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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0023.3/19 3rd draft

ATTY/TYPIST: JA:akl

BRIEF DESCRIPTION: Concerning the uniform guardianship,  
conservatorship, and other protective  
arrangements act.

1 AN ACT Relating to the uniform guardianship, conservatorship, and  
2 other protective arrangements act; adding a new chapter to Title 11  
3 RCW; repealing RCW 11.88.005, 11.88.008, 11.88.010, 11.88.020,  
4 11.88.030, 11.88.040, 11.88.045, 11.88.080, 11.88.090, 11.88.093,  
5 11.88.095, 11.88.097, 11.88.100, 11.88.105, 11.88.107, 11.88.110,  
6 11.88.120, 11.88.125, 11.88.127, 11.88.130, 11.88.140, 11.88.150,  
7 11.88.160, 11.88.170, 11.88.900, 11.92.010, 11.92.035, 11.92.040,  
8 11.92.043, 11.92.050, 11.92.053, 11.92.056, 11.92.060, 11.92.090,  
9 11.92.096, 11.92.100, 11.92.110, 11.92.115, 11.92.120, 11.92.125,  
10 11.92.130, 11.92.140, 11.92.150, 11.92.160, 11.92.170, 11.92.180,  
11 11.92.185, 11.92.190, and 11.92.195; and providing an effective date.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 **ARTICLE 1**  
14 **GENERAL PROVISIONS**

15 NEW SECTION. **Sec. 101.** SHORT TITLE. This chapter may be cited  
16 as the uniform guardianship, conservatorship, and other protective  
17 arrangements act.

1        NEW SECTION.        **Sec. 102.**        DEFINITIONS. The definitions in this  
2 section apply throughout this chapter unless the context clearly  
3 requires otherwise.

4        (1) "Adult" means an individual at least eighteen years of age or  
5 an emancipated individual under eighteen years of age.

6        (2) "Adult subject to conservatorship" means an adult for whom a  
7 conservator has been appointed under this chapter.

8        (3) "Adult subject to guardianship" means an adult for whom a  
9 guardian has been appointed under this chapter.

10       (4) "Asset protection arrangement" is a verified receipt signed  
11 by the custodian of funds stating that a savings and loan association  
12 or bank, trust company, escrow corporation, or other corporations  
13 approved by the court hold the cash or securities of the person  
14 subject to conservatorship subject to withdrawal only by order of the  
15 court.

16       (5) "Claim" includes a claim against an individual or  
17 conservatorship estate, whether arising in contract, tort, or  
18 otherwise.

19       (6) "Commissioner" means the person appointed by the court  
20 pursuant to section 512 of this act.

21       (7) "Conservator" means a person appointed by a court to make  
22 decisions with respect to the property or financial affairs of an  
23 individual subject to conservatorship. The term includes a co-  
24 conservator.

25       (8) "Conservatorship estate" means the property subject to  
26 conservatorship under this chapter.

27       (9) "Evaluation and treatment facility" has the same meaning as  
28 provided in RCW 71.05.020.

29       (10) "Full conservatorship" means a conservatorship that grants  
30 the conservator all powers available under this chapter.

31       (11) "Full guardianship" means a guardianship that grants the  
32 guardian all powers available under this chapter.

33       (12) "Guardian" means a person appointed by the court to make  
34 decisions with respect to the personal affairs of an individual. The  
35 term includes a co-guardian but does not include a guardian ad litem.

36       (13) "Guardian ad litem" means a person appointed to inform the  
37 court about, and to represent, the needs and best interests of an  
38 individual.

39       (14) "Individual subject to conservatorship" means an adult or  
40 minor for whom a conservator has been appointed under this chapter.

1 (15) "Individual subject to guardianship" means an adult or minor  
2 for whom a guardian has been appointed under this chapter.

3 (16) "Less restrictive alternative" means an approach to meeting  
4 an individual's needs which restricts fewer rights of the individual  
5 than would the appointment of a guardian or conservator. The term  
6 includes supported decision making, appropriate technological  
7 assistance, appointment of a representative payee, and appointment of  
8 an agent by the individual, including appointment under a power of  
9 attorney for health care or power of attorney for finances.

10 (17) "Letters of office" means a record issued by a court  
11 certifying a guardian's or conservator's authority to act.

12 (18) "Limited conservatorship" means a conservatorship that  
13 grants the conservator less than all powers available under this  
14 chapter, grants powers over only certain property, or otherwise  
15 restricts the powers of the conservator.

16 (19) "Limited guardianship" means a guardianship that grants the  
17 guardian less than all powers available under this chapter or  
18 otherwise restricts the powers of the guardian.

19 (20) "Long-term care facility" has the same meaning as provided  
20 in RCW 70.129.010.

21 (21) "Minor" means an unemancipated individual under eighteen  
22 years of age.

23 (22) "Minor subject to conservatorship" means a minor for whom a  
24 conservator has been appointed under this chapter.

25 (23) "Minor subject to guardianship" means a minor for whom a  
26 guardian has been appointed under this chapter.

27 (24) "Parent" does not include an individual whose parental  
28 rights have been terminated.

29 (25) "Person" means an individual, estate, business or nonprofit  
30 entity, public corporation, government or governmental subdivision,  
31 agency, or instrumentality, or other legal entity.

32 (26) "Professional guardian or conservator" means a guardian or  
33 conservator appointed under this chapter who is not a member of the  
34 family of the person subject to guardianship or conservatorship  
35 established under this chapter and who charges fees for carrying out  
36 the duties of court-appointed guardian or conservator for three or  
37 more persons.

38 (27) "Property" includes tangible and intangible property.

39 (28) "Protective arrangement instead of conservatorship" means a  
40 court order entered under section 503 of this act.

1 (29) "Protective arrangement instead of guardianship" means a  
2 court order entered under section 502 of this act.

3 (30) "Protective arrangement under article 5 of this chapter"  
4 means a court order entered under section 502 or 503 of this act.

5 (31) "Record," used as a noun, means information that is  
6 inscribed on a tangible medium or that is stored in an electronic or  
7 other medium and is retrievable in perceivable form.

8 (32) "Respondent" means an individual for whom appointment of a  
9 guardian or conservator or a protective arrangement instead of  
10 guardianship or conservatorship is sought.

11 (33) "Sign" means, with present intent to authenticate or adopt a  
12 record:

13 (a) To execute or adopt a tangible symbol; or

14 (b) To attach to or logically associate with the record an  
15 electronic symbol, sound, or process.

16 (34) "Standby guardian" means a person appointed by the court  
17 under section 208 of this act.

18 (35) "State" means a state of the United States, the District of  
19 Columbia, Puerto Rico, the United States Virgin Islands, or any  
20 territory or insular possession subject to the jurisdiction of the  
21 United States. The term includes a federally recognized Indian tribe.

22 (36) "Supported decision making" means assistance from one or  
23 more persons of an individual's choosing in understanding the nature  
24 and consequences of potential personal and financial decisions, which  
25 enables the individual to make the decisions, and in communicating a  
26 decision once made if consistent with the individual's wishes.

27 (37) "Visitor" means the person appointed by the court pursuant  
28 to section 304(1) or 405(1) of this act.

29 NEW SECTION. **Sec. 103.** SUPPLEMENTAL PRINCIPLES OF LAW AND  
30 EQUITY APPLICABLE. Unless displaced by a particular provision of this  
31 chapter, the principles of law and equity supplement its provisions.

32 NEW SECTION. **Sec. 104.** SUBJECT MATTER JURISDICTION. (1) Except  
33 to the extent jurisdiction is precluded by the uniform child custody  
34 jurisdiction and enforcement act (chapter 26.27 RCW), the superior  
35 court of each county has jurisdiction over a guardianship for a minor  
36 domiciled or present in this state. The court has jurisdiction over a  
37 conservatorship or protective arrangement instead of conservatorship  
38 for a minor domiciled or having property in this state.

1 (2) The superior court of each county has jurisdiction over a  
2 guardianship, conservatorship, or protective arrangement under  
3 article 5 of this chapter for an adult as provided in the uniform  
4 adult guardianship and protective proceedings jurisdiction act  
5 (chapter 11.90 RCW).

6 (3) After notice is given in a proceeding for a guardianship,  
7 conservatorship, or protective arrangement under article 5 of this  
8 chapter and until termination of the proceeding, the court in which  
9 the petition is filed has:

10 (a) Exclusive jurisdiction to determine the need for the  
11 guardianship, conservatorship, or protective arrangement;

12 (b) Exclusive jurisdiction to determine how property of the  
13 respondent must be managed, expended, or distributed to or for the  
14 use of the respondent, an individual who is dependent in fact on the  
15 respondent, or other claimant;

16 (c) Nonexclusive jurisdiction to determine the validity of a  
17 claim against the respondent or property of the respondent or a  
18 question of title concerning the property; and

19 (d) If a guardian or conservator is appointed, exclusive  
20 jurisdiction over issues related to administration of the  
21 guardianship or conservatorship.

22 (4) A court that appoints a guardian or conservator, or  
23 authorizes a protective arrangement under article 5 of this chapter,  
24 has exclusive and continuing jurisdiction over the proceeding until  
25 the court terminates the proceeding or the appointment or protective  
26 arrangement expires by its terms.

27 NEW SECTION. **Sec. 105.** TRANSFER OF PROCEEDING. (1) This section  
28 does not apply to a guardianship or conservatorship for an adult that  
29 is subject to the transfer provisions of the uniform adult  
30 guardianship and protective proceedings jurisdiction act (chapter  
31 11.90 RCW).

32 (2) After appointment of a guardian or conservator, the court  
33 that made the appointment may transfer the proceeding to a court in  
34 another county in this state or another state if transfer is in the  
35 best interest of the individual subject to the guardianship or  
36 conservatorship.

37 (3) If a proceeding for a guardianship or conservatorship is  
38 pending in another state or a foreign country and a petition for  
39 guardianship or conservatorship for the same individual is filed in a

1 court in this state, the court shall notify the court in the other  
2 state or foreign country and, after consultation with that court,  
3 assume or decline jurisdiction, whichever is in the best interest of  
4 the respondent.

5 (4) A guardian or conservator appointed in another state or  
6 country may petition the court for appointment as a guardian or  
7 conservator in this state for the same individual if jurisdiction in  
8 this state is or will be established. The appointment may be made on  
9 proof of appointment in the other state or foreign country and  
10 presentation of a certified copy of the part of the court record in  
11 the other state or country specified by the court in this state.

12 (5) Notice of hearing on a petition under subsection (4) of this  
13 section, together with a copy of the petition, must be given to the  
14 respondent, if the respondent is at least twelve years of age at the  
15 time of the hearing, and to the persons that would be entitled to  
16 notice if the procedures for appointment of a guardian or conservator  
17 under this chapter were applicable. The court shall make the  
18 appointment unless it determines the appointment would not be in the  
19 best interest of the respondent.

20 (6) Not later than fourteen days after appointment under  
21 subsection (5) of this section, the guardian or conservator shall  
22 give a copy of the order of appointment to the individual subject to  
23 guardianship or conservatorship, if the individual is at least twelve  
24 years of age, and to all persons given notice of the hearing on the  
25 petition.

26 NEW SECTION. **Sec. 106.** VENUE. (1) Venue for a guardianship  
27 proceeding for a minor is in:

28 (a) The county in which the minor resides or is present at the  
29 time the proceeding commences; or

30 (b) The county in which another proceeding concerning the custody  
31 or parental rights of the minor is pending.

32 (2) Venue for a guardianship proceeding or protective arrangement  
33 instead of guardianship for an adult is in:

34 (a) The county in which the respondent resides;

35 (b) If the respondent has been admitted to an institution by  
36 court order, the county in which the court is located; or

37 (c) If the proceeding is for appointment of an emergency guardian  
38 for an adult, the county in which the respondent is present.

1 (3) Venue for a conservatorship proceeding or protective  
2 arrangement instead of conservatorship is in:

3 (a) The county in which the respondent resides, whether or not a  
4 guardian has been appointed in another county or other jurisdiction;  
5 or

6 (b) If the respondent does not reside in this state, in any  
7 county in which property of the respondent is located.

8 (4) If proceedings under this chapter are brought in more than  
9 one county, the court of the county in which the first proceeding is  
10 brought has the exclusive right to proceed unless the court  
11 determines venue is properly in another court or the interest of  
12 justice otherwise requires transfer of the proceeding.

13 NEW SECTION. **Sec. 107.** PRACTICE IN COURT. (1) Except as  
14 otherwise provided in this chapter, the rules of evidence and civil  
15 procedure, including rules concerning appellate review, govern a  
16 proceeding under this chapter.

17 (2) If proceedings for a guardianship, conservatorship, or  
18 protective arrangement under article 5 of this chapter for the same  
19 individual are commenced or pending in the same court, the  
20 proceedings may be consolidated.

21 (3) A respondent may demand a jury trial in a proceeding under  
22 this chapter on the issue whether a basis exists for appointment of a  
23 guardian or conservator.

24 NEW SECTION. **Sec. 108.** LETTERS OF OFFICE. (1) The court shall  
25 issue letters of guardianship to a guardian on filing by the guardian  
26 of an acceptance of appointment.

