

Superior Court of Washington, County of _____

In the Guardianship/Conservatorship of:

Respondent

No. _____

Order Appointing

☐ **Limited Guardian** (ORAPLGP)

☐ **Full Guardian** (ORAPGDP)

☐ **Limited Conservator** (ORAPLC)

☐ **Full Conservator** (ORAPCC)

☐ **Full Guardian/Conservator**
(ORAPFGC)

☐ **Limited Guardian/Conservator**
(ORAPLGC)

☐ **Clerk's Action Required:** 1, 23, 35, 36,
41

Order Appointing Full or Limited Guardian and/or Conservator

1. Summary

Date guardian/conservator appointed: _____

Due date for report and accounting: _____

Reporting Period:

☐ 12 ☐ 24 ☐ 36

Start: _____

End: _____

Date of next review: _____

Letters expire on: _____

Bond amount: _____

\$ _____

Restricted account agreements required:

☐ Yes ☐ No

Due date for inventory: _____

Due date for guardian/conservator's plan: _____

The clerk shall notify the auditor of loss of voting rights:

☐ Yes ☐ No

Right to vote removed – birth date and last 4 SS #: _____

☐ Certified professional guardian (CPGC)

☐ Lay (non-professional) guardian (LGD) ☐ Training completed ☐ Training required

Declaration of Completion of lay guardian/conservator training due to be filed same day as guardian/conservator's plan.

	<u>Individual Subject to Guardianship/Conservatorship</u>	<u>Guardian/Conservator</u>
Name		
Address		
Phone		
Email		
Facsimile		

	<u>Notice Party</u>	<u>Notice Party</u>
Name		
Address		
Phone		
Email		
Relationship		

This matter came on for hearing on a petition for appointment of guardian and/or conservator for the Respondent.

The proposed guardian and/or conservator was present.

The court visitor (visitor) was present. The following other persons were also present at the hearing:

The court considered the written report of the visitor and the professional evaluation, the testimony of witnesses, remarks of counsel, and the documents filed herein. Based on the above, the court makes the following:

Findings of Fact

2. All notices required by law have been given and proof of service, as required by statute, is on file.

The court finds by clear and convincing evidence that Respondent was given proper notice of the hearing on the petition. Required proof of service is on file.

3. **Jurisdiction and Venue**

Jurisdiction over the person and/or estate of Respondent is correct because:

- ☐ **Home State Jurisdiction** – The Respondent has lived in Washington for at least 6 months prior to this case being filed.
- ☐ **Home State Jurisdiction** – The Respondent does not live in Washington right now, but Washington was the Respondent's home state sometime in the 6 months prior to this case being filed.
- ☐ **Significant Connection Jurisdiction** – Washington is not the Respondent's home state, but the Respondent does have a significant connection to the state other than physical presence. The Respondent's significant connection is _____

-
- ☐ **Special Emergency Jurisdiction** – Washington is not the Respondent's home state, but a court order is needed to protect the Respondent's health, safety, or welfare from substantial harm and no other person has authority and is willing to act.

Venue is correct because (*check all that apply*):

- ☐ The Respondent resides in the county in which the court is located.
- ☐ The Respondent has been admitted to an institution by court order, the county in which the court is located.
- ☐ The Respondent does not reside in Washington State but has property located in the county in which the court is located.

4. Respondent's Attendance

- ☐ Respondent was present in court;
- ☐ The hearing was conducted outside of the courtroom at the location of the Respondent;
- ☐ Respondent refused to attend the hearing after having been fully informed of the potential consequences;
- ☐ There was no practicable way for Respondent to attend and participate, even with supportive or technological assistance.
- ☐ Findings to support the above: _____
-

5. Court Visitor (Visitor)

The visitor appointed by the court has filed a report with the court. The report is complete and complies with all requirements of RCW 11.130.280 and/or 11.130.380.

6. Professional Evaluation

- ☐ There was a professional evaluation by (*name*) _____
- ☐ There is sufficient information to determine Respondent's needs and abilities without the professional evaluation.

7. Alternative arrangements made by the Respondent

- ☐ Respondent did not make alternative arrangements for assistance, such as a power of attorney or other protective arrangements.
- ☐ Respondent made other protective arrangements for assistance, but such arrangements are inadequate in the following respects: _____
- _____
- _____
- _____

- ☐ (*Name*) _____ has been acting in a fiduciary capacity for Respondent and should **not** continue to do so for the following reasons:
- _____
-

8. Basis for guardianship and/or conservatorship

Respondent by clear and convincing evidence:

