

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

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

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:

☐ (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:

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:

☐ 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 limitation 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 section **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) _____ (no more than 14 days after today's date).

20. 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 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 sections **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:

25. 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)

26. 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. 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.

27. 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: _____

28. 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: _____

29. Other

Dated _____

Judge/Court Commissioner

Presented by:

Signature of Petitioner/Lawyer

Printed Name *WSBA or CPG No.*

Copy received and approved by:

Signature of Guardian/Conservator

Printed Name *WSBA or CPG No.*

Signature of Petitioner/Lawyer

Printed Name *WSBA or CPG No.*