



Information Sheet for Current Guardians for Adults

New Adult Guardianship Law Effective January 1, 2022
RCW 11.130

- Are you already appointed as a guardian for an adult?
- To learn new terms and general information about Washington's new guardianship law, read the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act General Information Sheet ("**General Information Sheet**") about the new law
- To learn information about how the new law affects an existing guardianship case, read this **Current Guardian Information Sheet**

*****The Administrative Office of the Courts is not permitted to give legal advice. The information provided below is for general informational purposes only. You may wish to consult with an attorney to assist you. This general information is subject to the terms of RCW 11.130 in its entirety. Local superior court rules and procedures may supplement this information.*

- Does the new guardianship law apply to guardianships started under the old law?

Yes. Starting January 1, 2022, the new guardianship law applies no matter how long ago a guardianship was started.

- Will my letters of guardianship still be good on January 1, 2022?

Yes. Letters of guardianship will still be valid on January 1, 2022. You aren't required by the law to do anything right away to change your letters of guardianship.

- Will my letters of guardianship have to change at some point?

Yes. Guardians of the person will still be called guardians and will get new letters of guardianship. Guardians of the estate will be called conservators and will have to get letters of conservatorship. If you are appointed as both, you will get combined letters of guardianship and conservatorship.

- What if a financial institution or other party won't accept my letters of guardianship of the estate because they expect letters of conservatorship?

You may want to ask the court to issue you letters of conservatorship. This is not automatic, however. See below regarding what steps you may have to take.

- When will my letters of guardianship get changed?

New letters of guardianship and conservatorship can be requested from the court starting in January of 2022. ***Important! New letters will only be issued once you have met the requirements of your local superior court.*** Your county may have you complete its requirements at the time of your next reporting period as guardian. Some counties superior courts may require you to complete their requirements sooner. You will have to follow the

requirements and procedures of the local superior court. If you plan to request new letters of guardianship or conservatorship before the next reporting period, there may be additional steps required. This may include, for example, filing a motion or a petition, scheduling a hearing, and giving notice to the individual and other parties interested in the guardianship.

The link to Washington's Superior Court websites is:

https://www.courts.wa.gov/court_dir/?fa=court_dir.county

The new guardianship law state model forms will be available on January 1, 2022. The link to the state model forms is:

<https://www.courts.wa.gov/forms/?fa=forms.home&dis=y>

- Does a guardian or conservator have to consider whether a protective arrangement or a supported decision making agreement might meet the needs of an individual?

Yes. Protective arrangements and supported decision making agreements are new. Protective arrangements are court ordered arrangements that appoint someone to complete specific tasks or make specific decisions for the individual, without setting up a guardianship or conservatorship. Supported decision making agreements are written agreements that adults with disabilities can enter into with a supporter. The supporter assists the individual in making and communicating decisions, but does not have authority to make decisions. Read the General Information Sheet on the new law to learn more about protective arrangements and supported decision making agreements.

Even if a guardianship is already set up, if an individual is able to have a protective arrangement or enter into a supported decision making agreement instead, you should ask the court to change or end the guardianship. Whether these alternatives can meet the individual's needs is going to depend on the abilities and circumstances of the individual.

- Does the new law have different rules for guardians and conservators that current guardians have to follow?

Yes, starting on January 1, 2022, the rules of the new law apply. The new rules include many areas, for example:

How to make decisions about care of the individual and managing an individual's finances.

When the court must be asked for approval regarding a change in residence, financial and property decisions, etc.

When notice has to be given for certain events and court filings. The new law requires that notice be given to the individual, the court, and other parties interested in the guardianship and conservatorship at specific times and in specific ways.

The steps guardians and conservators must take if they give someone else the ability to make certain decisions for the individual

- How can I learn more about the new guardianship law?

There are several steps you can take to learn more about the new guardianship law and understand your responsibilities:

Take the new Lay Guardian and Conservator training when it becomes available (no later than January 1, 2022). (Lay guardian/conservator is the name for non-professional guardians and conservators.) The training will be at this link:

<https://www.courts.wa.gov/guardianportal/>

Read the **General Information Sheet** about the new guardianship law

Read the new law RCW 11.130

<https://app.leg.wa.gov/RCW/default.aspx?cite=11.130>

Obtain the assistance of an attorney

➤ What happens to standby guardians under the new law?

There are no more standby guardians for adults under the new law. You may want to nominate a “successor guardian” and/or “successor conservator” to take on the responsibilities in the event you are unable to do so.