

Guardianship and Conservatorship Program Regulations

403 Self-Determination of Individual Subject to Guardianship and/or Conservatorship

403.1 The civil rights and liberties of the individual subject to guardianship and/or conservatorship shall be protected. The independence, self-reliance and self-determination of the individual shall be promoted and maximized to the greatest extent consistent with their protection and safety. The guardian and conservator shall protect the personal and economic interests of the individual subject to guardianship and/or conservatorship and foster growth, independence, self-reliance, and self-determination to the extent reasonably feasible.

403.2 To the extent reasonably feasible, the guardian and conservator shall encourage the individual to participate in decisions, act on their own behalf, and develop or regain the capacity to manage their own personal affairs.

[RCW 11.130.325 \(2\)](#)

[RCW 11.130.505 \(2\)](#)

403.3 Whenever appropriate a guardian and conservator shall consult with the individual subject to guardianship and/or conservatorship, and shall treat with respect, the feelings, values, and opinions of the individual. The guardian shall, to the extent reasonably feasible, involve the individual in decisions affecting the individual, including, but not limited to, decisions about the individual's care, dwelling, activities, or social interactions.

[RCW 11.130.325 \(2\) \(b\)](#)

403.4 When making decisions on behalf of the individual subject to guardianship and/or conservatorship, the guardian and conservator shall evaluate the alternatives that are available and choose the one that best meets the needs of the individual while placing the least restrictions on the individual's freedom, rights, and ability to control their environment.

403.5 When appropriate, the guardian and conservator will defer to an individual's capacity to make decisions.

403.6 Unless otherwise directed by the court, the guardian and conservator shall provide copies of all material filed with the court and notice of all hearings in the guardianship and/or conservatorship to the individual.

403.7 The guardian and conservator shall, whenever appropriate or required by law, provide other requested information to the individual subject to guardianship and/or conservatorship unless the guardian and conservator is reasonably certain that substantial harm will result from providing such information. This information shall include, but not be limited to, regular reports on: (a) the status of investments and operating accounts, (b) the costs and disbursements necessary to manage the individual's estate, property and finances, and (c) medical and other personal information related to the care of the individual.

403.8 The guardian and conservator shall determine the extent to which the individual subject to guardianship and/or conservatorship identifies with particular ethnic, religious, and cultural values and shall consider those values in the guardian and conservator's decision-making to the extent appropriate. The guardian and conservator shall not substitute their moral or religious values, opinions, or philosophical beliefs for those of the individual.

RCW 11.130.325 (1)

403.9 Sexual and Gender Expression:

403.9.1 The guardian and conservator shall acknowledge the rights of the individual subject to guardianship and/or conservatorship to interpersonal relationships, sexual expression, and gender expression. The guardian and conservator shall take reasonable steps to ensure that a private environment conducive to this expression is provided. The guardian and conservator shall take reasonable steps to protect the individual from victimization.

403.9.2 The guardian shall ensure that the individual subject to guardianship is informed of birth control methods and other sexual health information when appropriate.

403.9.3 The guardian shall take reasonable steps to protect the rights of the individual subject to guardianship with regard to sexual expression and gender expression. A review of ethnic, religious, and cultural values may be necessary to uphold the individual's values and customs.