- ☐ lacks the ability to meet essential requirements for physical health, safety, or self-care, because the Respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making.
- ☐ is incapable of managing property or financial affairs due to ☐ a limitation in Respondent's ability to receive and evaluate information or ☐ absence. An appointment of a conservator is necessary to ☐ avoid a significant dissipation of the individual's property or ☐ obtain funds or property to support and care for the individual or their dependents.
- ☐ is in need of a full ☐ guardianship and/or ☐ conservatorship.
- ☐ is capable of managing some personal and/or financial affairs, but is in need of the protection and assistance of a limited ☐ guardian ☐ conservator. These specific powers are granted to the ☐ guardian ☐ conservator:

- ☐ The following less restrictive protective arrangement will meet Respondent's needs: _____

- ☐ There is clear and convincing evidence that Respondent's needs cannot be met by a protective arrangement instead of guardianship and/or conservatorship or other less restrictive alternative, including the use of appropriate supportive services, technological assistance, or supported decision making.
- ☐ There is clear and convincing evidence that Respondent's needs cannot be met by limited guardianship and/or conservatorship. The guardianship and/or conservatorship is appropriate.

Specific Findings (*about why someone needs a guardianship/conservatorship*): _____

9. Guardian/Conservator

The proposed guardian/conservator is qualified to act as ☐ guardian and/or ☐ conservator for Respondent and they have filed the *Disclosure of Guardian or Conservator*. Their address, phone numbers, and email address are as follows:

Address: _____

Phone No/s: Business _____ Personal _____

Email: _____

The relationship of the guardian and/or conservator to Respondent is:

☐ The guardian and/or conservator provides paid services, is a relative, or is employed by a person that provides paid services to the Respondent. The court finds by clear and convincing evidence that the guardian and/or conservator is the best qualified person for the appointment and the appointment is in the best interest of the Respondent.

10. Visitor fees and costs

☐ The visitor was appointed at ☐ county expense ☐ estate expense and shall submit a motion for payment of fees and costs pursuant to the local rules.

☐ The visitor has requested a fee of \$_____ for services rendered and reimbursement of \$_____ for costs incurred while acting as visitor. Fees in the amount of \$_____ and costs in the amount of \$_____ are reasonable and should be paid as follows:

☐ \$_____ by the guardian/conservator from the estate and/or

☐ by the County of _____

☐ \$_____ by _____ for the following reason/s:

11. Conservator's Bond

The assets of the Respondent:

☐ Does not apply. Respondent only has a guardianship.

☐ are unknown, and a bond shall be reviewed at the hearing on the conservator's plan.

☐ total less than three thousand dollars (\$3,000) and no bond is required.

☐ exceed three thousand dollars (\$3,000) and a bond is required.

☐ exceed three thousand dollars (\$3,000) and should be placed in a blocked account with an insured financial institution or bonded.

☐ should be held by a conservator who is a regulated financial institution, qualified to do trust business in this state, and the court waives any bond requirement.

12. Restrictions on Respondent's right to communicate

The following facts support restricting Respondent's right to communicate, visit, and interact with others: _____

13. Right to Vote

Respondent:

- ☐ is capable of exercising the right to vote.
- ☐ is not capable of exercising the right to vote because Respondent cannot communicate, with or without support, a specific desire to participate in the voting process.

14. Right to Marry

Respondent:

- ☐ is capable of exercising the right to marry.
- ☐ is not capable of exercising the right to marry because Respondent lacks the ability to understand the special nature of the contract and the duties it entails.

Conclusions of Law

Based upon the above findings of fact, the court makes the following conclusions of law:

15. Individual Subject to Guardianship/Conservatorship

(Name) _____ is an individual who meets the requirements to be subject to guardianship and/or conservatorship within the meaning of chapter 11.130 RCW, and a:

- ☐ Full ☐ Limited guardian and/or
- ☐ Full ☐ Limited conservator should be appointed.

16. Guardian/Conservator

(Name) _____ is a fit and proper person as required by RCW 11.130.305 and 11.130.415 to be appointed as guardian/conservator.

17. Powers of Guardian and/or Conservator

- ☐ The powers of the guardian should include, but are not limited to, the following:
 - ☐ Establish the adult's place of dwelling, within the limits of RCW 11.130.330 (5);
 - ☐ Consent to health or other care, treatment, or service for the adult;
 - ☐ Receive personally-identifiable health care information regarding the adult;
 - ☐ To the extent reasonable, delegate to the adult responsibility for a decision affecting the adult's well-being;
 - ☐ Commence a proceeding or take other appropriate action to compel another person to support the adult or pay funds for the adult's benefit; and
 - ☐ Apply for, and receive, funds and benefits as a representative payee or an authorized representative or protective payee for the support of the adult.
- ☐ The powers of the conservator should include, but are not limited to, the following:
 - ☐ To undertake the management of the financial affairs of the Respondent;
 - ☐ To locate and gather assets;