27 (2) The court shall issue letters of conservatorship to a  
28 conservator on filing by the conservator of an acceptance of  
29 appointment and filing of any required bond or compliance with any  
30 other asset protection arrangement required by the court.

31 (3) Limitations on the powers of a guardian or conservator or on  
32 the property subject to conservatorship must be stated on the letters  
33 of office.

34 (4) The court at any time may limit the powers conferred on a  
35 guardian or conservator. The court shall issue new letters of office  
36 to reflect the limitation.



1 (5) A guardian or conservator may not act on behalf of a person  
2 under guardianship or conservatorship without valid letters of  
3 office.

4 (6) The clerk of the superior court shall issue letters of  
5 guardianship or conservatorship in or substantially in the same form  
6 as set forth in section 605 of this act.

7 NEW SECTION. **Sec. 109.** GUARDIANSHIP/CONSERVATORSHIP SUMMARY.  
8 Every court order appointing a full or limited guardian or  
9 conservator and every court order approving accounts or reports filed  
10 by a guardian or conservator must include a guardianship/  
11 conservatorship summary placed directly below the case caption or on  
12 a separate cover page in the following form, or a substantially  
13 similar form, as the form set forth in section 606 of this act,  
14 containing the following information:

15 **GUARDIANSHIP/CONSERVATORSHIP SUMMARY**

16 Date Guardian/  
17 Conservator Appointed: .....

18 Due Date for Report and  
19 Accounting: .....

20 Date of Next Review: .....

21 Letters Expire On: .....

22 Bond Amount: \$. .....

23 Restricted Account  
24 Agreements Required: .....

25 Due Date for Inventory, if  
26 applicable: .....

27 Due Date for Care Plan, if  
28 applicable: .....

29

30 Incapacitated Person      Guardian/Conservator of: [ ]  
31 (IP)                              Estate [ ] Person

32 Name:	Name:
33 Address:	Address:
34 Phone:	Phone:

1 Facsimile:

Facsimile:

Interested Parties	Address	Relation to IP

9 NEW SECTION. **Sec. 110.** EFFECT OF ACCEPTANCE OF APPOINTMENT. On  
10 acceptance of appointment, a guardian or conservator submits to  
11 personal jurisdiction of the court in this state in any proceeding  
12 relating to the guardianship or conservatorship.

13 NEW SECTION. **Sec. 111.** CO-GUARDIAN—CO-CONSERVATOR. (1) The  
14 court at any time may appoint a co-guardian or co-conservator to  
15 serve immediately or when a designated event occurs.

16 (2) A co-guardian or co-conservator appointed to serve  
17 immediately may act when that co-guardian or co-conservator complies  
18 with section 108 of this act.

19 (3) A co-guardian or co-conservator appointed to serve when a  
20 designated event occurs may act when:

21 (a) The event occurs; and

22 (b) That co-guardian or co-conservator complies with section 108  
23 of this act.

24 (4) Unless an order of appointment under subsection (1) of this  
25 section or subsequent order states otherwise, co-guardians or co-  
26 conservators shall make decisions jointly.

27 NEW SECTION. **Sec. 112.** JUDICIAL APPOINTMENT OF SUCCESSOR  
28 GUARDIAN OR SUCCESSOR CONSERVATOR. (1) The court at any time may  
29 appoint a successor guardian or successor conservator to serve  
30 immediately or when a designated event occurs.

31 (2) A person entitled under section 202 or 302 of this act to  
32 petition the court to appoint a guardian may petition the court to  
33 appoint a successor guardian. A person entitled under section 402 of

1 this act to petition the court to appoint a conservator may petition  
2 the court to appoint a successor conservator.

3 (3) A successor guardian or successor conservator appointed to  
4 serve when a designated event occurs may act as guardian or  
5 conservator when:

6 (a) The event occurs; and

7 (b) The successor complies with section 108 of this act.

8 (4) A successor guardian or successor conservator has the  
9 predecessor's powers unless otherwise provided by the court.

10 NEW SECTION. **Sec. 113.** EFFECT OF DEATH, REMOVAL, OR RESIGNATION  
11 OF GUARDIAN OR CONSERVATOR. (1) Appointment of a guardian or  
12 conservator terminates on the death or removal of the guardian or  
13 conservator, or when the court under subsection (2) of this section  
14 approves a resignation of the guardian or conservator.

15 (2) A guardian or conservator must petition the court to resign.  
16 The petition may include a request that the court appoint a  
17 successor. Resignation of a guardian or conservator is effective on  
18 the date the resignation is approved by the court.

19 (3) Death, removal, or resignation of a guardian or conservator  
20 does not affect liability for a previous act or the obligation to  
21 account for:

22 (a) An action taken on behalf of the individual subject to  
23 guardianship or conservatorship; or

24 (b) The individual's funds or other property.

25 NEW SECTION. **Sec. 114.** NOTICE OF HEARING GENERALLY. (1) Except  
26 as otherwise provided in sections 203, 208, 303, 403, and 505 of this  
27 act, if notice of a hearing under this chapter is required, the  
28 movant shall give notice of the date, time, and place of the hearing  
29 to the person to be notified unless otherwise ordered by the court  
30 for good cause. Except as otherwise provided in this chapter, notice  
31 must be given in compliance with the local superior court's rule of  
32 civil procedure at least fourteen days before the hearing.

33 (2) Proof of notice of a hearing under this chapter must be made  
34 before or at the hearing and filed in the proceeding.

35 (3) Notice of a hearing under this chapter must be in at least  
36 sixteen-point font, in plain language, and, to the extent feasible,  
37 in a language in which the person to be notified is proficient.

1        NEW SECTION.        **Sec. 115.**        WAIVER OF NOTICE. (1) Except as  
2 otherwise provided in subsection (2) of this section, a person may  
3 waive notice under this chapter in a record signed by the person or  
4 person's attorney and filed in the proceeding.

5        (2) A respondent, individual subject to guardianship, individual  
6 subject to conservatorship, or individual subject to a protective  
7 arrangement under article 5 of this chapter may not waive notice  
8 under this chapter.

9        NEW SECTION.        **Sec. 116.**        GUARDIAN AD LITEM. The court at any time  
10 may appoint a guardian ad litem for an individual if the court  
11 determines the individual's interest otherwise would not be  
12 adequately represented. If no conflict of interest exists, a guardian  
13 ad litem may be appointed to represent multiple individuals or  
14 interests. The guardian ad litem may not be the same individual as  
15 the attorney representing the respondent. The court shall state the  
16 duties of the guardian ad litem and the reasons for the appointment.

17        NEW SECTION.        **Sec. 117.**        REQUEST FOR NOTICE. (1) A person may  
18 file with the court a request for notice under this chapter if the  
19 person is:

20        (a) Not otherwise entitled to notice; and

21        (b) Interested in the welfare of a respondent, individual subject  
22 to guardianship or conservatorship, or individual subject to a  
23 protective arrangement under article 5 of this chapter.

24        (2) A request under subsection (1) of this section must include a  
25 statement showing the interest of the person making the request and  
26 the address of the person or an attorney for the person to whom  
27 notice is to be given.

28        (3) If the court approves a request under subsection (1) of this  
29 section, the court shall give notice of the approval to the guardian  
30 or conservator, if one has been appointed, or the respondent if no  
31 guardian or conservator has been appointed.

32        NEW SECTION.        **Sec. 118.**        DISCLOSURE OF BANKRUPTCY OR CRIMINAL  
33 HISTORY. (1) Before accepting appointment as a guardian or  
34 conservator, a person shall disclose to the court whether the person:

35        (a) Is or has been a debtor in a bankruptcy, insolvency, or  
36 receivership proceeding; or

37        (b) Has been convicted of:

1 (i) A felony;

2 (ii) A crime involving dishonesty, neglect, violence, or use of  
3 physical force; or

4 (iii) Other crimes relevant to the functions the individual would  
5 assume as guardian or conservator.

6 (2) A guardian or conservator that engages or anticipates  
7 engaging an agent the guardian or conservator knows has been  
8 convicted of a felony, a crime involving dishonesty, neglect,  
9 violence, or use of physical force, or other crimes relevant to the  
10 functions the agent is being engaged to perform promptly shall  
11 disclose that knowledge to the court.

12 (3) If a conservator engages or anticipates engaging an agent to  
13 manage finances of the individual subject to conservatorship and  
14 knows the agent is or has been a debtor in a bankruptcy, insolvency,  
15 or receivership proceeding, the conservator promptly shall disclose  
16 that knowledge to the court.

17 NEW SECTION. **Sec. 119.** QUALIFICATIONS. (1) Any suitable person  
18 over the age of eighteen years, or any parent under the age of  
19 eighteen years or, if the petition is for appointment of a  
20 professional guardian or conservator, any individual or guardianship  
21 or conservatorship service that meets any certification requirements  
22 established by the administrator for the courts, may, if not  
23 otherwise disqualified, be appointed guardian, limited guardian, or  
24 conservator of the person and/or the estate of an incapacitated  
25 person. A financial institution subject to the jurisdiction of the  
26 department of financial institutions and authorized to exercise trust  
27 powers, and a federally chartered financial institution when  
28 authorized to do so, may act as a guardian or conservator of the  
29 estate of an incapacitated person without having to meet the  
30 certification requirements established by the administrator for the  
31 courts. No person is qualified to serve as a guardian or conservator  
32 who is:

33 (a) Under eighteen years of age except as otherwise provided  
34 herein;

35 (b) Of unsound mind;

36 (c) Convicted of a felony or of a misdemeanor involving moral  
37 turpitude;

38 (d) A nonresident of this state who has not appointed a resident  
39 agent to accept service of process in all actions or proceedings with

1 respect to the estate and caused such appointment to be filed with  
2 the court;

3 (e) A corporation not authorized to act as a fiduciary, guardian,  
4 limited guardian, or conservator in the state;

5 (f) A person whom the court finds unsuitable.

6 (2) If a guardian, limited guardian, or conservator is not a  
7 certified professional guardian, conservator, or financial  
8 institution authorized under this section, the guardian, limited  
9 guardian, or conservator must complete any standardized training  
10 video or web cast for lay guardians or conservators made available by  
11 the administrative office of the courts and the superior court where  
12 the petition is filed unless granted a waiver by the court. The  
13 training video or web cast must be provided at no cost to the  
14 guardian, limited guardian, or conservator.

15 (a) If a petitioner requests the appointment of a specific  
16 individual to act as a guardian, limited guardian, or conservator,  
17 the petition for guardianship, limited guardianship, or  
18 conservatorship must include evidence of the successful completion of  
19 the required training video or web cast by the proposed guardian,  
20 limited guardian, or conservator. The superior court may defer the  
21 completion of the training requirement to a date no later than ninety  
22 days after appointment if the petitioner requests expedited  
23 appointment due to emergent circumstances.

24 (b) If no person is identified to be appointed guardian, limited  
25 guardian, or conservator at the time the petition is filed, then the  
26 court must require the completion of the required training video or  
27 web cast by a date no later than ninety days after the appointment.

28 NEW SECTION. **Sec. 120.** MULTIPLE NOMINATIONS. If a respondent or  
29 other person makes more than one nomination of a guardian or  
30 conservator, the latest in time governs.

31 NEW SECTION. **Sec. 121.** COMPENSATION AND EXPENSES—IN GENERAL.

32 (1) Unless otherwise compensated or reimbursed, an attorney for a  
33 respondent in a proceeding under this chapter is entitled to  
34 reasonable compensation for services and reimbursement of reasonable  
35 expenses from the property of the respondent.

36 (2) Unless otherwise compensated or reimbursed, an attorney or  
37 other person whose services resulted in an order beneficial to an  
38 individual subject to guardianship or conservatorship or for whom a

1 protective arrangement under article 5 of this chapter was ordered is  
2 entitled to reasonable compensation for services and reimbursement of  
3 reasonable expenses from the property of the individual.

4 (3) The court must approve compensation and expenses payable  
5 under this section before payment. Approval is not required before a  
6 service is provided or an expense is incurred.

7 (4) If the court dismisses a petition under this chapter and  
8 determines the petition was filed in bad faith, the court may assess  
9 the cost of any court-ordered professional evaluation or visitor  
10 against the petitioner.

11 NEW SECTION. **Sec. 122.** COMPENSATION OF GUARDIAN OR CONSERVATOR.

12 (1) Subject to court approval, a guardian is entitled to reasonable  
13 compensation for services as guardian and to reimbursement for room,  
14 board, clothing, and other appropriate expenses advanced for the  
15 benefit of the individual subject to guardianship. If a conservator,  
16 other than the guardian or a person affiliated with the guardian, is  
17 appointed for the individual, reasonable compensation and  
18 reimbursement to the guardian may be approved and paid by the  
19 conservator without court approval.

20 (2) Subject to court approval, a conservator is entitled to  
21 reasonable compensation for services and reimbursement for  
22 appropriate expenses from the property of the individual subject to  
23 conservatorship.

