

Superior Court of Washington, County of _____

In re Guardianship/Conservatorship of:

Respondent

No. _____

**Order Appointing Immediate
Emergency Limited Guardian
(ORAPEMG)**

[] Clerk's Action Required: 1, 10

Instructions for use: Use this form if you are asking the court to appoint an Immediate Emergency Guardian without notice to Respondent and before a Court Visitor and attorney for Respondent have been appointed by the court. Use this form with the *Petition for Emergency Guardianship of Adult and/or Conservatorship of an Adult/Minor* (GDN E 301).

Order Appointing Immediate Emergency Limited Guardian

1. Summary

Date guardian appointed: _____

Date of next review: _____

Letters expire on (*within 5 court days*): _____

[] Certified professional guardian (CPGC)

[] Lay (non-professional) guardian (LGD) [] Training completed [] Training required

Due date for lay guardian/conservator training: _____

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

	<u>Notice Party</u>	<u>Notice Party</u>
Name		
Address		

	Phone		
	Email		
	Relation to Individual		

This matter came on for an ex parte hearing on an emergency petition for immediate appointment of guardian for the Respondent.

Findings of Fact

2. The court finds, from an affidavit or testimony, that Respondent's physical health, safety, or welfare will be substantially and irreparably harmed before a hearing with notice on the appointment can be held.

3. Basis for emergency guardianship

An emergency exists and no other person has the willingness or authority to act to prevent substantial and irreparable harm to Respondent's identified emergency need related to health, safety, or welfare. The Respondent, by clear and convincing evidence:

☐ lacks the ability to meet essential requirements for physical health, safety, or self-care because 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 in need of a full guardianship.

☐ is capable of managing some personal and/or financial affairs, but is in need of the protection and assistance of a limited guardian. These specific powers are granted to the guardian: _____

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

☐ There is clear and convincing evidence Respondent's needs cannot be met by limited guardianship. The guardianship is appropriate.

4. Immediate Emergency Guardian

The guardian is qualified to act as guardian for the Respondent. They have filed the *Disclosure of Guardian or Conservator* and their address, phone numbers, and email address are as follows:

Address: _____

Phone No/s: Business: _____ Personal: _____

Email: _____

The relationship of the guardian to the Respondent is: _____

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

Conclusions of Law

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

5. Individual Subject to Immediate Emergency Guardianship

(Name) _____ is an individual who meets the requirements to be subject to guardianship within the meaning of Chapter 11.130 RCW, and a limited guardian should be appointed.

6. Emergency Guardian

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

7. Powers and limitations of the immediate emergency guardian

- ☐ The guardian is granted only the following powers to meet Respondent's specific emergency need: _____

- ☐ Other: _____

8. Limitations and restrictions placed on Respondent

The limitations and restrictions placed on Respondent are as follows:

- ☐ 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 appoint someone to act on their behalf.

- ☐ Other limitations and restrictions: _____

The court orders:

9. Appointment of Immediate Emergency Guardian

(Name) _____ is appointed as guardian of _____, and the powers and limitations of the guardian and the limitation and restrictions placed on Respondent shall be as set forth in paragraphs 7 and 8 of the Conclusions of Law.

10. Letters of Guardianship

The clerk of the court shall issue letters of guardianship valid for 5 court days to (name) _____ upon the filing of an acceptance of appointment and form GDN ALL 008, *Designation of and Consent by In-State (Resident) Agent*, if the guardian resides outside the state.

11. Respondent's Attorney

(Name) _____ is appointed as lawyer for Respondent and shall be reimbursed at the hourly rate \$_____ for _____ number of hours.

12. Court Visitor

The court appoints a court visitor (visitor) by a separate order, *GDN C 103, Order Appointing a Court Visitor*.

13. Lay Guardian/Conservator 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/conservator training.
- ☐ The guardian must complete and file proof of completion of lay guardian/conservator training within 14 days or obtain an order waiving training by date in paragraph 1.

14. Rights

Respondent retains all rights they enjoyed prior to the entry of the emergency guardianship order with the exception to the rights specifically removed by this order in paragraph 8.

15. Duration of guardianship

This guardianship shall continue for 5 court days from the date of this order.

16. Persons with a right to receive notice and pleadings

The following persons listed below are entitled to notice:

Name: _____

Address: _____

Name: _____

Address: _____

(Add more names or extra sheets if necessary)

17. 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 Petitioner/Attorney

Printed Name

WSBA or CPGC No.