

Superior Court of Washington, County of _____
华盛顿州 县高等法院

In the Guardianship/Conservatorship of:
关于以下个人的监护/保护:

Respondent
被申请人

No. _____
编号

Order Appointing Court Visitor - Adult
法院视察员指定令——成人
(ORAPCV)
(ORAPCV)

Clerk's Action Required: 6, 7, 12
书记员需要采取的行动: 6、7、12

Order Appointing Court Visitor
法院视察员指定令

Findings
调查结论

1. This court has jurisdiction over this matter.
本法院对该事宜有管辖权。
2. The court visitor (visitor):
法庭视察员（视察员）：
 - ☐ should be the person whose name next appears on the visitor registry; or
应该是视察员登记名单上的下一个可用的人员；或
 - ☐ should **not** be the person whose name next appears on the registry because the court finds that extraordinary circumstances exist, as follows:
不应该是视察员登记名单上的下一个可用的人员，因为法院认为存在特殊情况，如下所示：
 - ☐ there is a need for particular expertise in the area of _____
需要以下领域的特定专业知识
 - ☐ other: _____
其他:
3. ☐ The filing fee should be waived because:
应免除申请费，因为:

- ☐ the petition alleges that the Respondent has total assets of a value of less than \$3,000;
申请称被申请人的总资产价值低于\$3,000;
- ☐ payment of the filing fee would impose a hardship upon the Respondent; or
支付申请费会给被申请人带来困难; 或
- ☐ the Attorney General is filing the petition.
由总检察长提交申请。
- ☐ The filing fee should not be waived.
不应免除申请费。

The Court Orders:

法院命令:

4. The filing fee:
申请费:

☐ is waived.
已免除。

☐ is not waived.
未免除。

5. Payment of the visitor shall:
视察员费用应:

☐ be at **public expense**, to be paid by _____ County at a rate not to exceed \$_____ per hour up to a maximum of \$_____/_____ (hours) unless the visitor obtains prior approval from the court for a different amount. If evidence is submitted showing that there was not financial hardship or that financial hardship no longer exists, the court shall be reimbursed the filing fee and all other fees and costs.

由公共费用支付, 即 _____ 县, 费率不超过\$ _____ 每小时, 最高不超过\$ _____ / _____ (小时), 除非视察员事先获得法院批准的其他金额。如果提交的证据表明不存在或不再存在经济困难, 应向法院偿还申请费和所有其他费用。

☐ be at **private expense**. The visitor shall be paid at a rate of \$_____ per hour up to a maximum of \$_____/_____ (hours) unless the visitor obtains prior approval from the court for a different amount.

由私人支付。应支付的视察员费用为\$ _____ 每小时, 最高不超过\$ _____ / _____ (小时), 除非视察员事先获得法院批准的其他金额。

☐ not be allocated by this court because the visitor is a salaried employee of a public agency.

由于视察员是公共机构的受薪雇员, 因此法院不予分配。

☐ be determined at a future hearing.
在未来的听证会上确定。

6. The hearing on the guardianship, conservatorship, or other protective arrangement petition shall be held within 60 days of the date the petition was filed. The hearing:

有关监护权、保护权或其他保护安排申请的听证会应在提交申请之日起60天内举行。听证会：

[] shall be held on (date) _____ at (time) _____ in (court's location and room or department) _____.

将于以下日期举行（日期）（时间）（法院位置和房间或部门）

[] shall be scheduled by the parties.

应由双方安排。

7. The court finds or knows that (visitor's name) _____ has the required knowledge, training, or expertise to perform the duties required. The court appoints this person as visitor for the Respondent in this case. The visitor can be contacted in the following manner:

法院认定或知道（视察员姓名） 拥有履行所需职责所需的知识、培训或专业技能。法院指定此人为本案中申请人的视察员。可以通过以下方式联系视察员：

Address: _____

地址：_____

Telephone: _____

电话号码：_____

Email: _____

电子邮件地址：_____

8. **Professional Evaluation**
专业评估

The court orders Respondent to submit to a professional evaluation by a physician licensed to practice under chapter 18.71 or 18.57 RCW, a psychologist licensed under chapter 18.83 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, or a physician assistant licensed under chapter 18.71A RCW, selected by the visitor who is qualified to evaluate Respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the Respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the Respondent. The court visitor, after receiving a professional evaluation from the individual selected by the Respondent, may obtain a supplemental evaluation from a different professional.