24 (3) In determining reasonable compensation for a guardian or  
25 conservator, the court, or a conservator in determining reasonable  
26 compensation for a guardian as provided in subsection (1) of this  
27 section, shall consider:

28 (a) The necessity and quality of the services provided;

29 (b) The experience, training, professional standing, and skills  
30 of the guardian or conservator;

31 (c) The difficulty of the services performed, including the  
32 degree of skill and care required;

33 (d) The conditions and circumstances under which a service was  
34 performed, including whether the service was provided outside regular  
35 business hours or under dangerous or extraordinary conditions;

36 (e) The effect of the services on the individual subject to  
37 guardianship or conservatorship;

1 (f) The extent to which the services provided were or were not  
2 consistent with the guardian's plan under section 316 of this act or  
3 conservator's plan under section 419 of this act; and

4 (g) The fees customarily paid to a person that performs a like  
5 service in the community.

6 (4) A guardian or conservator need not use personal funds of the  
7 guardian or conservator for the expenses of the individual subject to  
8 guardianship or conservatorship.

9 (5) If an individual subject to guardianship or conservatorship  
10 seeks to modify or terminate the guardianship or conservatorship or  
11 remove the guardian or conservator, the court may order compensation  
12 to the guardian or conservator for time spent opposing modification,  
13 termination, or removal only to the extent the court determines the  
14 opposition was reasonably necessary to protect the interests of the  
15 individual subject to guardianship or conservatorship.

16 NEW SECTION. **Sec. 123.** LIABILITY OF GUARDIAN OR CONSERVATOR FOR  
17 ACT OF INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. A  
18 guardian or conservator is not personally liable to another person  
19 solely because of the guardianship or conservatorship for an act or  
20 omission of the individual subject to guardianship or  
21 conservatorship.

22 NEW SECTION. **Sec. 124.** PETITION AFTER APPOINTMENT FOR  
23 INSTRUCTION OR RATIFICATION. (1) A guardian or conservator may  
24 petition the court for instruction concerning fiduciary  
25 responsibility or ratification of a particular act related to the  
26 guardianship or conservatorship.

27 (2) On notice and hearing on a petition under subsection (1) of  
28 this section, the court may give an instruction and issue an  
29 appropriate order.

30 NEW SECTION. **Sec. 125.** THIRD-PARTY ACCEPTANCE OF AUTHORITY OF  
31 GUARDIAN OR CONSERVATOR. (1) A person must not recognize the  
32 authority of a guardian or conservator to act on behalf of an  
33 individual subject to guardianship or conservatorship if:

34 (a) The person has actual knowledge or a reasonable belief that  
35 the letters of office of the guardian or conservator are invalid or  
36 the conservator or guardian is exceeding or improperly exercising  
37 authority granted by the court; or



1 (b) The person has actual knowledge that the individual subject  
2 to guardianship or conservatorship is subject to physical or  
3 financial abuse, neglect, exploitation, or abandonment by the  
4 guardian or conservator or a person acting for or with the guardian  
5 or conservator.

6 (2) A person may refuse to recognize the authority of a guardian  
7 or conservator to act on behalf of an individual subject to  
8 guardianship or conservatorship if:

9 (a) The guardian's or conservator's proposed action would be  
10 inconsistent with this chapter; or

11 (b) The person makes, or has actual knowledge that another person  
12 has made, a report to the department of children, youth, and families  
13 or the department of social and health services stating a good-faith  
14 belief that the individual subject to guardianship or conservatorship  
15 is subject to physical or financial abuse, neglect, exploitation, or  
16 abandonment by the guardian or conservator or a person acting for or  
17 with the guardian or conservator.

18 (3) A person that refuses to accept the authority of a guardian  
19 or conservator in accordance with subsection (2) of this section may  
20 report the refusal and the reason for refusal to the court. The court  
21 on receiving the report shall consider whether removal of the  
22 guardian or conservator or other action is appropriate.

23 (4) A guardian or conservator may petition the court to require a  
24 third party to accept a decision made by the guardian or conservator  
25 on behalf of the individual subject to guardianship or  
26 conservatorship.

27 NEW SECTION. **Sec. 126.** USE OF AGENT BY GUARDIAN OR CONSERVATOR.

28 (1) Except as otherwise provided in subsection (3) of this section, a  
29 guardian or conservator may delegate a power to an agent which a  
30 prudent guardian or conservator of comparable skills could delegate  
31 prudently under the circumstances if the delegation is consistent  
32 with the guardian's or conservator's fiduciary duties and the  
33 guardian's plan under section 316 of this act or the conservator's  
34 plan under section 419 of this act.

35 (2) In delegating a power under subsection (1) of this section,  
36 the guardian or conservator shall exercise reasonable care, skill,  
37 and caution in:

38 (a) Selecting the agent;

1 (b) Establishing the scope and terms of the agent's work in  
2 accordance with the guardian's plan under section 316 of this act or  
3 the conservator's plan under section 419 of this act;

4 (c) Monitoring the agent's performance and compliance with the  
5 delegation; and

6 (d) Redressing an act or omission of the agent which would  
7 constitute a breach of the guardian's or conservator's duties if done  
8 by the guardian or conservator.

9 (3) A guardian or conservator may not delegate all powers to an  
10 agent.

11 (4) In performing a power delegated under this section, an agent  
12 shall:

13 (a) Exercise reasonable care to comply with the terms of the  
14 delegation and use reasonable care in the performance of the power;  
15 and

16 (b) If the guardian or conservator has delegated to the agent the  
17 power to make a decision on behalf of the individual subject to  
18 guardianship or conservatorship, use the same decision-making  
19 standard the guardian or conservator would be required to use.

20 (5) By accepting a delegation of a power under subsection (1) of  
21 this section from a guardian or conservator, an agent submits to the  
22 personal jurisdiction of the courts of this state in an action  
23 involving the agent's performance as agent.

24 (6) A guardian or conservator that delegates and monitors a power  
25 in compliance with this section is not liable for the decision, act,  
26 or omission of the agent.

27 NEW SECTION. **Sec. 127.** TEMPORARY SUBSTITUTE GUARDIAN OR  
28 CONSERVATOR. (1) The court may appoint a temporary substitute  
29 guardian for an individual subject to guardianship for a period not  
30 exceeding six months if:

31 (a) A proceeding to remove a guardian for the individual is  
32 pending; or

33 (b) The court finds a guardian is not effectively performing the  
34 guardian's duties and the welfare of the individual requires  
35 immediate action.

36 (2) The court may appoint a temporary substitute conservator for  
37 an individual subject to conservatorship for a period not exceeding  
38 six months if:

1 (a) A proceeding to remove a conservator for the individual is  
2 pending; or

3 (b) The court finds that a conservator for the individual is not  
4 effectively performing the conservator's duties and the welfare of  
5 the individual or the conservatorship estate requires immediate  
6 action.

7 (3) Except as otherwise ordered by the court, a temporary  
8 substitute guardian or temporary substitute conservator appointed  
9 under this section has the powers stated in the order of appointment  
10 of the guardian or conservator. The authority of the existing  
11 guardian or conservator is suspended for as long as the temporary  
12 substitute guardian or conservator has authority.

13 (4) The court shall give notice of appointment of a temporary  
14 substitute guardian or temporary substitute conservator, not later  
15 than five days after the appointment, to:

16 (a) The individual subject to guardianship or conservatorship;

17 (b) The affected guardian or conservator; and

18 (c) In the case of a minor, each parent of the minor and any  
19 person currently having care or custody of the minor.

20 (5) The court may remove a temporary substitute guardian or  
21 temporary substitute conservator at any time. The temporary  
22 substitute guardian or temporary substitute conservator shall make  
23 any report the court requires.

24 NEW SECTION. **Sec. 128.** REGISTRATION OF ORDER—EFFECT. (1) If a  
25 guardian has been appointed in another state for an individual, and a  
26 petition for guardianship for the individual is not pending in this  
27 state, the guardian appointed in the other state, after giving notice  
28 to the appointing court, may register the guardianship order in this  
29 state by filing as a foreign judgment, in a court of an appropriate  
30 county of this state, certified copies of the order and letters of  
31 office.

32 (2) If a conservator has been appointed in another state for an  
33 individual, and a petition for conservatorship for the individual is  
34 not pending in this state, the conservator appointed for the  
35 individual in the other state, after giving notice to the appointing  
36 court, may register the conservatorship in this state by filing as a  
37 foreign judgment, in a court of a county in which property belonging  
38 to the individual subject to conservatorship is located, certified

1 copies of the order of conservatorship, letters of office, and any  
2 bond or other asset protection arrangement required by the court.

3 (3) On registration under this section of a guardianship or  
4 conservatorship order from another state, the guardian or conservator  
5 may exercise in this state all powers authorized in the order except  
6 as prohibited by this chapter and law of this state other than this  
7 chapter. If the guardian or conservator is not a resident of this  
8 state, the guardian or conservator may maintain an action or  
9 proceeding in this state subject to any condition imposed by this  
10 state on an action or proceeding by a nonresident party.

11 (4) The court may grant any relief available under this chapter  
12 and law of this state other than this chapter to enforce an order  
13 registered under this section.

14 NEW SECTION. **Sec. 129.** GRIEVANCE AGAINST GUARDIAN OR  
15 CONSERVATOR. (1) An individual who is subject to guardianship or  
16 conservatorship, or person interested in the welfare of an individual  
17 subject to guardianship or conservatorship, that reasonably believes  
18 the guardian or conservator is breaching the guardian's or  
19 conservator's fiduciary duty or otherwise acting in a manner  
20 inconsistent with this chapter may file a grievance in a record with  
21 the court.

22 (2) Subject to subsection (3) of this section, after receiving a  
23 grievance under subsection (1) of this section, the court:

24 (a) Shall review the grievance and, if necessary to determine the  
25 appropriate response, court records related to the guardianship or  
26 conservatorship;

27 (b) Shall schedule a hearing if the individual subject to  
28 guardianship or conservatorship is an adult and the grievance  
29 supports a reasonable belief that:

30 (i) Removal of the guardian and appointment of a successor may be  
31 appropriate under section 318 of this act;

32 (ii) Termination or modification of the guardianship may be  
33 appropriate under section 319 of this act;

34 (iii) Removal of the conservator and appointment of a successor  
35 may be appropriate under section 430 of this act; or

36 (iv) Termination or modification of the conservatorship may be  
37 appropriate under section 431 of this act; and

38 (c) May take any action supported by the evidence, including:

- 1 (i) Ordering the guardian or conservator to provide the court a  
2 report, accounting, inventory, updated plan, or other information;  
3 (ii) Appointing a guardian ad litem;  
4 (iii) Appointing an attorney for the individual subject to  
5 guardianship or conservatorship; or  
6 (iv) Holding a hearing.

7 (3) The court may decline to act under subsection (2) of this  
8 section if a similar grievance was filed within the six months  
9 preceding the filing of the current grievance and the court followed  
10 the procedures of subsection (2) of this section in considering the  
11 earlier grievance.

12 (4) In any court action under this section that involves a  
13 professional guardian, the court must direct the clerk of the court  
14 to send a copy of the order entered under this section to the  
15 certified professional guardianship board.

16 NEW SECTION. **Sec. 130.** DELEGATION BY PARENT. Except as  
17 otherwise provided in RCW 11.125.410, a parent of a minor, by a power  
18 of attorney, may delegate to another person for a period not  
19 exceeding nine months any of the parent's powers regarding care,  
20 custody, or property of the minor, other than power to consent to  
21 marriage or adoption.

22 NEW SECTION. **Sec. 131.** EX PARTE COMMUNICATIONS—REMOVAL. A  
23 guardian ad litem or visitor shall not engage in ex parte  
24 communications with any judicial officer involved in the matter for  
25 which he or she is appointed during the pendency of the proceeding,  
26 except as permitted by court rule or statute for ex parte motions. Ex  
27 parte motions shall be heard in open court on the record. The record  
28 may be preserved in a manner deemed appropriate by the county where  
29 the matter is heard. The court, upon its own motion, or upon the  
30 motion of a party, may consider the removal of any guardian ad litem  
31 or visitor who violates this section from any pending case or from  
32 any court-authorized registry, and if so removed may require  
33 forfeiture of any fees for professional services on the pending case.

34 NEW SECTION. **Sec. 132.** REGISTRY FOR GUARDIANS AD LITEM AND  
35 VISITORS. (1) The superior court of each county shall develop and  
36 maintain a registry of persons who are willing and qualified to serve  
37 as guardians ad litem and visitors in guardianship and

1 conservatorship matters. The court shall choose as guardian ad litem  
2 or visitor a person whose name appears on the registry in a system of  
3 consistent rotation, except in extraordinary circumstances such as  
4 the need for particular expertise. The court shall develop procedures  
5 for periodic review of the persons on the registry and for probation,  
6 suspension, or removal of persons on the registry for failure to  
7 perform properly their duties as guardian ad litem or visitor. In the  
8 event the court does not select the person next on the list, it shall  
9 include in the order of appointment a written reason for its  
10 decision.

