

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, 31**

Order Appointing Full or Limited Guardian and/or Conservator

1. Summary

Date guardian/conservator appointed: _____

Due date for report and accounting: _____

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 (CPG) Public professional guardian (PUG)
- Lay (family) guardian (LGD) Training completed Training required

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

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

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

The proposed guardian and/or conservator was present.

The Court Visitor was present. The following other persons were also present at the hearing:

The court considered the written report of the court 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 the Respondent was given proper notice of the hearing on the petition. Required proof of service is on file.

3. Jurisdiction

The court has jurisdiction over the person and/or estate of the Respondent 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.

4. Respondent’ Attendance

The Respondent was present in court;

The hearing was conducted outside of the courtroom at the location of the Respondent;

- The Respondent refused to attend the hearing after having been fully informed of the potential consequences;
- There was no practicable way for the Respondent to attend and participate even with supportive or technological assistance.
- Findings to support 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

- The Respondent did not make alternative arrangements for assistance, such as a power of attorney or other protective arrangements.
- The 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 the Respondent and should **not** continue to do so for the following reasons:

_____.

8. Basis for guardianship and/or conservatorship

The 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 the 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 the Respondent's needs: _____

_____.

There is clear and convincing evidence that the 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 the Respondent's needs cannot be met by limited guardianship and/or conservatorship. The guardianship and/or conservatorship is appropriate.

9. Guardian/Conservator

The proposed guardian/conservator is qualified to act as guardian and/or conservator for the 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 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 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 the Respondent's right to communicate, visit, and interact with others: _____

13. Right to Vote

The Respondent:

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

14. Right to Marry

The Respondent:

- is capable of exercising the right to marry.
 is not capable of exercising the right to marry because the 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 and 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 be appointed as a guardian/conservator.

17. Powers and limitations of the guardian/conservator

The powers and limitations of the guardian and/or conservator should be as follows:

- All of the powers of a guardian and/or conservator pursuant to the provisions of RCW 11.130 et. seq. that are not expressly limited.
- Other: _____

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

18. Limitations and restrictions placed on the Respondent

The limitations and restrictions placed on the 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 the 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 the preference of Respondent 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 the Respondent's right to communicate, visit, or interact with others, and the limitation and restrictions placed on the 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 valid until (date) _____ 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 proof of completion of lay guardian and conservator training or obtain an order waiving training by (date) _____ (no more than 90 days after today's date).

25. Conservatorship bond and security

[] Conservatorship bond is set in the amount of \$_____.

[] 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. 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).

27. 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.

28. Disbursements

On or before the date the inventory is due, the conservator shall also apply to the court for an order authorizing disbursements on behalf of the Respondent as required by RCW 11.130.345 and 11.130.525.

29. Guardian/Conservator's Plan

Within three (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 the 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 thirty (30) days any substantial change in the Respondent's condition, value of the 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 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 the 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: _____

36. 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)

37. Guardian/Conservator Fees

- DSHS cases: The guardian/conservator is allowed such fees and costs as permitted by the Washington Administrative Code 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.

38. 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: _____

39. 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: _____

40. 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 plan by _____ (date, 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 within 120 days of the end of the reporting period.

- A review hearing is set for (date) _____.
- The guardian/conservator must set a review hearing date on or before (date) _____ [within 120 days of the end of the reporting period.]
- The court will review the account or report on or before (date) _____ [within 120 days of the end of the reporting period.], without a hearing. The court may set a review hearing at a later date.

41. Other

Dated _____

Judge/Court Commissioner

Presented by:

Signature of Petitioner/Attorney

Printed Name

WSBA or CPG No:

Copy received and approved by:

Signature of Guardian/Conservator

Printed Name WSBA or CPG No:

Signature of Party/Visitor

Printed Name WSBA or CPG No:

To the Respondent:

Attached is a copy of the *Order Appointing a Guardian and/or Conservator*. Please review it carefully so you know what rights have been given to the guardian and conservator and what rights you retain. You have the right to ask the court to end or change the guardianship and/or conservatorship.