法院命令被申请人接受由法院视察员选定的专业评估。该专业评估人员应具备以下资质之一：根据RCW第18.71章或第18.57章获得执业许可的医生；根据RCW第18.83章获得执业许可的心理学家；根据RCW第18.79章获得执业许可的高级注册护士从业者；或者根据RCW第18.71A章获得执业许可的助理医师。该专业评估人员应具备评估被申请人所声称的认知能力和功能限制的资格，并且不会因法院批准或拒绝申请而获得或损失利益，也不会存在利益冲突。如果被申请人反对法院视察员选定的专业评估人员，法院视察员应从被申请选定的专业评估人员处获得专业评估。在收到被申请选定的专业评估人员提供的评估后，法院视察员可以再从其他专业评估人员处获得补充评估。

9. The Visitor's Duties

视察员的职责

The visitor shall have the following duties in all types of cases:

视察员在所有类型的案件中都应履行以下职责：

- A. Within the appropriate time limit of receiving the notice of appointment, file with the court and serve each party, either personally or by certified mail with return receipt, a statement including: their training relating to the duties as a visitor; their criminal history as defined in RCW 9.94A.030 for the period covering 10 years prior to the appointment; their hourly rate, if compensated; whether the visitor has had any contact with a party to the proceeding prior to their appointment, and whether they have an apparent conflict of interest;

在收到指定通知后的相应时限内，向法院提交文件并亲自或通过要求回执的挂号信向各方送达一份声明，其中包括：与视察员职责相关的培训；接受指定前10年期间的RCW 9.94A.030定义的犯罪记录；其小时费率（如果有报酬）；视察员在接受指定之前是否与诉讼当事方有过任何接触，以及他们是否存在明显的利益冲突；

- B. Interview Respondent in person (in an emergency petition use due diligence to interview in person) and explain, in a manner Respondent is best able to understand: the substance of the petition, the nature, purpose, and effect of the proceeding, the Respondent's rights at the hearing on the petition and, if relevant, the general powers and duties of a guardian/conservator;

与被申请人面谈（如为紧急请求，利用尽职调查与被申请人面谈），并以被申请人最容易理解的方式解释：请求的实质内容、诉讼程序的性质、目的和效果、被申请人在申请听证会上的权利，以及相关的监护人/保护人一般权力和义务；

To determine Respondent's views about the appointment or protective arrangement sought by the petitioner, including views about a proposed guardian or conservator, the guardian or conservator's proposed powers and duties, and the scope and duration of the proposed order sought by the petitioner; and

确定被申请人对呈请人寻求的指定或保护安排的看法，包括对拟议监护人或保护人的看法、监护人或保护人的拟议权力和职责以及呈请人寻求的拟议命令的范围和期限；和

To inform Respondent that all costs and expenses of the proceeding, including Respondent's attorney's fees, may be paid from Respondent's assets.

告知被申请人，诉讼的所有费用和开支，包括被申请人的律师费，都可能通过被申请人的资产支付。

- C. To obtain information from a physician or other person known to have treated, advised, or assessed Respondent's physical or mental condition (in an emergency petition, use due diligence);

从已知曾对被申请人身体或精神状况给予治疗、给予建议或进行评估的医生或其他人处获取信息（如为紧急请求，利用尽职调查）；

- D. If a guardianship or a protective arrangement related to Respondent's dwelling is sought, visit Respondent's current home (in an emergency petition, use due diligence) and any place Respondent may live, if an appointment for guardian is made or a protective arrangement is ordered;