11 (2) To be eligible for the registry a person shall:

12 (a) Present a written statement outlining his or her background  
13 and qualifications. The background statement shall include, but is  
14 not limited to, the following information:

15 (i) Level of formal education;

16 (ii) Training related to the duties of a guardian ad litem or  
17 visitor;

18 (iii) Number of years' experience as a guardian ad litem or  
19 visitor;

20 (iv) Number of appointments as a guardian ad litem or visitor and  
21 the county or counties of appointment;

22 (v) Criminal history, as defined in RCW 9.94A.030; and

23 (vi) Evidence of the person's knowledge, training, and experience  
24 in each of the following: Needs of impaired elderly people, physical  
25 disabilities, mental illness, developmental disabilities, and other  
26 areas relevant to the needs of persons subject to guardianship or  
27 conservatorship, legal procedure, and the requirements of this  
28 chapter.

29 The written statement of qualifications shall include the names  
30 of any counties in which the person was removed from a guardian ad  
31 litem or visitor registry pursuant to a grievance action, and the  
32 name of the court and the cause number of any case in which the court  
33 has removed the person for cause; and

34 (b) Complete the training as described in subsection (5) of this  
35 section. The training is not applicable to guardians ad litem  
36 appointed pursuant to special proceeding rule 98.16W.

37 (3) The superior court shall remove any person from the guardian  
38 ad litem or visitor registry who misrepresents his or her  
39 qualifications pursuant to a grievance procedure established by the  
40 court.

1 (4) The background and qualification information shall be updated  
2 annually.

3 (5) The department of social and health services shall convene an  
4 advisory group to develop a model guardian ad litem and visitor  
5 training program and shall update the program biennially. The  
6 advisory group shall consist of representatives from consumer,  
7 advocacy, and professional groups knowledgeable in developmental  
8 disabilities, neurological impairment, physical disabilities, mental  
9 illness, domestic violence, aging, legal, court administration, the  
10 Washington state bar association, and other interested parties.

11 (6) The superior court shall require utilization of the model  
12 program developed by the advisory group as described in subsection  
13 (5) of this section to assure that candidates applying for  
14 registration as a qualified guardian ad litem or visitor shall have  
15 satisfactorily completed training to attain these essential minimum  
16 qualifications to act as guardian ad litem or visitor.

17 NEW SECTION. **Sec. 133.** GUARDIANSHIP/CONSERVATORSHIP SUMMARY.  
18 Every order appointing a guardian or conservator and every court  
19 order approving accounts or reports filed by a guardian or  
20 conservator must include a guardianship/conservatorship summary  
21 placed directly below the case caption or on a separate cover page in  
22 or substantially in the same form as set forth in section 606 of this  
23 act.

24 NEW SECTION. **Sec. 134.** GUARDIANSHIP/CONSERVATORSHIP COURTHOUSE  
25 FACILITATOR PROGRAM. A county may create a guardianship/  
26 conservatorship courthouse facilitator program to provide basic  
27 services to pro se litigants in guardianship and conservatorship  
28 cases. The legislative authority of any county may impose user fees  
29 or may impose a surcharge of up to twenty dollars, or both, on  
30 superior court cases filed under this chapter, chapter 11.90 RCW, and  
31 chapter 73.36 RCW to pay for the expenses of the guardianship/  
32 conservatorship courthouse facilitator program. Fees collected under  
33 this section shall be collected and deposited in the same manner as  
34 other county funds are collected and deposited, and shall be  
35 maintained in a separate guardianship/conservatorship courthouse  
36 facilitator account to be used as provided in this section.

1        NEW SECTION.    **Sec. 135.**    FILING FEE. (1)(a) The attorney general  
2 may petition for the appointment of a guardian, conservator, or other  
3 protective arrangement under sections 302, 402, and 504 of this act  
4 in which there is cause to believe that a guardianship,  
5 conservatorship, or protective arrangement is necessary and no  
6 private party is able and willing to petition.

7        (b) Prepayment of a filing fee shall not be required in any  
8 guardianship, conservatorship, or protective arrangement proceeding  
9 brought by the attorney general. Payment of the filing fee shall be  
10 ordered from the estate of the respondent person at the hearing on  
11 the merits of the petition, unless in the judgment of the court, such  
12 payment would impose a hardship upon the respondent, in which case  
13 the filing shall be waived.

14        (2) No filing fee shall be charged by the court for filing a  
15 petition for guardianship, conservatorship, or other protective  
16 arrangement filed under sections 302, 402, and 504 of this act if the  
17 petition alleges that the respondent has total assets of a value of  
18 less than three thousand dollars.

19        NEW SECTION.    **Sec. 136.**    GUARDIANSHIPS INVOLVING VETERANS. For  
20 guardianships involving veterans see chapter 73.36 RCW.

21        NEW SECTION.    **Sec. 137.**    CONSTRUCTION—CHAPTER APPLICABLE TO STATE  
22 REGISTERED DOMESTIC PARTNERSHIPS—2009 c 521. For the purposes of this  
23 chapter, the terms spouse, marriage, marital, husband, wife, widow,  
24 widower, next of kin, and family shall be interpreted as applying  
25 equally to state registered domestic partnerships or individuals in  
26 state registered domestic partnerships as well as to marital  
27 relationships and married persons, and references to dissolution of  
28 marriage shall apply equally to state registered domestic  
29 partnerships that have been terminated, dissolved, or invalidated, to  
30 the extent that such interpretation does not conflict with federal  
31 law. Where necessary to implement chapter 521, Laws of 2009, gender-  
32 specific terms such as husband and wife used in any statute, rule, or  
33 other law shall be construed to be gender neutral, and applicable to  
34 individuals in state registered domestic partnerships.

35    **ARTICLE 2**  
36    **GUARDIANSHIP OF MINOR**



1        NEW SECTION.    **Sec. 201.**    BASIS FOR APPOINTMENT OF GUARDIAN FOR  
2 MINOR. (1) A person becomes a guardian for a minor only on  
3 appointment by the court.

4        (2) The court may appoint a guardian for a minor who does not  
5 have a guardian if the court finds the appointment is in the minor's  
6 best interest and:

7        (a) Each parent of the minor, after being fully informed of the  
8 nature and consequences of guardianship, consents;

9        (b) All parental rights have been terminated; or

10       (c) There is clear and convincing evidence that no parent of the  
11 minor is willing or able to exercise the powers the court is granting  
12 the guardian.

13       NEW SECTION.    **Sec. 202.**    PETITION FOR APPOINTMENT OF GUARDIAN FOR  
14 MINOR. (1) A person interested in the welfare of a minor, including  
15 the minor, may petition for appointment of a guardian for the minor.

16       (2) A petition under subsection (1) of this section must state  
17 the petitioner's name, principal residence, current street address,  
18 if different, relationship to the minor, interest in the appointment,  
19 the name and address of any attorney representing the petitioner,  
20 and, to the extent known, the following:

21       (a) The minor's name, age, principal residence, current street  
22 address, if different, and, if different, address of the dwelling in  
23 which it is proposed the minor will reside if the appointment is  
24 made;

25       (b) The name and current street address of the minor's parents;

26       (c) The name and address, if known, of each person that had  
27 primary care or custody of the minor for at least sixty days during  
28 the two years immediately before the filing of the petition or for at  
29 least seven hundred thirty days during the five years immediately  
30 before the filing of the petition;

31       (d) The name and address of any attorney for the minor and any  
32 attorney for each parent of the minor;

33       (e) The reason guardianship is sought and would be in the best  
34 interest of the minor;

35       (f) The name and address of any proposed guardian and the reason  
36 the proposed guardian should be selected;

37       (g) If the minor has property other than personal effects, a  
38 general statement of the minor's property with an estimate of its  
39 value;

1 (h) Whether the minor needs an interpreter, translator, or other  
2 form of support to communicate effectively with the court or  
3 understand court proceedings;

4 (i) Whether any parent of the minor needs an interpreter,  
5 translator, or other form of support to communicate effectively with  
6 the court or understand court proceedings; and

7 (j) Whether any other proceeding concerning the care or custody  
8 of the minor is pending in any court in this state or another  
9 jurisdiction.

10 NEW SECTION. **Sec. 203.** NOTICE OF HEARING FOR APPOINTMENT OF  
11 GUARDIAN FOR MINOR. (1) If a petition is filed under section 202 of  
12 this act, the court shall schedule a hearing and the petitioner  
13 shall:

14 (a) Serve notice of the date, time, and place of the hearing,  
15 together with a copy of the petition, personally on each of the  
16 following that is not the petitioner:

17 (i) The minor, if the minor will be twelve years of age or older  
18 at the time of the hearing;

19 (ii) Each parent of the minor or, if there is none, the adult  
20 nearest in kinship who can be found with reasonable diligence;

21 (iii) Any adult with whom the minor resides;

22 (iv) Each person that had primary care or custody of the minor  
23 for at least sixty days during the two years immediately before the  
24 filing of the petition or for at least seven hundred thirty days  
25 during the five years immediately before the filing of the petition;  
26 and

27 (v) Any other person the court determines should receive personal  
28 service of notice; and

29 (b) Give notice under section 114 of this act of the date, time,  
30 and place of the hearing, together with a copy of the petition, to:

31 (i) Any person nominated as guardian by the minor, if the minor  
32 is twelve years of age or older;

33 (ii) Any nominee of a parent;

34 (iii) Each grandparent and adult sibling of the minor;

35 (iv) Any guardian or conservator acting for the minor in any  
36 jurisdiction; and

37 (v) Any other person the court determines.

38 (2) Notice required by subsection (1) of this section must  
39 include a statement of the right to request appointment of an

1 attorney for the minor or object to appointment of a guardian and a  
2 description of the nature, purpose, and consequences of appointment  
3 of a guardian.

4 (3) The court may not grant a petition for guardianship of a  
5 minor if notice substantially complying with subsection (1)(a) of  
6 this section is not served on:

7 (a) The minor, if the minor is twelve years of age or older; and

8 (b) Each parent of the minor, unless the court finds by clear and  
9 convincing evidence that the parent cannot with due diligence be  
10 located and served or the parent waived, in a record, the right to  
11 notice.

12 (4) If a petitioner is unable to serve notice under subsection  
13 (1)(a) of this section on a parent of a minor or alleges that the  
14 parent waived, in a record, the right to notice under this section,  
15 the court shall appoint a visitor who shall:

16 (a) Interview the petitioner and the minor;

17 (b) If the petitioner alleges the parent cannot be located,  
18 ascertain whether the parent cannot be located with due diligence;  
19 and

20 (c) Investigate any other matter relating to the petition the  
21 court directs.

22 NEW SECTION. **Sec. 204.** ATTORNEY FOR MINOR OR PARENT. (1) The  
23 court shall appoint an attorney to represent a minor who is the  
24 subject of a proceeding under section 202 of this act if:

25 (a) Requested by the minor and the minor is twelve years of age  
26 or older;

27 (b) Recommended by a guardian ad litem; or

28 (c) The court determines the minor needs representation.

29 (2) An attorney appointed under subsection (1) of this section  
30 shall:

31 (a) Make a reasonable effort to ascertain the minor's wishes;

32 (b) Advocate for the minor's wishes to the extent reasonably  
33 ascertainable; and

34 (c) If the minor's wishes are not reasonably ascertainable,  
35 advocate for the minor's best interest.

36 (3) A minor who is the subject of a proceeding under section 202  
37 of this act may retain an attorney to represent the minor in the  
38 proceeding.

1 (4) A parent of a minor who is the subject of a proceeding under  
2 section 202 of this act may retain an attorney to represent the  
3 parent in the proceeding.

4 (5) The court shall appoint an attorney to represent a parent of  
5 a minor who is the subject of a proceeding under section 202 of this  
6 act if:

7 (a) The parent objects to appointment of a guardian for the  
8 minor;

9 (b) The court determines that counsel is needed to ensure that  
10 consent to appointment of a guardian is informed; or

11 (c) The court otherwise determines the parent needs  
12 representation.

13 NEW SECTION. **Sec. 205.** ATTENDANCE AND PARTICIPATION AT HEARING  
14 FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) The court shall require a  
15 minor who is the subject of a hearing under section 203 of this act  
16 to attend the hearing and allow the minor to participate in the  
17 hearing unless the court determines, by clear and convincing evidence  
18 presented at the hearing or a separate hearing, that:

19 (a) The minor consistently and repeatedly refused to attend the  
20 hearing after being fully informed of the right to attend and, if the  
21 minor is twelve years of age or older, the potential consequences of  
22 failing to do so;

23 (b) There is no practicable way for the minor to attend the  
24 hearing;

25 (c) The minor lacks the ability or maturity to participate  
26 meaningfully in the hearing; or

27 (d) Attendance would be harmful to the minor.

28 (2) Unless excused by the court for good cause, the person  
29 proposed to be appointed as guardian for a minor shall attend a  
30 hearing under section 203 of this act.

31 (3) Each parent of a minor who is the subject of a hearing under  
32 section 203 of this act has the right to attend the hearing.

33 (4) A person may request permission to participate in a hearing  
34 under section 203 of this act. The court may grant the request, with  
35 or without hearing, on determining that it is in the best interest of  
36 the minor who is the subject of the hearing. The court may impose  
37 appropriate conditions on the person's participation.

1        NEW SECTION.    **Sec. 206.**    CUSTODY ORDERS—BACKGROUND INFORMATION TO  
2 BE CONSULTED. (1) Before granting any order regarding the custody of  
3 a child under this chapter, the court must consult the judicial  
4 information system, if available, to determine the existence of any  
5 information and proceedings that are relevant to the placement of the  
6 child.