- ☐ To establish conservatorship accounts;
- ☐ To manage or close any financial accounts, including accounts held individually or jointly with another. To obtain any and all records relative to such accounts without the necessity of obtaining the written authority of any other person named on any such joint accounts;
- ☐ To remove Respondent's name from any joint bank account and/or financial account and change the mailing address of any bank and/or financial statement to any address the conservator may request. If an asset has signatories or co-owners in addition to the Respondent, the conservator has the authority to block all access to such account/asset until true ownership has been discovered;
- ☐ To enter any safe deposit box held in the name of the Respondent, individually or with another, and inventory the contents of the box in the presence of an employee of the institution. Upon the submission of the witnessed inventory to the clerk of the court, the conservator has the authority to remove any contents and maintain and/or close said box or add items thereto. If the key to the box cannot be located, the conservator has the authority to authorize the drilling open of the box by the institution;
- ☐ To expend funds as necessary for the benefit of Respondent subject to review by the court;
- ☐ To convert all holdings, including but not limited to savings accounts, money market accounts, IRAs, pensions, annuities, 401Ks, mutual funds, stocks, bonds, cash, automobiles, mobile homes, and any other income or personal property, into the name of the conservator for the purposes of the conservatorship and all other reasonable duties required of a conservator;
- ☐ To enter any dwelling or storage area rented or owned by Respondent, or access the land or property owned or rented (individually or with another) by Respondent without the necessity of obtaining the written authority of any other person named on any such dwelling, land, property, or storage area;
- ☐ To remove, change, and/or re-key any lock to Respondent's personal or real property;
- ☐ To retain an appraiser to appraise real estate owned by the Respondent in the event a petition for authority to sell the real property is brought;
- ☐ To expend funds to establish cremation or burial arrangements.
- ☐ Other: _____

Without further court order, the guardian does not have power to consent to sterilization on behalf Respondent.

18. Limitations and restrictions placed on the Respondent

The limitations and restrictions placed on Respondent are as follows:

- ☐ To vote or hold an elected office.

- ☐ To marry, divorce, or enter into or end a state registered domestic partnership.
- ☐ To consent to or refuse medical treatment.
- ☐ To decide who shall provide care and assistance.
- ☐ To make decisions regarding social aspects of their life.
- ☐ To possess a license to drive.
- ☐ To make or revoke a will.
- ☐ To enter into a contract.
- ☐ To appoint someone to act on their behalf.
- ☐ To sue and be sued, other than through a guardian and/or conservator.
- ☐ To buy, sell, own, mortgage, or lease property.
- ☐ To manage their money.
- ☐ Other limitations and restrictions: _____

19. Restrictions on Respondent's right to communicate, visit, and interact with others

The guardian is authorized to restrict Respondent's right to communicate, visit, and interact or otherwise associate with the following persons:

Name of Person	Nature of Restriction
1. _____	
2. _____	
3. _____	

- 20.** The court finds it would be contrary to Respondent's preferences to provide notice to (name) _____ who is a spouse, domestic partner, or adult child.

The Court Orders:

21. Prior Power of Attorney

Any power of attorney of any kind previously executed by the Respondent:

- ☐ is not canceled.
- ☐ is canceled in its entirety.
- ☐ is canceled in its entirety except for those provisions pertaining to _____

22. Appointment of Guardian/Conservator

(Name) _____ is appointed as:

- ☐ Full ☐ Limited Guardian and/or ☐ Full ☐ Limited Conservator of _____, and the powers and limitations of the guardian/conservator, the restrictions on Respondent's right to communicate, visit, or

interact with others, and the limitation and restrictions placed on Respondent shall be as set forth in paragraphs **18** and **19** of the Conclusions of Law.

23. Letters of Guardianship/Conservatorship

The clerk of the court shall issue letters of guardianship and/or conservatorship (*Letters of Office*) valid until date in paragraph **1** to (*name of guardian/conservator*) _____ upon the filing of an acceptance of appointment, any bond or verified receipt required in paragraph **25**, and a *Designation of and Consent by In-State (Resident) Agent*, if the guardian/conservator or limited guardian/conservator resides outside the state.

24. Lay guardian and conservator training

- ☐ Does not apply. The guardian/conservator is a certified professional guardian/conservator or financial institution.
- ☐ The Petitioner submitted evidence that the guardian/conservator successfully completed lay guardian/conservator training.
- ☐ The guardian/conservator must complete and file declaration of completion of lay guardian and conservator training or obtain an order waiving training by no more than 90 days after today's date.

25. Conservatorship bond and security

- ☐ Conservatorship bond is set in the amount of: see summary in paragraph **1**.
- ☐ Bond is waived.
- ☐ Bond shall be reviewed at the hearing on the *Conservator's Plan*.
- ☐ All other accounts/liquid assets in excess of the bond shall be blocked and shall not be withdrawn except by court order. The conservator shall file a receipt of funds into blocked account (form *GDN ALL 006, Receipt of Funds into Blocked Financial Account*) with the court.