如果寻求与被申请人住所相关的监护权或保护性安排，则对被申请人目前的住所进行访查（如为紧急请求，利用尽职调查）以及如果已指定监护人或下令作出保护性安排，对被申请人可能居住的任何地方进行访查；

- E. To interview the petitioner and the person whose appointment is sought as guardian and/or conservator;

与呈请人和希望接受监护人和/或保护人指定的个人进行面谈；

- F. If relevant to the order sought, review Respondent's financial records, if relevant to the visitor's recommendation regarding the proposed conservator, guardian, or protective arrangement;

如果与请求下达的命令相关，如果与视察员关于拟议保护人、监护人或保护安排的建议相关，则要审查被申请人的财务记录；

- G. To investigate alternate arrangements made, or which might be created, by or on behalf of Respondent;

调查被申请人或其代表做出的或可能制定的替代安排；

- H. Investigate the allegations in the petition and any other matter/s relating to the petition the court directs;

调查请求中的指控以及法院指示的与请求相关的任何其他事项；

- I. To provide the court with a written report which shall include the following:

向法院提供书面报告，其中应包括以下内容：

- If relevant to the order sought, a summary of self-care and independent living tasks Respondent cannot manage, can manage independently, and could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making;

如果与希望下达的命令相关，则应提供被申请人无法管理、可以独立管理以及可以在适当的支持服务、技术援助或辅助决策的帮助下进行自我照顾和完成独立生活任务的摘要；

- A recommendation regarding the appropriateness of the guardianship, conservatorship, or protective arrangement sought, including whether a protective arrangement instead of a guardianship, conservatorship, or other less restrictive alternative for meeting Respondent's needs is available;

关于所寻求的监护、保护或保护安排是否恰当的建议，包括是否可以使用保护安排来代替监护、保护或其他限制性较小的替代方案来满足被申请人的需求；

- A statement of the qualifications of the proposed guardian or conservator and whether Respondent approves or disapproves of the proposed guardian or conservator;

关于拟议监护人或保护人的资格以及被申请人是否批准或不同意拟议监护人或保护人的声明；

- If a guardianship or conservatorship is recommended, a statement as to whether it should be full or limited and what powers should be granted to the guardian or conservator if it is a limited appointment;

如果建议采用监护权或保护权，请说明是完全还是有限监护权或保护权，以及如果是有限指定，应授予监护人或保护人什么权力；

- If relevant to the order sought, a statement whether the proposed residence meets Respondent's needs and whether Respondent has expressed any preferences in regards to their residence;
如果与希望下达的命令相关，则说明拟议的居住地是否满足被申请人的需求以及被申请人是否表达了对其居住地的任何偏好；
- A statement as to whether Respondent declined a professional evaluation and, if so, what other information is available to determine Respondent's needs and abilities without the professional evaluation;
关于被申请人是否拒绝专业评估的声明，如果拒绝，在不进行专业评估的情况下还有哪些其他信息可用于确定被申请人的需求和能力；
- A statement as to whether Respondent is able to attend a hearing at the location where court proceedings are typically held;
关于被申请人是否能够在法庭诉讼通常举行地点参加听证会的声明；
- A statement as to whether Respondent is able to participate in a hearing, including identifying any technology or other form of support that would enhance Respondent's ability to participate; and
关于被申请人是否能够参加听证会的声明，包括确定可提高被申请人参与能力的任何技术或其他形式的支持；和
- If relevant to the order sought, the visitor should state the amount of the bond or other verified receipt needed under RCW 11.130.445 and 11.130.500.
如果与希望下达的命令相关，视察员应说明RCW 11.130.445和11.130.500下所需的保证金或其他已核实收据的金额。
- If an Emergency Order is sought, a detailed summary of the alleged emergency and the substantial and irreparable harm to the individual's health, safety, welfare, property, or finances that is likely to be prevented by the appointment of an emergency guardian and/or conservator.
如果希望下达紧急命令，详细概述所称的紧急情况以及对个人健康、安全、福利、财产或财务造成的重大且不可挽回的损害，而指定紧急监护人和/或保护人可能会避免这种损害。
- If an Emergency Order is sought, a statement as to whether the alleged emergency and Respondent's alleged needs are likely to require an extension of 60 days;
如果希望下达紧急命令，则声明所称的紧急情况和被申请人所称的需求是否可能需要延长60天；
- If an Emergency Order is sought, the specific powers to be granted to the emergency conservator and/or guardian/s and how the specific powers will address the alleged emergency and Respondent's alleged need;
如果希望下达紧急命令，则授予紧急保护人和或监护人的具体权力以及这些具体权力将如何解决所称的紧急情况和被申请人所称的需求；
- If an Emergency Order is sought, a recommendation regarding the appropriateness of an emergency guardianship and/or conservatorship, including whether a protective arrangement instead of a guardianship and/or conservatorship or other less restrictive alternative for meeting Respondent's