7        (2) Before entering a final order, the court must:

8        (a) Direct the department of children, youth, and families to  
9 release information as provided under RCW 13.50.100; and

10       (b) Require the petitioner to provide the results of an  
11 examination of state and national criminal identification data  
12 provided by the Washington state patrol criminal identification  
13 system as described in chapter 43.43 RCW for the petitioner and adult  
14 members of the petitioner's household.

15       NEW SECTION.    **Sec. 207.**    ORDER OF APPOINTMENT—PRIORITY OF NOMINEE  
16 —LIMITED GUARDIANSHIP FOR MINOR. (1) After a hearing under section  
17 203 of this act, the court may appoint a guardian for a minor, if  
18 appointment is proper under section 201 of this act, dismiss the  
19 proceeding, or take other appropriate action consistent with this  
20 chapter or law of this state other than this chapter.

21       (2) In appointing a guardian under subsection (1) of this  
22 section, the following rules apply:

23       (a) The court shall appoint a person nominated as guardian by a  
24 parent of the minor in a will or other record unless the court finds  
25 the appointment is contrary to the best interest of the minor.

26       (b) If multiple parents have nominated different persons to serve  
27 as guardian, the court shall appoint the nominee whose appointment is  
28 in the best interest of the minor, unless the court finds that  
29 appointment of none of the nominees is in the best interest of the  
30 minor.

31       (c) If a guardian is not appointed under (a) or (b) of this  
32 subsection, the court shall appoint the person nominated by the minor  
33 if the minor is twelve years of age or older unless the court finds  
34 that appointment is contrary to the best interest of the minor. In  
35 that case, the court shall appoint as guardian a person whose  
36 appointment is in the best interest of the minor.

37       (3) In the interest of maintaining or encouraging involvement by  
38 a minor's parent in the minor's life, developing self-reliance of the

1 minor, or for other good cause, the court, at the time of appointment  
2 of a guardian for the minor or later, on its own or on motion of the  
3 minor or other interested person, may create a limited guardianship  
4 by limiting the powers otherwise granted by this article to the  
5 guardian. Following the same procedure, the court may grant  
6 additional powers or withdraw powers previously granted.

7 (4) The court, as part of an order appointing a guardian for a  
8 minor, shall state rights retained by any parent of the minor, which  
9 may include contact or visitation with the minor, decision making  
10 regarding the minor's health care, education, or other matter, or  
11 access to a record regarding the minor.

12 (5) An order granting a guardianship for a minor must state that  
13 each parent of the minor is entitled to notice that:

14 (a) The guardian has delegated custody of the minor subject to  
15 guardianship;

16 (b) The court has modified or limited the powers of the guardian;  
17 or

18 (c) The court has removed the guardian.

19 (6) An order granting a guardianship for a minor must identify  
20 any person in addition to a parent of the minor which is entitled to  
21 notice of the events listed in subsection (5) of this section.

22 (7) An order granting guardianship for a minor must direct the  
23 clerk of the court to issue letters of office to the guardian  
24 containing an expiration date which should be the minor's eighteenth  
25 birthday.

26 NEW SECTION. **Sec. 208.** STANDBY GUARDIAN FOR MINOR. (1) A  
27 standby guardian appointed under this section may act as guardian,  
28 with all duties and powers of a guardian under sections 210 and 211  
29 of this act, when no parent of the minor is willing or able to  
30 exercise the duties and powers granted to the guardian.

31 (2) A parent of a minor, in a signed record, may nominate a  
32 person to be appointed by the court as standby guardian for the  
33 minor. The parent, in a signed record, may state desired limitations  
34 on the powers to be granted the standby guardian. The parent, in a  
35 signed record, may revoke or amend the nomination at any time before  
36 the court appoints a standby guardian.

37 (3) The court may appoint a standby guardian for a minor on:

38 (a) Petition by a parent of the minor or a person nominated under  
39 subsection (2) of this section; and

1 (b) Finding that no parent of the minor likely will be able or  
2 willing to care for or make decisions with respect to the minor not  
3 later than two years after the appointment.

4 (4) A petition under subsection (3)(a) of this section must  
5 include the same information required under section 202 of this act  
6 for the appointment of a guardian for a minor.

7 (5) On filing a petition under subsection (3)(a) of this section,  
8 the petitioner shall:

9 (a) Serve a copy of the petition personally on:

10 (i) The minor, if the minor is twelve years of age or older, and  
11 the minor's attorney, if any;

12 (ii) Each parent of the minor;

13 (iii) The person nominated as standby guardian; and

14 (iv) Any other person the court determines; and

15 (b) Include with the copy of the petition served under (a) of  
16 this subsection a statement of the right to request appointment of an  
17 attorney for the minor or to object to appointment of the standby  
18 guardian, and a description of the nature, purpose, and consequences  
19 of appointment of a standby guardian.

20 (6) A person entitled to notice under subsection (5) of this  
21 section, not later than sixty days after service of the petition and  
22 statement, may object to appointment of the standby guardian by  
23 filing an objection with the court and giving notice of the objection  
24 to each other person entitled to notice under subsection (5) of this  
25 section.

26 (7) If an objection is filed under subsection (6) of this  
27 section, the court shall hold a hearing to determine whether a  
28 standby guardian should be appointed and, if so, the person that  
29 should be appointed. If no objection is filed, the court may make the  
30 appointment.

31 (8) The court may not grant a petition for a standby guardian of  
32 the minor if notice substantially complying with subsection (5) of  
33 this section is not served on:

34 (a) The minor, if the minor is twelve years of age or older; and

35 (b) Each parent of the minor, unless the court finds by clear and  
36 convincing evidence that the parent, in a record, waived the right to  
37 notice or cannot be located and served with due diligence.

38 (9) If a petitioner is unable to serve notice under subsection  
39 (5) of this section on a parent of the minor or alleges that a parent

1 of the minor waived the right to notice under this section, the court  
2 shall appoint a visitor who shall:

3 (a) Interview the petitioner and the minor;

4 (b) If the petitioner alleges the parent cannot be located and  
5 served, ascertain whether the parent cannot be located with due  
6 diligence; and

7 (c) Investigate any other matter relating to the petition the  
8 court directs.

9 (10) If the court finds under subsection (3) of this section that  
10 a standby guardian should be appointed, the following rules apply:

11 (a) The court shall appoint the person nominated under subsection  
12 (2) of this section unless the court finds the appointment is  
13 contrary to the best interest of the minor.

14 (b) If the parents have nominated different persons to serve as  
15 standby guardian, the court shall appoint the nominee whose  
16 appointment is in the best interest of the minor, unless the court  
17 finds that appointment of none of the nominees is in the best  
18 interest of the minor.

19 (11) An order appointing a standby guardian under this section  
20 must state that each parent of the minor is entitled to notice, and  
21 identify any other person entitled to notice, if:

22 (a) The standby guardian assumes the duties and powers of the  
23 guardian;

24 (b) The guardian delegates custody of the minor;

25 (c) The court modifies or limits the powers of the guardian; or

26 (d) The court removes the guardian.

27 (12) Before assuming the duties and powers of a guardian, a  
28 standby guardian must file with the court an acceptance of  
29 appointment as guardian and give notice of the acceptance to:

30 (a) Each parent of the minor, unless the parent, in a record,  
31 waived the right to notice or cannot be located and served with due  
32 diligence;

33 (b) The minor, if the minor is twelve years of age or older; and

34 (c) Any person, other than the parent, having care or custody of  
35 the minor.

36 (13) A person that receives notice under subsection (12) of this  
37 section or any other person interested in the welfare of the minor  
38 may file with the court an objection to the standby guardian's  
39 assumption of duties and powers of a guardian. The court shall hold a  
40 hearing if the objection supports a reasonable belief that the



1 conditions for assumption of duties and powers have not been  
2 satisfied.

3 NEW SECTION. **Sec. 209.** EMERGENCY GUARDIAN FOR MINOR. (1) On its  
4 own, or on petition by a person interested in a minor's welfare, the  
5 court may appoint an emergency guardian for the minor if the court  
6 finds:

7 (a) Appointment of an emergency guardian is likely to prevent  
8 substantial harm to the minor's health, safety, or welfare; and

9 (b) No other person appears to have authority and willingness to  
10 act in the circumstances.

11 (2) The duration of authority of an emergency guardian for a  
12 minor may not exceed sixty days and the emergency guardian may  
13 exercise only the powers specified in the order of appointment. The  
14 emergency guardian's authority may be extended once for not more than  
15 sixty days if the court finds that the conditions for appointment of  
16 an emergency guardian in subsection (1) of this section continue.

17 (3) Except as otherwise provided in subsection (4) of this  
18 section, reasonable notice of the date, time, and place of a hearing  
19 on a petition for appointment of an emergency guardian for a minor  
20 must be given to:

21 (a) The minor, if the minor is twelve years of age or older;

22 (b) Any attorney appointed under section 204 of this act;

23 (c) Each parent of the minor;

24 (d) Any person, other than a parent, having care or custody of  
25 the minor; and

26 (e) Any other person the court determines.

27 (4) The court may appoint an emergency guardian for a minor  
28 without notice under subsection (3) of this section and a hearing  
29 only if the court finds from an affidavit or testimony that the  
30 minor's health, safety, or welfare will be substantially harmed  
31 before a hearing with notice on the appointment can be held. If the  
32 court appoints an emergency guardian without notice to an  
33 unrepresented minor or the attorney for a represented minor, notice  
34 of the appointment must be given not later than forty-eight hours  
35 after the appointment to the individuals listed in subsection (3) of  
36 this section. Not later than five days after the appointment, the  
37 court shall hold a hearing on the appropriateness of the appointment.

1 (5) Appointment of an emergency guardian under this section, with  
2 or without notice, is not a determination that a basis exists for  
3 appointment of a guardian under section 201 of this act.

4 (6) The court may remove an emergency guardian appointed under  
5 this section at any time. The emergency guardian shall make any  
6 report the court requires.

7 NEW SECTION. **Sec. 210.** DUTIES OF GUARDIAN FOR MINOR. (1) A  
8 guardian for a minor is a fiduciary. Except as otherwise limited by  
9 the court, a guardian for a minor has the duties and responsibilities  
10 of a parent regarding the minor's support, care, education, health,  
11 safety, and welfare. A guardian shall act in the minor's best  
12 interest and exercise reasonable care, diligence, and prudence.

13 (2) A guardian for a minor shall:

14 (a) Be personally acquainted with the minor and maintain  
15 sufficient contact with the minor to know the minor's abilities,  
16 limitations, needs, opportunities, and physical and mental health;

17 (b) Take reasonable care of the minor's personal effects and  
18 bring a proceeding for a conservatorship or protective arrangement  
19 instead of conservatorship if necessary to protect other property of  
20 the minor;

21 (c) Expend funds of the minor which have been received by the  
22 guardian for the minor's current needs for support, care, education,  
23 health, safety, and welfare;

24 (d) Conserve any funds of the minor not expended under (c) of  
25 this subsection for the minor's future needs, but if a conservator is  
26 appointed for the minor, pay the funds at least quarterly to the  
27 conservator to be conserved for the minor's future needs;

28 (e) Report the condition of the minor and account for funds and  
29 other property of the minor in the guardian's possession or subject  
30 to the guardian's control, as required by court rule or ordered by  
31 the court on application of a person interested in the minor's  
32 welfare;

33 (f) Inform the court of any change in the minor's dwelling or  
34 address; and

35 (g) In determining what is in the minor's best interest, take  
36 into account the minor's preferences to the extent actually known or  
37 reasonably ascertainable by the guardian.

1        NEW SECTION.    **Sec. 211.**    POWERS OF GUARDIAN FOR MINOR. (1) Except  
2 as otherwise limited by court order, a guardian of a minor has the  
3 powers a parent otherwise would have regarding the minor's support,  
4 care, education, health, safety, and welfare.

5        (2) Except as otherwise limited by court order, a guardian for a  
6 minor may:

7        (a) Apply for and receive funds and benefits otherwise payable  
8 for the support of the minor to the minor's parent, guardian, or  
9 custodian under a statutory system of benefits or insurance or any  
10 private contract, devise, trust, conservatorship, or custodianship;

11        (b) Unless inconsistent with a court order entitled to  
12 recognition in this state, take custody of the minor and establish  
13 the minor's place of dwelling and, on authorization of the court,  
14 establish or move the minor's dwelling outside this state;

15        (c) If the minor is not subject to conservatorship, commence a  
16 proceeding, including an administrative proceeding, or take other  
17 appropriate action to compel a person to support the minor or make a  
18 payment for the benefit of the minor;

19        (d) Consent to health or other care, treatment, or service for  
20 the minor; or

21        (e) To the extent reasonable, delegate to the minor  
22 responsibility for a decision affecting the minor's well-being.

23        (3) The court may authorize a guardian for a minor to consent to  
24 the adoption of the minor if the minor does not have a parent.