26. Required Notices

Within 14 days of this order, the guardian/conservator shall give notice of this *Order* and *Notice of Rights* (form *GDN C 105*) to the Respondent and any notice party.

27. Report of substantial change in income or assets

Within 30 days of any substantial change in the estate's income or assets, the conservator shall report to the court and schedule a hearing. The purpose of the hearing will be for the court to consider changing the bond or making another provision in accordance with RCW 11.130.505 (14).

28. Inventory

Within 3 months of appointment, the conservator shall file a verified inventory of Respondent's property, which has come into the conservator's possession or knowledge. The inventory shall include a statement of all encumbrances, liens, and other secured charges on any item.

29. Guardian/Conservator's Plan

Within 3 months after appointment, the guardian/conservator shall complete and file a plan that shall comply with the requirements of RCW 11.130.340 and 11.130.510 and set a hearing on the plan 30 days after the plan is filed.

30. Respondent's Status

Unless otherwise ordered, the guardian/conservator shall file an annual report on Respondent's status that shall comply with the requirements of RCW 11.130.345 and 11.130.530.

31. Substantial change in condition or residence

The guardian/conservator shall report to the court within 30 days any substantial change in Respondent's condition, value of Respondent's estate, or any change in Respondent's residence.

32. Restoration of Rights

Any guardian or conservator shall immediately notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

33. Authority for investment and expenditure

A conservator has all the powers granted in law, RCW 11.130 et. seq., except as follows: _____

34. Duration of guardianship/conservatorship

This guardianship and/or conservatorship shall continue to be in effect:

- ☐ until it is terminated pursuant to RCW 11.130.355 or 11.130.570;
- ☐ until further order of the court. The necessity for the guardianship/conservatorship to continue shall be periodically reviewed;
- ☐ until Respondent, who is a minor, turns 18 years old; **or**
- ☐ other: _____

35. Discharge/Retention of Visitor

- ☐ The visitor is discharged; **or**
- ☐ The visitor shall continue performing further duties or obligations as follows: _____

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

36. Discharge/Retention of Respondent's Attorney

- ☐ Does not apply; **or**
- ☐ Respondent's attorney is discharged; **or**
- ☐ Respondent's attorney shall continue performing further duties or obligations as follows: _____

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

37. Persons with a right to receive notice and pleadings

The persons listed below are entitled to certain statutory notices as described in RCW 11.130.310 and 11.130.420:

Name: _____

Address: _____

Name: _____

Address: _____

[] The spouse, adult children, or domestic partner (*names*) _____ are not entitled to notice.
(Add more names or extra sheets if necessary)

38. Guardian/Conservator Fees

[] DSHS cases: The guardian/conservator is allowed such fees and costs as permitted by the Washington Administrative Code (WAC) in the amount of \$235.00 per month as a deduction from the Respondent's participation in the DSHS cost of care. Such fees are subject to court review and approval. This deduction is approved for the initial 12-month reporting period and 90 days thereafter, from the date of this order to _____. The guardian may petition for fees in excess of the above amount only on notice to the appropriate DSHS Regional Administrator per WAC 182.513.1530, **or**

[] Non-DSHS cases: The guardian/conservator shall petition the court for approval of fees. The guardian/conservator may advance themselves \$ _____ per month, subject to court review and approval.

39. Court Visitor fee

[] Fees and costs are approved as reasonable; **or**

[] The visitor fees and costs are approved as reasonable in the total amount of \$ _____. They shall be paid from [] the estate assets, [] the county, [] other source as follows: _____

40. Legal Fees

The legal fees and costs of _____ are approved as reasonable in the amount of \$ _____, and shall be paid from the:

[] Guardianship/conservatorship estate assets **or**

☐ deduction from the Respondent's participation in the DSHS cost of care.

☐ Other source/s as follows: _____

41. Guardian/Conservator's Report

The guardian/conservator's report shall cover the:

☐ **12-month** ☐ **24-month** ☐ **36-month** period following the appointment. The guardian/conservator must file their report by date in paragraph **1** (*which is within 90 days of the end of the reporting period*), and shall comply with the requirements of RCW 11.130.325 and RCW 11.130.505.

The court must review the report.

☐ A review hearing is set for date in paragraph **1**.

☐ The guardian/conservator must set a review hearing date on or before date in paragraph **1**.

☐ The court will review the accounting or report on or before date in paragraph **1**, without a hearing. The court may set a review hearing at a later date.

42. Other

Dated: _____

Judge/Court Commissioner

Presented by:

Signature of Petitioner/Attorney

Printed Name

WSBA or CPGC No.

Copy received and approved by:

Signature of Guardian/Conservator

Printed Name

WSBA or CPGC No.

Signature of Party/Visitor

Printed Name

WSBA or CPGC No.