needs is available, and if an emergency guardianship and/or conservatorship is recommended;

如果希望下达紧急命令，则有关紧急监护权和/或保护权是否恰当的建议，包括是否可以采取保护性安排来代替监护权和/或保护权或其他限制较少的替代方案来满足被申请人的需求，以及是否建议采取紧急监护权和/或保护权；

- J. ☐ At least 15 days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the visitor shall file their report with the court and send a copy to Respondent, Petitioner, and any other party entitled to notice under RCW 11.130.080. If the visitor needs additional time to finalize their report, then the visitor shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report;

在关于请求的听证会之前至少15天，除非法院出于正当理由批准延长或缩短时间，否则视察员应向法院提交报告，并将副本发送给被申请人、呈请人以及根据 RCW 11.130.080 有权收到通知的任何其他方。如果视察员需要更多时间来完成报告，则视察员应请求法院推迟听证会，或者在所有其他方同意的情况下，延长或缩短提交报告的时间；

- ☐ This is an emergency proceeding. The visitor shall report to the court and send a copy to Respondent, the petitioner, and any notice party 7 days prior to the hearing on the *Emergency Petition*.

这是一个紧急程序。视察员应在紧急申请听证会前7天向法院报告并将副本发送给被申请人、呈请人和任何通知方。

- K. The visitor's report shall be confidential. The sealed report must be filed under a Sealed Confidential Reports cover sheet. The sealed visitor report may not be placed in the court file or used as an attachment or exhibit to any other document except under seal.

视察员的报告应保密。已加封报告必须使用加封机密报告封面提交。加封的视察员报告不得放入法庭档案中，也不得用作任何其他文件的附件或证据，除非加封。

- L. To advise the court of the need for appointment of counsel for the Respondent as soon as practical after the meeting described in **section 9B of this order** unless (i) counsel has appeared, (ii) Respondent 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) Respondent was unable to communicate at all on the subject, and the visitor is satisfied that Respondent does not affirmatively desire to be represented by counsel.

在本命令第9B节中所述的会议之后尽快告知法院有必要为被申请人指定律师，除非 (i) 律师已出庭，(ii) 被申请人在被申请人获知代表权以及法院提供律师的条件后明确表示不希望由律师代理，(iii) 被申请人根本无法就该事宜进行沟通，并且视察员确信被申请人并不明确希望由律师代表。

10. Visitor's Authority and Access to Information 视察员的权限和信息访问权限

- A. Upon request of the visitor, all providers that are covered entities under the Health Insurance Portability and Accountability Act (HIPAA) and their business associates shall release to the visitor a professional evaluation required by RCW 11.130.290, .390, .615.

根据视察员的要求，属于《健康保险机动性与责任制法案》(HIPAA)所涵盖实体的所有服务提供者及其业务伙伴应向视察员披露RCW 11.130.290、.390、.615要求的专业评估。

- B. Upon the visitor's request, financial institutions holding accounts in Respondent's name, or in the name of the Respondent and any other individual, shall provide the visitor with all records and financial information regarding those accounts. By this order, copies of financial information regarding Respondent shall be released to the visitor.