25        NEW SECTION.    **Sec. 212.**    REMOVAL OF GUARDIAN FOR MINOR—  
26 TERMINATION OF GUARDIANSHIP—APPOINTMENT OF SUCCESSOR. (1)  
27 Guardianship under this chapter for a minor terminates:

28        (a) On the minor's death, adoption, emancipation, or attainment  
29 of majority; or

30        (b) When the court finds that the standard in section 201 of this  
31 act for appointment of a guardian is not satisfied, unless the court  
32 finds that:

33        (i) Termination of the guardianship would be harmful to the  
34 minor; and

35        (ii) The minor's interest in the continuation of the guardianship  
36 outweighs the interest of any parent of the minor in restoration of  
37 the parent's right to make decisions for the minor.

38        (2) A minor subject to guardianship or a person interested in the  
39 welfare of the minor may petition the court to terminate the

1 guardianship, modify the guardianship, remove the guardian and  
2 appoint a successor guardian, or remove a standby guardian and  
3 appoint a different standby guardian.

4 (3) A petitioner under subsection (2) of this section shall give  
5 notice of the hearing on the petition to the minor, if the minor is  
6 twelve years of age or older and is not the petitioner, the guardian,  
7 each parent of the minor, and any other person the court determines.

8 (4) The court shall follow the priorities in section 207(2) of  
9 this act when selecting a successor guardian for a minor.

10 (5) Not later than thirty days after appointment of a successor  
11 guardian for a minor, the court shall give notice of the appointment  
12 to the minor subject to guardianship, if the minor is twelve years of  
13 age or older, each parent of the minor, and any other person the  
14 court determines.

15 (6) When terminating a guardianship for a minor under this  
16 section, the court may issue an order providing for transitional  
17 arrangements that will assist the minor with a transition of custody  
18 and is in the best interest of the minor.

19 (7) A guardian for a minor that is removed shall cooperate with a  
20 successor guardian to facilitate transition of the guardian's  
21 responsibilities and protect the best interest of the minor.

### 22 **ARTICLE 3**

### 23 **GUARDIANSHIP OF ADULT**

24 NEW SECTION. **Sec. 301.** BASIS FOR APPOINTMENT OF GUARDIAN FOR  
25 ADULT. (1) On petition and after notice and hearing, the court may:

26 (a) Appoint a guardian for an adult if the court finds by clear  
27 and convincing evidence that:

28 (i) The respondent lacks the ability to meet essential  
29 requirements for physical health, safety, or self-care because the  
30 respondent is unable to receive and evaluate information or make or  
31 communicate decisions, even with appropriate supportive services,  
32 technological assistance, or supported decision making; and

33 (ii) The respondent's identified needs cannot be met by a  
34 protective arrangement instead of guardianship or other less  
35 restrictive alternative; or

36 (b) With appropriate findings, treat the petition as one for a  
37 conservatorship under article 4 of this chapter or protective

1 arrangement under article 5 of this chapter, issue any appropriate  
2 order, or dismiss the proceeding.

3 (2) The court shall grant a guardian appointed under subsection  
4 (1) of this section only those powers necessitated by the  
5 demonstrated needs and limitations of the respondent and issue orders  
6 that will encourage development of the respondent's maximum self-  
7 determination and independence. The court may not establish a full  
8 guardianship if a limited guardianship, protective arrangement  
9 instead of guardianship, or other less restrictive alternative would  
10 meet the needs of the respondent.

11 NEW SECTION. **Sec. 302.** PETITION FOR APPOINTMENT OF GUARDIAN FOR  
12 ADULT. (1) A person interested in an adult's welfare, including the  
13 adult for whom the order is sought, may petition for appointment of a  
14 guardian for the adult.

15 (2) A petition under subsection (1) of this section must state  
16 the petitioner's name, principal residence, current street address,  
17 if different, relationship to the respondent, interest in the  
18 appointment, the name and address of any attorney representing the  
19 petitioner, and, to the extent known, the following:

20 (a) The respondent's name, age, principal residence, current  
21 street address, if different, and, if different, address of the  
22 dwelling in which it is proposed the respondent will reside if the  
23 petition is granted;

24 (b) The name and address of the respondent's:

25 (i) Spouse or domestic partner or, if the respondent has none, an  
26 adult with whom the respondent has shared household responsibilities  
27 for more than six months in the twelve-month period immediately  
28 before the filing of the petition;

29 (ii) Adult children or, if none, each parent and adult sibling of  
30 the respondent, or, if none, at least one adult nearest in kinship to  
31 the respondent who can be found with reasonable diligence; and

32 (iii) Adult stepchildren whom the respondent actively parented  
33 during the stepchildren's minor years and with whom the respondent  
34 had an ongoing relationship in the two-year period immediately before  
35 the filing of the petition;

36 (c) The name and current address of each of the following, if  
37 applicable:

38 (i) A person responsible for care of the respondent;

39 (ii) Any attorney currently representing the respondent;

1 (iii) Any representative payee appointed by the social security  
2 administration for the respondent;

3 (iv) A guardian or conservator acting for the respondent in this  
4 state or in another jurisdiction;

5 (v) A trustee or custodian of a trust or custodianship of which  
6 the respondent is a beneficiary;

7 (vi) Any fiduciary for the respondent appointed by the department  
8 of veterans affairs;

9 (vii) An agent designated under a power of attorney for health  
10 care in which the respondent is identified as the principal;

11 (viii) An agent designated under a power of attorney for finances  
12 in which the respondent is identified as the principal;

13 (ix) A person nominated as guardian by the respondent;

14 (x) A person nominated as guardian by the respondent's parent or  
15 spouse or domestic partner in a will or other signed record;

16 (xi) A proposed guardian and the reason the proposed guardian  
17 should be selected; and

18 (xii) A person known to have routinely assisted the respondent  
19 with decision making during the six months immediately before the  
20 filing of the petition;

21 (d) The reason a guardianship is necessary, including a brief  
22 description of:

23 (i) The nature and extent of the respondent's alleged need;

24 (ii) Any protective arrangement instead of guardianship or other  
25 less restrictive alternatives for meeting the respondent's alleged  
26 need which have been considered or implemented;

27 (iii) If no protective arrangement instead of guardianship or  
28 other less restrictive alternatives have been considered or  
29 implemented, the reason they have not been considered or implemented;  
30 and

31 (iv) The reason a protective arrangement instead of guardianship  
32 or other less restrictive alternative is insufficient to meet the  
33 respondent's alleged need;

34 (e) Whether the petitioner seeks a limited guardianship or full  
35 guardianship;

36 (f) If the petitioner seeks a full guardianship, the reason a  
37 limited guardianship or protective arrangement instead of  
38 guardianship is not appropriate;

39 (g) If a limited guardianship is requested, the powers to be  
40 granted to the guardian;

1 (h) The name and current address, if known, of any person with  
2 whom the petitioner seeks to limit the respondent's contact;

3 (i) If the respondent has property other than personal effects, a  
4 general statement of the respondent's property, with an estimate of  
5 its value, including any insurance or pension, and the source and  
6 amount of other anticipated income or receipts; and

7 (j) Whether the respondent needs an interpreter, translator, or  
8 other form of support to communicate effectively with the court or  
9 understand court proceedings.

10 NEW SECTION. **Sec. 303.** NOTICE OF HEARING FOR APPOINTMENT OF  
11 GUARDIAN FOR ADULT. (1) All petitions filed under section 302 of this  
12 act for appointment of a guardian for an adult shall be heard within  
13 sixty-days unless an extension of time is requested by a party or the  
14 visitor within such sixty-day period and granted for good cause  
15 shown. If an extension is granted, the court shall set a new hearing  
16 date.

17 (2) A copy of a petition under section 302 of this act and notice  
18 of a hearing on the petition must be served personally on the  
19 respondent and the visitor appointed under section 304 of this act  
20 not more than five court days after the petition under section 302 of  
21 this act has been filed. The notice must inform the respondent of the  
22 respondent's rights at the hearing, including the right to an  
23 attorney and to attend the hearing. The notice must include a  
24 description of the nature, purpose, and consequences of granting the  
25 petition. The court may not grant the petition if notice  
26 substantially complying with this subsection is not served on the  
27 respondent.

28 (3) In a proceeding on a petition under section 302 of this act,  
29 the notice required under subsection (2) of this section must be  
30 given to the persons required to be listed in the petition under  
31 section 302(2) (a) through (c) of this act and any other person  
32 interested in the respondent's welfare the court determines. Failure  
33 to give notice under this subsection does not preclude the court from  
34 appointing a guardian.

35 (4) After the appointment of a guardian, notice of a hearing on a  
36 petition for an order under this article, together with a copy of the  
37 petition, must be given to:

38 (a) The adult subject to guardianship;

39 (b) The guardian; and

1 (c) Any other person the court determines.

2 NEW SECTION. **Sec. 304.** APPOINTMENT AND ROLE OF VISITOR. (1) On  
3 receipt of a petition under section 302 of this act for appointment  
4 of a guardian for an adult, the court shall appoint a visitor. The  
5 visitor must be an individual with training or experience in the type  
6 of abilities, limitations, and needs alleged in the petition.

7 (2) The court, in the order appointing a visitor, shall specify  
8 the hourly rate the visitor may charge for his or her services, and  
9 shall specify the maximum amount the visitor may charge without  
10 additional court review and approval.

11 (3)(a) The visitor appointed under subsection (1) of this section  
12 shall within five days of receipt of notice of appointment file with  
13 the court and serve, either personally or by certified mail with  
14 return receipt, the respondent or his or her legal counsel, the  
15 petitioner or his or her legal counsel, and any interested party  
16 entitled to notice under section 117 of this act with a statement  
17 including: His or her training relating to the duties as a visitor;  
18 his or her criminal history as defined in RCW 9.94A.030 for the  
19 period covering ten years prior to the appointment; his or her hourly  
20 rate, if compensated; whether the guardian ad litem has had any  
21 contact with a party to the proceeding prior to his or her  
22 appointment; and whether he or she has an apparent conflict of  
23 interest. Within three days of the later of the actual service or  
24 filing of the visitor's statement, any party may set a hearing and  
25 file and serve a motion for an order to show cause why the visitor  
26 should not be removed for one of the following three reasons:

27 (i) Lack of expertise necessary for the proceeding;

28 (ii) An hourly rate higher than what is reasonable for the  
29 particular proceeding; or

30 (iii) A conflict of interest.

31 (b) Notice of the hearing shall be provided to the visitor and  
32 all parties. If, after a hearing, the court enters an order replacing  
33 the visitor, findings shall be included, expressly stating the  
34 reasons for the removal. If the visitor is not removed, the court has  
35 the authority to assess to the moving party attorneys' fees and costs  
36 related to the motion. The court shall assess attorneys' fees and  
37 costs for frivolous motions.



1 (4) A visitor appointed under subsection (1) of this section  
2 shall interview the respondent in person and, in a manner the  
3 respondent is best able to understand:

4 (a) Explain to the respondent the substance of the petition, the  
5 nature, purpose, and effect of the proceeding, the respondent's  
6 rights at the hearing on the petition, and the general powers and  
7 duties of a guardian;

8 (b) Determine the respondent's views about the appointment sought  
9 by the petitioner, including views about a proposed guardian, the  
10 guardian's proposed powers and duties, and the scope and duration of  
11 the proposed guardianship; and

12 (c) Inform the respondent that all costs and expenses of the  
13 proceeding, including the respondent's attorney's fees, may be paid  
14 from the respondent's assets.

15 (5) The visitor appointed under subsection (1) of this section  
16 shall:

17 (a) Interview the petitioner and proposed guardian, if any;

18 (b) Visit the respondent's present dwelling and any dwelling in  
19 which it is reasonably believed the respondent will live if the  
20 appointment is made;

21 (c) Obtain information from any physician or other person known  
22 to have treated, advised, or assessed the respondent's relevant  
23 physical or mental condition; and

24 (d) Investigate the allegations in the petition and any other  
25 matter relating to the petition the court directs.

26 (6) A visitor appointed under subsection (1) of this section  
27 shall file a report in a record with the court and provide a copy of  
28 the report to the respondent, petitioner, and any interested party  
29 entitled to notice under section 117 of this act at least fifteen  
30 days prior to the hearing on the petition filed under section 302 of  
31 this act, which must include:

32 (a) A summary of self-care and independent living tasks the  
33 respondent can manage without assistance or with existing supports,  
34 could manage with the assistance of appropriate supportive services,  
35 technological assistance, or supported decision making, and cannot  
36 manage;

37 (b) A recommendation regarding the appropriateness of  
38 guardianship, including whether a protective arrangement instead of  
39 guardianship or other less restrictive alternative for meeting the  
40 respondent's needs is available and:

1 (i) If a guardianship is recommended, whether it should be full  
2 or limited; and

3 (ii) If a limited guardianship is recommended, the powers to be  
4 granted to the guardian;

5 (c) A statement of the qualifications of the proposed guardian  
6 and whether the respondent approves or disapproves of the proposed  
7 guardian;

8 (d) A statement whether the proposed dwelling meets the  
9 respondent's needs and whether the respondent has expressed a  
10 preference as to residence;

11 (e) A recommendation whether a professional evaluation under  
12 section 306 of this act is necessary;

13 (f) A statement whether the respondent is able to attend a  
14 hearing at the location court proceedings typically are held;

15 (g) A statement whether the respondent is able to participate in  
16 a hearing and which identifies any technology or other form of  
17 support that would enhance the respondent's ability to participate;  
18 and

19 (h) Any other matter the court directs.

