

Guardianship and Conservatorship Program Rules Regulations

400 General

400.1 The following standards apply to all Certified Professional Guardian and Conservators and Certified Professional Guardian and Conservator agencies. These standards apply only to the degree that the court has granted a guardian and conservator the authority contemplated in a given standard.

400.2 Whenever the term “guardian and conservator” is used in these Standards, it is meant to refer to a certified professional guardian and conservator or to a certified professional guardian and conservator agency.

400.3 Whenever the term “court” is used in these Standards, it is meant to refer to the Superior Court which has authority over the guardianship and/or conservatorship in which the guardian and conservator has been appointed.

400.4 Whenever the terms “incapacitated person” (IP) “individual subject to guardianship” or “individual subject to conservatorship” ~~is are~~ used, ~~it they~~ is are meant to refer to the ~~incapacitated person~~ individual for whom the guardian and conservator has been appointed under RCW ~~41.88~~ 11.130.

400.5 Whenever the term “notice parties” is used, it is meant to refer to those people who ~~have requested special~~ are entitled to notice of proceedings or events under RCW ~~41.92.150~~ 11.130.

400.6 A guardian and conservator is a fiduciary and owes the highest duty of good faith and care to the person under a guardianship. A guardian and conservator has fiduciary duties of prudence and loyalty to the individual subject to conservatorship. A fiduciary has the duty to act primarily for another's benefit. The ~~G~~ guardian and conservator shall carry out his or her duties carefully and honestly. The ~~G~~ guardian and conservator shall act selflessly, prudently, and with undivided loyalty to the ~~incapacitated person~~ individual subject to guardianship and/or conservatorship.

~~A guardian cannot delegate his or her decision-making authority to another person or agency. This does not preclude employing others to carry out the guardian's decision.~~

400.7 To ensure consistency in the way the standards are applied, the following constructions are used: "shall" imposes a duty, "may" creates discretionary authority or grants permission or a power, "must" creates or recognizes a condition precedent, and "should" creates a duty or obligation, but is not absolute, "is entitled to" creates or recognizes a right, and "may not" imposes a prohibition and is synonymous with "shall not."¹

¹ The Certified Professional Guardianship and Conservatorship Board acknowledges that these Standards of Practice draw from the National Guardianship Association (NGA) Standards of Practice and that the NGA has granted the Board permission to use them.