根据视察员的要求，以被申请人名义或以被申请人和任何其他个人的共同名义持有账户的金融机构应向视察员提供有关这些账户的所有记录和财务信息。根据此命令，应向视察员披露有关被申请人的财务信息副本。

- C. The visitor shall have access to the Adult Protective Service (APS) file and social report if any exists, provided that APS shall not be required to release the identities of persons making reports under RCW 74.34 et. seq., and shall have the right to reserve other privileged or confidential information as it deems appropriate to protect Respondent. Any APS records released to the visitor are provided for the purpose of assisting the visitor in their investigation and report to the court. The records released to the visitor shall be used in the chapter 11.130 RCW proceedings and shall not be further disseminated without a court order and prior notice to the Attorney General's Office.

视察员应有权访问成人保护服务(APS)文件和社会报告（如果有），但APS无需公布根据RCW 74.34及其后续条款进行报告的人员的身份，并有权保留其认为适用于保护被申请人的其他特权或机密信息。向视察员披露的任何APS记录都是为了协助视察员进行调查并向法院报告。向视察员披露的记录应在RCW第11.130章诉讼中使用，未经法院命令并事先通知总检察长办公室，不得进一步传播。

- D. The visitor shall have access to Social Security Administration records regarding Social Security benefits received by Respondent, including but not limited to, type and amount of benefit, status of benefits, direct deposit information, and any other information deemed necessary by the visitor to complete their investigation.

视察员应有权访问社会保障管理局关于被申请人收到的社会保障福利的记录，包括但不限于福利类型和金额、福利状态、直接存款信息以及视察员认为完成调查所需的任何其他信息。

11. Visitor's Duty to Keep Information Confidential

视察员对信息保密的责任

The visitor shall maintain any information as confidential and shall not disclose said information except in oral or written reports to the court, the parties, and their counsel, except as authorized under RCW 74.34.095, GR 15, GR 22, GR 31, and GALR 2.

视察员应对任何信息保密，不得披露上述信息，除非以口头或书面形式向法院、当事人及其律师报告，除非根据RCW 74.34.095、GR 15、GR 22、GR 31和GALR 2获得授权。

12. Attorney Appointment (RCW 11.130.320, .430)

律师指定(RCW 11.130.320, .430)

This is an Emergency Guardianship and/or Conservatorship. The court appoints the following person as lawyer for Respondent.

这是紧急监护权和/或保护权。法院指定以下人员为被申请人的律师。

Name and WSBA number: _____

姓名和WSBA编号:

Address: _____

地址:

Phone number: _____

电话号码:

Email address (optional): _____

电子邮件地址 (选填):

Payment is:

付款:

☐ Reserved. The court may decide the responsibility to pay and the reasonableness of fees at a later hearing.

保留。法院可以在以后的听证会上决定支付责任和费用的合理性。

☐ The lawyer must be paid:

律师报酬必须为:

☐ at **private** expense of the person being represented.

自费, 由被代表的个人承担。

☐ at **public** expense.

公费。

The lawyer must be paid at a rate of \$ _____ per hour up to a maximum of \$ _____ or _____ hours unless the lawyer obtains prior approval from the court for a different amount.

律师的报酬必须是\$ _____ 每小时, 最高不超过\$ _____

或者 _____ 小时, 除非律师事先获得法院批准按其他金额支付。

The court may decide later if anyone must reimburse public or private fees paid.

法院后期可能会决定是否必须由何人偿还已支付的公费或自费费用。

13. The court also orders: _____

法院还命令:

Dated _____

日期:

Judge/Court Commissioner

法官/助理法官

Presented by:

提交人:

Signature of Party/Lawyer

当事人/律师签名

Printed Name

请工整填写姓名

WSBA No.

WSBA 编号