20 NEW SECTION. **Sec. 305.** APPOINTMENT AND ROLE OF ATTORNEY FOR  
21 ADULT. (1) Unless the respondent in a proceeding for appointment of a  
22 guardian for an adult is represented by an attorney, the court shall  
23 appoint an attorney to represent the respondent, regardless of the  
24 respondent's ability to pay.

25 (2) An attorney representing the respondent in a proceeding for  
26 appointment of a guardian for an adult shall:

27 (a) Make reasonable efforts to ascertain the respondent's wishes;

28 (b) Advocate for the respondent's wishes to the extent reasonably  
29 ascertainable; and

30 (c) If the respondent's wishes are not reasonably ascertainable,  
31 advocate for the result that is the least restrictive in type,  
32 duration, and scope, consistent with the respondent's interests.

33 NEW SECTION. **Sec. 306.** PROFESSIONAL EVALUATION. (1) At or  
34 before a hearing on a petition for a guardianship for an adult, the  
35 court shall order a professional evaluation of the respondent:

36 (a) If the respondent requests the evaluation; or

1 (b) In other cases, unless the court finds that it has sufficient  
2 information to determine the respondent's needs and abilities without  
3 the evaluation.

4 (2) If the court orders an evaluation under subsection (1) of  
5 this section, the respondent must be examined by a licensed  
6 physician, psychologist, social worker, or other individual appointed  
7 by the court who is qualified to evaluate the respondent's alleged  
8 cognitive and functional abilities and limitations and will not be  
9 advantaged or disadvantaged by a decision to grant the petition or  
10 otherwise have a conflict of interest. The individual conducting the  
11 evaluation promptly shall file report in a record with the court.  
12 Unless otherwise directed by the court, the report must contain:

13 (a) A description of the nature, type, and extent of the  
14 respondent's cognitive and functional abilities and limitations;

15 (b) An evaluation of the respondent's mental and physical  
16 condition and, if appropriate, educational potential, adaptive  
17 behavior, and social skills;

18 (c) A prognosis for improvement and recommendation for the  
19 appropriate treatment, support, or habilitation plan; and

20 (d) The date of the examination on which the report is based.

21 (3) The respondent may decline to participate in an evaluation  
22 ordered under subsection (1) of this section.

23 NEW SECTION. **Sec. 307.** ATTENDANCE AND RIGHTS AT HEARING. (1)  
24 Except as otherwise provided in subsection (2) of this section, a  
25 hearing under section 303 of this act may not proceed unless the  
26 respondent attends the hearing. If it is not reasonably feasible for  
27 the respondent to attend a hearing at the location court proceedings  
28 typically are held, the court shall make reasonable efforts to hold  
29 the hearing at an alternative location convenient to the respondent  
30 or allow the respondent to attend the hearing using real-time audio-  
31 visual technology.

32 (2) A hearing under section 303 of this act may proceed without  
33 the respondent in attendance if the court finds by clear and  
34 convincing evidence that:

35 (a) The respondent consistently and repeatedly has refused to  
36 attend the hearing after having been fully informed of the right to  
37 attend and the potential consequences of failing to do so; or

1 (b) There is no practicable way for the respondent to attend and  
2 participate in the hearing even with appropriate supportive services  
3 and technological assistance.

4 (3) The respondent may be assisted in a hearing under section 303  
5 of this act by a person or persons of the respondent's choosing,  
6 assistive technology, or an interpreter or translator, or a  
7 combination of these supports. If assistance would facilitate the  
8 respondent's participation in the hearing, but is not otherwise  
9 available to the respondent, the court shall make reasonable efforts  
10 to provide it.

11 (4) The respondent has a right to choose an attorney to represent  
12 the respondent at a hearing under section 303 of this act.

13 (5) At a hearing held under section 303 of this act, the  
14 respondent may:

15 (a) Present evidence and subpoena witnesses and documents;

16 (b) Examine witnesses, including any court-appointed evaluator  
17 and the visitor; and

18 (c) Otherwise participate in the hearing.

19 (6) Unless excused by the court for good cause, a proposed  
20 guardian shall attend a hearing under section 303 of this act.

21 (7) A hearing under section 303 of this act must be closed on  
22 request of the respondent and a showing of good cause.

23 (8) Any person may request to participate in a hearing under  
24 section 303 of this act. The court may grant the request, with or  
25 without a hearing, on determining that the best interest of the  
26 respondent will be served. The court may impose appropriate  
27 conditions on the person's participation.

28 NEW SECTION. **Sec. 308.** CONFIDENTIALITY OF RECORDS. (1) The  
29 existence of a proceeding for or the existence of a guardianship for  
30 an adult is a matter of public record unless the court seals the  
31 record after:

32 (a) The respondent or individual subject to guardianship requests  
33 the record be sealed; and

34 (b) Either:

35 (i) The petition for guardianship is dismissed; or

36 (ii) The guardianship is terminated.

37 (2) An adult subject to a proceeding for a guardianship, whether  
38 or not a guardian is appointed, an attorney designated by the adult,  
39 and a person entitled to notice under section 310(5) of this act or a

1 subsequent order are entitled to access court records of the  
2 proceeding and resulting guardianship, including the guardian's plan  
3 under section 316 of this act and report under section 317 of this  
4 act. A person not otherwise entitled to access court records under  
5 this subsection for good cause may petition the court for access to  
6 court records of the guardianship, including the guardian's report  
7 and plan. The court shall grant access if access is in the best  
8 interest of the respondent or adult subject to guardianship or  
9 furthers the public interest and does not endanger the welfare or  
10 financial interests of the adult.

11 (3) A report under section 304 of this act of a visitor or a  
12 professional evaluation under section 306 of this act is confidential  
13 and must be sealed on filing, but is available to:

14 (a) The court;

15 (b) The individual who is the subject of the report or  
16 evaluation, without limitation as to use;

17 (c) The petitioner, visitor, and petitioner's and respondent's  
18 attorneys, for purposes of the proceeding;

19 (d) Unless the court orders otherwise, an agent appointed under a  
20 power of attorney for health care or power of attorney for finances  
21 in which the respondent is the principal; and

22 (e) Any other person if it is in the public interest or for a  
23 purpose the court orders for good cause.

24 NEW SECTION. **Sec. 309.** WHO MAY BE GUARDIAN FOR ADULT—ORDER OF  
25 PRIORITY. (1) Except as otherwise provided in subsection (3) of this  
26 section, the court in appointing a guardian for an adult shall  
27 consider persons qualified to be guardian in the following order of  
28 priority:

29 (a) A guardian, other than a temporary or emergency guardian,  
30 currently acting for the respondent in another jurisdiction;

31 (b) A person nominated as guardian by the respondent, including  
32 the respondent's most recent nomination made in a power of attorney;

33 (c) An agent appointed by the respondent under a power of  
34 attorney for health care;

35 (d) A spouse or domestic partner of the respondent;

36 (e) A family member or other individual who has shown special  
37 care and concern for the respondent; and

38 (f) A certified professional guardian or conservator.

1 (2) If two or more persons have equal priority under subsection  
2 (1) of this section, the court shall select as guardian the person  
3 the court considers best qualified. In determining the best qualified  
4 person, the court shall consider the person's relationship with the  
5 respondent, the person's skills, the expressed wishes of the  
6 respondent, the extent to which the person and the respondent have  
7 similar values and preferences, and the likelihood the person will be  
8 able to perform the duties of a guardian successfully.

9 (3) The court, acting in the best interest of the respondent, may  
10 decline to appoint as guardian a person having priority under  
11 subsection (1) of this section and appoint a person having a lower  
12 priority or no priority.

13 (4) A person that provides paid services to the respondent, or an  
14 individual who is employed by a person that provides paid services to  
15 the respondent or is the spouse, domestic partner, parent, or child  
16 of an individual who provides or is employed to provide paid services  
17 to the respondent, may not be appointed as guardian unless:

18 (a) The individual is related to the respondent by blood,  
19 marriage, or adoption; or

20 (b) The court finds by clear and convincing evidence that the  
21 person is the best qualified person available for appointment and the  
22 appointment is in the best interest of the respondent.

23 (5) An owner, operator, or employee of a long-term care facility  
24 at which the respondent is receiving care may not be appointed as  
25 guardian unless the owner, operator, or employee is related to the  
26 respondent by blood, marriage, or adoption.

27 NEW SECTION. **Sec. 310.** ORDER OF APPOINTMENT FOR GUARDIAN. (1) A  
28 court order appointing a guardian for an adult must:

29 (a) Include a specific finding that clear and convincing evidence  
30 established that the identified needs of the respondent cannot be met  
31 by a protective arrangement instead of guardianship or other less  
32 restrictive alternative, including use of appropriate supportive  
33 services, technological assistance, or supported decision making;

34 (b) Include a specific finding that clear and convincing evidence  
35 established the respondent was given proper notice of the hearing on  
36 the petition;

37 (c) State whether the adult subject to guardianship retains the  
38 right to vote and, if the adult does not retain the right to vote,  
39 include findings that support removing that right which must include

1 a finding that the adult cannot communicate, with or without support,  
2 a specific desire to participate in the voting process; and

3 (d) State whether the adult subject to guardianship retains the  
4 right to marry and, if the adult does not retain the right to marry,  
5 include findings that support removing that right.

6 (2) An adult subject to guardianship retains the right to vote  
7 unless the order under subsection (1) of this section includes the  
8 statement required by subsection (1)(c) of this section. An adult  
9 subject to guardianship retains the right to marry unless the order  
10 under subsection (1) of this section includes the findings required  
11 by subsection (1)(d) of this section.

12 (3) A court order establishing a full guardianship for an adult  
13 must state the basis for granting a full guardianship and include  
14 specific findings that support the conclusion that a limited  
15 guardianship would not meet the functional needs of the adult subject  
16 to guardianship.

17 (4) A court order establishing a limited guardianship for an  
18 adult must state the specific powers granted to the guardian.

19 (5) The court, as part of an order establishing a guardianship  
20 for an adult, shall identify any person that subsequently is entitled  
21 to:

22 (a) Notice of the rights of the adult under section 311(2) of  
23 this act;

24 (b) Notice of a change in the primary dwelling of the adult;

25 (c) Notice that the guardian has delegated:

26 (i) The power to manage the care of the adult;

27 (ii) The power to make decisions about where the adult lives;

28 (iii) The power to make major medical decisions on behalf of the  
29 adult;

30 (iv) A power that requires court approval under section 315 of  
31 this act; or

32 (v) Substantially all powers of the guardian;

33 (d) Notice that the guardian will be unavailable to visit the  
34 adult for more than two months or unavailable to perform the  
35 guardian's duties for more than one month;

36 (e) A copy of the guardian's plan under section 316 of this act  
37 and the guardian's report under section 317 of this act;

38 (f) Access to court records relating to the guardianship;

39 (g) Notice of the death or significant change in the condition of  
40 the adult;

1 (h) Notice that the court has limited or modified the powers of  
2 the guardian; and

3 (i) Notice of the removal of the guardian.

4 (6) A spouse, domestic partner, and adult children of an adult  
5 subject to guardianship are entitled to notice under subsection (5)  
6 of this section unless the court determines notice would be contrary  
7 to the preferences or prior directions of the adult subject to  
8 guardianship or not in the best interest of the adult.

9 (7) All orders establishing a guardianship for an adult must  
10 contain:

11 (a) A guardianship summary placed directly below the case caption  
12 or on a separate cover page in the form or substantially the same  
13 form as set forth in section 606 of this act;

14 (b) The date which the limited guardian or guardian must file the  
15 guardian's plan under section 316(1) of this act;

16 (c) The date by which the court will review the guardian's plan  
17 as required by section 316(4) of this act;

18 (d) The report interval which the guardian shall file its  
19 guardian's plan under section 317 of this act. The report interval  
20 may be annual, biennial, or triennial;

21 (e) The date the limited guardian or guardian must file its  
22 guardian's plan under section 317 of this act. The due date of the  
23 filing of the report shall be within ninety days after the  
24 anniversary date of the appointment;

25 (f) The date for the court to review the guardian's plan under  
26 section 317 of this act and enter its order. The court shall conduct  
27 the review within one hundred twenty days after the anniversary date  
28 of the appointment.

29 NEW SECTION. **Sec. 311.** NOTICE OF ORDER OF APPOINTMENT—RIGHTS.

30 (1) A guardian appointed under section 309 of this act shall give the  
31 adult subject to guardianship and all other persons given notice  
32 under section 303 of this act a copy of the order of appointment,  
33 together with notice of the right to request termination or  
34 modification. The order and notice must be given not later than  
35 fourteen days after the appointment.

