbox"/> Public Professional Guardian (PUG) <input type="checkbox"/> Lay (Family) Guardian (LGD) <input type="checkbox"/> Training Completed <input type="checkbox"/> Training Required</p>															
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		<p>Below the Guardianship Summary, insert:</p> <p style="padding-left: 40px;">“This Matter came on regularly for hearing on a petition to approve the Guardian’s annual/<u>biennial</u>/triennial report, accounting, and budget. The Court, having reviewed the Guardian’s Report, Accounting and Budget and the records on file in this case, makes the following:”</p> <p>Add a new section heading “I. Findings of Fact” and insert the following paragraphs:</p> <p>“1.1 Acts of Guardian</p> <p style="padding-left: 40px;">All acts required of the Guardian to date have been performed.</p>															

		<p>1.2 Notice</p> <p>Notice has been properly provided to persons entitled to notice.</p> <p>1.3 Budget and Care Plan</p> <p>The Guardian's proposed Budget and Care Plan are reasonable and appropriate to the Incapacitated Person's needs and should be approved."</p> <p>Delete:</p> <p>"Having Reviewed the Guardian's Report, Accounting, and Proposed Budget, the court now orders:"</p> <p>And replace it with:</p> <p><u>"Based on the above, the Court makes the following:"</u></p> <p>Insert a new section heading "II. Orders." Delete:</p> <p>"4. The Guardian's Report, Accounting and Budget is approved."</p> <p>Insert the following new paragraphs:</p> <p><u>2.1 Approval of Guardian's Report and Accounting</u></p> <p><u>The Guardian's report and accounting is approved.</u></p> <p><u>2.2 Budget</u></p> <p><u>The Guardian is authorized to continue to receive the Incapacitated Person's income and to apply the income and other resources toward the Incapacitated Person's expenses as provided in the Guardian's Proposed Budget.</u></p> <p><u>2.3 Medical and Dental Expenses</u></p> <p><u>The Guardian is authorized to incur and pay reasonable and necessary medical and dental</u></p>
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		<p><u>expenses that the Guardian determines to be in the best interest of the Incapacitated Person.</u></p> <p><u>2.4 Income Tax Payments/Accounting Fees</u></p> <p><u>The Guardian is authorized to make payments for income tax due as required, and to pay fees for accounting services required in connection with the preparation of income tax returns.</u></p> <p><u>2.5 Miscellaneous Expenses</u></p> <p><u>The Guardian is authorized to make disbursements in an amount not to exceed \$ _____ (\$500 if not filled in) on any one expenditure, from guardianship assets, for miscellaneous and necessary items that appear to be reasonable and in the best interests of the IP, without prior approval, to a maximum of \$ _____ (\$1,500.00 if not filled in) per year without further order of the Court.”</u></p> <p>Delete the paragraph number “2,” and renumber and rename the paragraph as:</p> <p><u>“2.6 Guardian’s Next Report and Accounting”</u></p> <p>Update the paragraph text as follows:</p> <p><u>“The Guardian shall provide the next Report and Accounting for the [] 12, [] 24, or [] 36 month period from the ending date of the last reporting period) _____ through _____; and the Report, Accounting, and Proposed Budget shall be filed with presented to the Court for review and approval within 90 days following the conclusion of that reporting period.</u></p> <p><u>The court must review the account or report within 120 days of the end of the reporting period.</u></p> <p><u>[] A review hearing is set for (date) _____.</u></p> <p><u>[] The guardian must set a review hearing date on or before (date) _____ [within 120 days of the end of the</u></p>
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		<p><u>reporting period.]</u> [<input type="checkbox"/>] <u>The court will review the account or report on or before (date) _____ [within 120 days of the end of the reporting period.], without a hearing. The court may set a review hearing at a later date.</u></p> <p>Delete the paragraph number “3,” and renumber and rename the paragraph as:</p> <p style="text-align: center;"><u>“2.6 Fees”</u></p> <p>Update the paragraph text as follows:</p> <p>“The Guardian’s fees of \$ _____, attorney fees of \$ _____ and administrative costs (DSHS cases only) of \$ _____ payable during the period covered in this report are hereby approved. <u>The advance of Guardian’s fees for the upcoming reporting period, in the amount of \$ _____ per month, appear to be reasonable and necessary but are subject to court approval at the next hearing. Above fees are approved for payment from the [<input type="checkbox"/>] guardianship estate assets OR [<input type="checkbox"/>] as a monthly deduction from the incapacitated person’s participation in the DSHS cost of care per WAC 388.71. The monthly deduction from the participation in cost of care is authorized for the next reporting period and ninety <u>120</u> days thereafter from the date of this order, to (date) _____.”</u></p> <p>Delete the paragraph number “4,” and renumber and rename the paragraph as:</p> <p style="text-align: center;"><u>“2.7 Bond”</u></p> <p>Below new paragraph “2.7,” insert the following new paragraph:</p> <p><u>“2.8 Letters of Guardianship</u></p> <p><u>The Clerk of Court is directed to issue new Letters of Guardianship with an expiration date of _____ (one-hundred twenty days</u></p>
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		<p><u>from the end of the reporting period).</u></p> <p>Delete "5. Other," and replace it with:</p> <p><u>"2.9 Other"</u></p>																					
<p>10.</p>	<p>WPF GDN 06.0500</p>	<p>Order Appointing Successor Limited Guardian of Person/Full Guardian of Person/Limited Guardian of Estate/Full Guardian of Estate/Full Guardian of Person and Estate</p> <p>On the first page, delete the box containing the "Clerk's Information Summary." Replace it with a box with the following information:</p> <p style="text-align: center;">"Guardianship Summary</p> <p>Date Guardian Appointed: _____</p> <p>Due Date for Inventory (no later than 3 months from appointment): _____</p> <p>Due Date for Care Plan (no later than 3 months from appointment): _____</p> <p>Due Date for Report and Accounting: _____</p> <p>Date of Next Review: _____</p> <p>Letters Expire On: _____</p> <p>Bond Amount: \$ _____</p> <p>Restricted Account Agreements Required: <input type="checkbox"/> yes <input type="checkbox"/> No</p> <p>Due Date for Receipt(s) of Funds in Blocked Account(s): _____</p> <p><input type="checkbox"/> Certified Professional Guardian (CPG) <input type="checkbox"/> Public Professional Guardian (PUG) <input type="checkbox"/> Lay (Family) Guardian (LGD) <input type="checkbox"/> Training Completed <input type="checkbox"/> Training Required</p> <table border="1" data-bbox="634 1493 1380 1734"> <tr> <td></td> <td>Incapacitated Person (IP)</td> <td>Guardian of: <input type="checkbox"/> Estate <input type="checkbox"/> Person</td> </tr> <tr> <td>Name</td> <td></td> <td></td> </tr> <tr> <td>Address</td> <td></td> <td></td> </tr> <tr> <td>Phone</td> <td></td> <td></td> </tr> <tr> <td>Facsimile</td> <td></td> <td></td> </tr> </table> <table border="1" data-bbox="634 1766 1380 1871"> <tr> <td></td> <td><u>Standby Guardian</u></td> <td><u>Interested Parties</u></td> </tr> <tr> <td>Name</td> <td></td> <td></td> </tr> </table>		Incapacitated Person (IP)	Guardian of: <input type="checkbox"/> Estate <input type="checkbox"/> Person	Name			Address			Phone			Facsimile				<u>Standby Guardian</u>	<u>Interested Parties</u>	Name		
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Below the heading “**I. Findings of Fact,**” insert a new paragraph 1.3:

“1.3 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): _____.”

Renumber paragraph “1.3” as “1.4.”

Under heading, “**III. Order,**” split paragraph 3.2 and create a new paragraph 3.3 as follows:

“3.2 Letters of Guardianship/Limited Guardianship

The Clerk of the Court shall issue Letters of Guardianship valid until (date) _____ to [] Full [] Limited Guardianship of the Person and/or [] Full [] Limited Guardianship of the Estate to _____ (name of Guardian) _____, upon the filing of an oath.

3.3 Lay Guardian Training

- Does not apply. The Guardian is a certified professional guardian or financial institution.
- The Petitioner submitted evidence that the Guardian successfully completed Lay Guardian Training.
- The Guardian must complete and file proof of completion of Lay Guardian Training or obtain an order waiving training by (date) _____, (no more than 90 days after today's date).”

Renumber the remaining paragraphs.

In paragraph 3.4, Guardianship Bond and Security, insert the following as the fifth check box option:

The following accounts are blocked:

_____.”

Add a check box before the paragraph beginning with “All other accounts shall be blocked....”

In paragraph 3.5, Prior Order Remains in Effect, change “...except modified as follows” to “...except for the following modifications.”

Insert the following new paragraph 3.6:

“3.6 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, the County, other source(s) as follows:

_____.”

		<p>Renumber the remaining paragraphs.</p> <p>Change paragraph 3.7 as follows:</p> <p>“3.7 Guardian’s <u>Account or Report</u></p> <p>The Guardian’s <u>account or report</u> shall cover the:</p> <p>[] 12 (twelve)-month [] 24 (twenty-four)-month [] 36 (thirty-six)-month</p> <p>period following the appointment. The Guardian’s <u>Guardian must file his or her account or report is due by _____ (date, which is within 90 days of the end of the reporting period) and shall comply with the requirements of RCW 11.92.040(2) and RCW 11.92.043(2).</u></p> <p><u>The court will review the account or report.</u></p> <p><input type="checkbox"/> <u>A review hearing is set for (date) _____.</u></p> <p><input type="checkbox"/> <u>The guardian must set a review hearing date on or before (date) _____ [within 120 days of the end of the reporting period.]</u></p> <p><input type="checkbox"/> <u>The court will review the account or report on or before (date) _____ [within 120 days of the end of the reporting period.], without a hearing. The court may set a review hearing at a later date.”</u></p>
11.	WPF GDN 07.0100	<p>Order to Show Cause</p> <p>This is a new form.</p>