

**Superior Court of Washington, County of \_\_\_\_\_**

In re Guardianship/Conservatorship of:

No. \_\_\_\_\_

Respondent \_\_\_\_\_

**Order Appointing Emergency**

☐ **Guardian** (ORAPEG)

☐ **Conservator** (ORAPEC)

☐ **Guardian/Conservator**(ORAPEGC)

☐ **Clerk's Action Required:** 1, 18, 24, 25

*Instructions for use:* Use this form only after a court hearing on petition for appointment of an emergency guardian and/or conservator, which occurs after notice to Respondent and after 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 Emergency Guardian and/or Conservator**

**1. Summary**

Date guardian/conservator appointed: \_\_\_\_\_

Due date for report (*within 45 days*): \_\_\_\_\_

Date of next review: \_\_\_\_\_

Letters expire on (*within 60 days*): \_\_\_\_\_

Bond amount: \_\_\_\_\_

\$ \_\_\_\_\_

Restricted account agreements required:

☐ Yes ☐ No

☐ Certified Professional Guardian (CPGC)

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

Due date for lay guardian/conservator training: \_\_\_\_\_

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

<b>Email</b>		
<b>Facsimile</b>		

  

	<b><u>Notice Party</u></b>	<b><u>Notice Party</u></b>
<b>Name</b>		
<b>Address</b>		
<b>Phone</b>		
<b>Email</b>		
<b>Relation to Individual</b>		

This matter came on regularly for hearing on an emergency petition for appointment of guardian and/or conservator of Respondent.

The proposed guardian and/or conservator was present.

The court visitor (visitor) and Respondent's lawyer were present. The following other persons were also present at the hearing: \_\_\_\_\_

\_\_\_\_\_

The court considered the written report of the visitor and [ ] the professional evaluation, 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, Respondent, Respondent's lawyer, and the visitor were given proper notice, at least 14 days prior to the hearing on the petition. Required proof of service is on file.

3. **Jurisdiction**

The jurisdictional facts set forth in the petition are true and correct, and the court has jurisdiction over the person and/or estate of Respondent.

4. **Respondent's Attendance**

[ ] Respondent was present in court.

[ ] Respondent was not present in court for good cause shown \_\_\_\_\_

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 11.130.320 and/or RCW 11.130.430.

**6. Alternative arrangements made by the Respondent**

☐ Respondent did not make alternative arrangements for assistance, such as power of lawyer or other protective arrangements.

☐ Respondent made other protective arrangements for assistance, but such arrangements are inadequate in the following respects:

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

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**7. Basis for emergency guardianship and/or conservatorship**

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, welfare, property, or financial interests. 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 incapable of managing property or financial affairs due to ☐ a limitation in Respondent's ability to receive and evaluate information or ☐ physical 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:

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☐ There is clear and convincing evidence that Respondent's emergency needs cannot be met by a protective arrangement instead of guardianship and/or conservatorship or other less restrictive alternative, including 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.

**8. Emergency Guardian and/or Conservator**

The proposed guardian/conservator is qualified to act as ☐ guardian and/or ☐ conservator for Respondent. 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 the Respondent is:

- \_\_\_\_\_
- ☐ The guardian and/or conservator 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 and/or conservator is the best qualified person for the appointment and the appointment is in the best interest of the Respondent.

**9. 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:

\_\_\_\_\_  
\_\_\_\_\_

**10. Conservator's Bond**

The assets of Respondent:

- ☐ does not apply. Respondent only has a guardianship.
- ☐ 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 conduct trust business in this state, and the court waives any bond requirement.

[ ] Other: \_\_\_\_\_  
\_\_\_\_\_

### Conclusions of Law

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

**11. Individual Subject to Emergency 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.

**12. Emergency Guardian and/or Conservator**

(Name) \_\_\_\_\_ is a fit and proper person as required by RCW 11.130.305/.415 to be appointed as a guardian/conservator.

**13. Powers and limitations of the emergency guardian and/or conservator**

The powers and limitations of the guardian and/or conservator include:

[ ] The guardian and/or conservator are granted the following powers to meet Respondent's specific emergency need: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**14. Limitations and restrictions placed on 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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**15. 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. \_\_\_\_\_

- 16.** The court finds it would be contrary to the preference of Respondent to provide notice to (name/s) \_\_\_\_\_ who are a spouse, domestic partner, or adult child.

**The court orders:**

**17. Appointment of Emergency Guardian and/or 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 limitations and restrictions placed on Respondent shall be as set forth in paragraphs **13**, **14**, and **15** of the Conclusions of Law.

**18. Letters of Guardianship and/or Conservatorship**

The clerk of the court shall issue letters of guardianship and/or conservatorship valid for 60 days to (name) \_\_\_\_\_ upon the filing of an acceptance of appointment, any bond and verified receipt required in paragraph **10**, and form GDN ALL 008, *Designation of and Consent by In-State (Resident) Agent*, if the guardian/conservator or limited guardian/conservator resides outside the state.

**19. Lay Guardian/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 proof of completion of lay guardian/conservator training or obtain an order waiving training by date in paragraph **1** (*no more than 14 days after today's date*).

**20. 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 report.
- ☐ All other accounts/liquid assets in excess of the bond shall be blocked and shall not be withdrawn except by court order. The guardian shall file a receipt of funds into the blocked account, form GDN ALL 006 *Receipt of Funds into a Blocked Financial Account*.

**21. Report**

The guardian and/or conservator's report is due within 45 days of the order.

**22. Rights**

Respondent retains all rights they enjoyed prior to the entry of the emergency guardianship and/or conservatorship order, with the exception to the rights specifically removed by this order in paragraphs 14 and 15.

**23. Duration of guardianship/conservatorship**

This guardianship and/or conservatorship shall continue for 60 days from the date of this order.

**24. Discharge/retention of visitor**

- ☐ The visitor is discharged; **or**
- ☐ The visitor is authorized to spend \_\_\_\_\_ more hours at \$\_\_\_\_\_ hourly rate and shall continue performing further duties or obligations as follows:

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**25. 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: \_\_\_\_\_

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- ☐ 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.

**26. Persons with a right to receive notice and pleadings**

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ The spouse, adult children, or domestic partner (*name/s*) \_\_\_\_\_  
\_\_\_\_\_ are not entitled to notice.

*(Add more names or extra sheets if necessary)*

**27. 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. 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.

**28. Court Visitor Fee**

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

**29. 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, **or**

☐ other source/s as follows: \_\_\_\_\_

**30. Other**

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Dated: \_\_\_\_\_

\_\_\_\_\_  
***Judge/Court Commissioner***

Presented by:

\_\_\_\_\_  
*Signature of Petitioner/Lawyer*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*WSBA or CPGC No.*

Copy received and approved by:

\_\_\_\_\_  
*Signature of Guardian/Conservator*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*WSBA or CPGC No.*

\_\_\_\_\_  
*Signature of Petitioner/Lawyer*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*WSBA or CPGC No.*