36 (2) Not later than thirty days after appointment of a guardian  
37 under section 309 of this act, the guardian shall give to the adult  
38 subject to guardianship and any other person entitled to notice under  
39 section 310(5) of this act or a subsequent order a statement of the



1 rights of the adult subject to guardianship and procedures to seek  
2 relief if the adult is denied those rights. The statement must be in  
3 at least sixteen-point font, in plain language, and, to the extent  
4 feasible, in a language in which the adult subject to guardianship is  
5 proficient. The statement must notify the adult subject to  
6 guardianship of the right to:

7 (a) Seek termination or modification of the guardianship, or  
8 removal of the guardian, and choose an attorney to represent the  
9 adult in these matters;

10 (b) Be involved in decisions affecting the adult, including  
11 decisions about the adult's care, dwelling, activities, or social  
12 interactions, to the extent reasonably feasible;

13 (c) Be involved in health care decision making to the extent  
14 reasonably feasible and supported in understanding the risks and  
15 benefits of health care options to the extent reasonably feasible;

16 (d) Be notified at least fourteen days before a change in the  
17 adult's primary dwelling or permanent move to a nursing home, mental  
18 health facility, or other facility that places restrictions on the  
19 individual's ability to leave or have visitors unless the change or  
20 move is proposed in the guardian's plan under section 316 of this act  
21 or authorized by the court by specific order;

22 (e) Object to a change or move described in (d) of this  
23 subsection and the process for objecting;

24 (f) Communicate, visit, or interact with others, including  
25 receiving visitors, and making or receiving telephone calls, personal  
26 mail, or electronic communications, including through social media,  
27 unless:

28 (i) The guardian has been authorized by the court by specific  
29 order to restrict communications, visits, or interactions;

30 (ii) A protective order or protective arrangement instead of  
31 guardianship is in effect that limits contact between the adult and a  
32 person; or

33 (iii) The guardian has good cause to believe restriction is  
34 necessary because interaction with a specified person poses a risk of  
35 significant physical, psychological, or financial harm to the adult,  
36 and the restriction is:

37 (A) For a period of not more than seven business days if the  
38 person has a family or preexisting social relationship with the  
39 adult; or

1 (B) For a period of not more than sixty days if the person does  
2 not have a family or preexisting social relationship with the adult;

3 (g) Receive a copy of the guardian's plan under section 316 of  
4 this act and the guardian's report under section 317 of this act; and

5 (h) Object to the guardian's plan or report.

6 NEW SECTION. **Sec. 312.** EMERGENCY GUARDIAN FOR ADULT. (1) On its  
7 own after a petition has been filed under section 302 of this act, or  
8 on petition by a person interested in an adult's welfare, the court  
9 may appoint an emergency guardian for the adult if the court finds:

10 (a) Appointment of an emergency guardian is likely to prevent  
11 substantial harm to the adult's physical health, safety, or welfare;

12 (b) No other person appears to have authority and willingness to  
13 act in the circumstances; and

14 (c) There is reason to believe that a basis for appointment of a  
15 guardian under section 301 of this act exists.

16 (2) The duration of authority of an emergency guardian for an  
17 adult may not exceed sixty days, and the emergency guardian may  
18 exercise only the powers specified in the order of appointment. The  
19 emergency guardian's authority may be extended once for not more than  
20 sixty days if the court finds that the conditions for appointment of  
21 an emergency guardian in subsection (1) of this section continue.

22 (3) Immediately on filing of a petition for appointment of an  
23 emergency guardian for an adult, the court shall appoint an attorney  
24 to represent the respondent in the proceeding. Except as otherwise  
25 provided in subsection (4) of this section, reasonable notice of the  
26 date, time, and place of a hearing on the petition must be given to  
27 the respondent, the respondent's attorney, and any other person the  
28 court determines.

29 (4) The court may appoint an emergency guardian for an adult  
30 without notice to the adult and any attorney for the adult only if  
31 the court finds from an affidavit or testimony that the respondent's  
32 physical health, safety, or welfare will be substantially harmed  
33 before a hearing with notice on the appointment can be held. If the  
34 court appoints an emergency guardian without giving notice under  
35 subsection (3) of this section, the court must:

36 (a) Give notice of the appointment not later than forty-eight  
37 hours after the appointment to:

38 (i) The respondent;

39 (ii) The respondent's attorney; and

1 (iii) Any other person the court determines; and

2 (b) Hold a hearing on the appropriateness of the appointment not  
3 later than five days after the appointment.

4 (5) Appointment of an emergency guardian under this section is  
5 not a determination that a basis exists for appointment of a guardian  
6 under section 301 of this act.

7 (6) The court may remove an emergency guardian appointed under  
8 this section at any time. The emergency guardian shall make any  
9 report the court requires.

10 NEW SECTION. **Sec. 313.** DUTIES OF GUARDIAN FOR ADULT. (1) A

11 guardian for an adult is a fiduciary. Except as otherwise limited by  
12 the court, a guardian for an adult shall make decisions regarding the  
13 support, care, education, health, and welfare of the adult subject to  
14 guardianship to the extent necessitated by the adult's limitations.

15 (2) A guardian for an adult shall promote the self-determination  
16 of the adult and, to the extent reasonably feasible, encourage the  
17 adult to participate in decisions, act on the adult's own behalf, and  
18 develop or regain the capacity to manage the adult's personal  
19 affairs. In furtherance of this duty, the guardian shall:

20 (a) Become or remain personally acquainted with the adult and  
21 maintain sufficient contact with the adult, including through regular  
22 visitation, to know the adult's abilities, limitations, needs,  
23 opportunities, and physical and mental health;

24 (b) To the extent reasonably feasible, identify the values and  
25 preferences of the adult and involve the adult in decisions affecting  
26 the adult, including decisions about the adult's care, dwelling,  
27 activities, or social interactions; and

28 (c) Make reasonable efforts to identify and facilitate supportive  
29 relationships and services for the adult.

30 (3) A guardian for an adult at all times shall exercise  
31 reasonable care, diligence, and prudence when acting on behalf of or  
32 making decisions for the adult. In furtherance of this duty, the  
33 guardian shall:

34 (a) Take reasonable care of the personal effects, pets, and  
35 service or support animals of the adult and bring a proceeding for a  
36 conservatorship or protective arrangement instead of conservatorship  
37 if necessary to protect the adult's property;

1 (b) Expend funds and other property of the adult received by the  
2 guardian for the adult's current needs for support, care, education,  
3 health, and welfare;

4 (c) Conserve any funds and other property of the adult not  
5 expended under (b) of this subsection for the adult's future needs,  
6 but if a conservator has been appointed for the adult, pay the funds  
7 and other property at least quarterly to the conservator to be  
8 conserved for the adult's future needs; and

9 (d) Monitor the quality of services, including long-term care  
10 services, provided to the adult.

11 (4) In making a decision for an adult subject to guardianship,  
12 the guardian shall make the decision the guardian reasonably believes  
13 the adult would make if the adult were able unless doing so would  
14 unreasonably harm or endanger the welfare or personal or financial  
15 interests of the adult. To determine the decision the adult subject  
16 to guardianship would make if able, the guardian shall consider the  
17 adult's previous or current directions, preferences, opinions,  
18 values, and actions, to the extent actually known or reasonably  
19 ascertainable by the guardian.

20 (5) If a guardian for an adult cannot make a decision under  
21 subsection (4) of this section because the guardian does not know and  
22 cannot reasonably determine the decision the adult probably would  
23 make if able, or the guardian reasonably believes the decision the  
24 adult would make would unreasonably harm or endanger the welfare or  
25 personal or financial interests of the adult, the guardian shall act  
26 in accordance with the best interests of the adult. In determining  
27 the best interests of the adult, the guardian shall consider:

28 (a) Information received from professionals and persons that  
29 demonstrate sufficient interest in the welfare of the adult;

30 (b) Other information the guardian believes the adult would have  
31 considered if the adult were able to act; and

32 (c) Other factors a reasonable person in the circumstances of the  
33 adult would consider, including consequences for others.

34 (6) A guardian for an adult immediately shall notify the court if  
35 the condition of the adult has changed so that the adult is capable  
36 of exercising rights previously removed.

37 (7) The guardian shall file with the court within thirty days of  
38 any substantial change in the condition of the person under  
39 guardianship or any changes in the residence of the person under  
40 guardianship and shall provide a copy of the notice to the adult

1 subject to guardianship, a person entitled to notice under section  
2 310(5) of this act or a subsequent order, and any other person the  
3 court has determined is entitled to notice.

4 (8) To inform any person entitled to notice under section 310(5)  
5 of this act or a subsequent order, and any other person the court has  
6 determined is entitled to notice, but in no case more than five  
7 business days, after the person subject to guardianship:

8 (a) Makes a change in residence that is intended or likely to  
9 last more than fourteen calendar days;

10 (b) Has been admitted to a medical facility for acute care in  
11 response to a life-threatening injury or medical condition that  
12 requires inpatient care;

13 (c) Has been treated in an emergency room setting or kept for  
14 hospital observation for more than twenty-four hours; or

15 (d) Dies, in which case the notification must be made in person,  
16 by telephone, or by certified mail.

17 NEW SECTION. **Sec. 314.** POWERS OF GUARDIAN FOR ADULT. (1) Except  
18 as limited by court order, a guardian for an adult may:

19 (a) Apply for and receive funds and benefits for the support of  
20 the adult, unless a conservator is appointed for the adult and the  
21 application or receipt is within the powers of the conservator;

22 (b) Unless inconsistent with a court order, establish the adult's  
23 place of dwelling;

24 (c) Consent to health or other care, treatment, or service for  
25 the adult;

26 (d) If a conservator for the adult has not been appointed,  
27 commence a proceeding, including an administrative proceeding, or  
28 take other appropriate action to compel another person to support the  
29 adult or pay funds for the adult's benefit;

30 (e) To the extent reasonable, delegate to the adult  
31 responsibility for a decision affecting the adult's well-being; and

32 (f) Receive personally identifiable health care information  
33 regarding the adult.

34 (2) The court by specific order may authorize a guardian for an  
35 adult to consent to the adoption of the adult.

36 (3) The court by specific order may authorize a guardian for an  
37 adult to:

1 (a) Consent or withhold consent to the marriage of the adult if  
2 the adult's right to marry has been removed under section 310 of this  
3 act;

4 (b) Petition for divorce, dissolution, or annulment of marriage  
5 of the adult or a declaration of invalidity of the adult's marriage;  
6 or

7 (c) Support or oppose a petition for divorce, dissolution, or  
8 annulment of marriage of the adult or a declaration of invalidity of  
9 the adult's marriage.

10 (4) In determining whether to authorize a power under subsection  
11 (2) or (3) of this section, the court shall consider whether the  
12 underlying act would be in accordance with the adult's preferences,  
13 values, and prior directions and whether the underlying act would be  
14 in the adult's best interest.

15 (5) In exercising a guardian's power under subsection (1)(b) of  
16 this section to establish the adult's place of dwelling, the guardian  
17 shall:

18 (a) Select a residential setting the guardian believes the adult  
19 would select if the adult were able, in accordance with the decision-  
20 making standard in section 313 (4) and (5) of this act. If the  
21 guardian does not know and cannot reasonably determine what setting  
22 the adult subject to guardianship probably would choose if able, or  
23 the guardian reasonably believes the decision the adult would make  
24 would unreasonably harm or endanger the welfare or personal or  
25 financial interests of the adult, the guardian shall choose in  
26 accordance with section 313(5) of this act a residential setting that  
27 is consistent with the adult's best interest;

28 (b) In selecting among residential settings, give priority to a  
29 residential setting in a location that will allow the adult to  
30 interact with persons important to the adult and meet the adult's  
31 needs in the least restrictive manner reasonably feasible unless to  
32 do so would be inconsistent with the decision-making standard in  
33 section 313 (4) and (5) of this act;

34 (c) Not later than thirty days after a change in the dwelling of  
35 the adult:

36 (i) Give notice of the change to the court, the adult, and any  
37 person identified as entitled to the notice in the court order  
38 appointing the guardian or a subsequent order; and

1 (ii) Include in the notice the address and nature of the new  
2 dwelling and state whether the adult received advance notice of the  
3 change and whether the adult objected to the change;

4 (d) Establish or move the permanent place of dwelling of the  
5 adult to a nursing home, mental health facility, or other facility  
6 that places restrictions on the adult's ability to leave or have  
7 visitors only if:

8 (i) The establishment or move is in the guardian's plan under  
9 section 316 of this act;

10 (ii) The court authorizes the establishment or move; or

11 (iii) The guardian gives notice of the establishment or move at  
12 least fourteen days before the establishment or move to the adult and  
13 all persons entitled to notice under section 310(5)(b) of this act or  
14 a subsequent order, and no objection is filed;

15 (e) Establish or move the place of dwelling of the adult outside  
16 this state only if consistent with the guardian's plan and authorized  
17 by the court by specific order; and

18 (f) Take action that would result in the sale of or surrender of  
19 the lease to the primary dwelling of the adult only if:

20 (i) The action is specifically included in the guardian's plan  
21 under section 316 of this act;

22 (ii) The court authorizes the action by specific order; or

23 (iii) Notice of the action was given at least fourteen days  
24 before the action to the adult and all persons entitled to the notice  
25 under section 310(5)(b) of this act or a subsequent order and no  
26 objection has been filed.

27 (6) In exercising a guardian's power under subsection (1)(c) of  
28 this section to make health care decisions, the guardian shall:

29 (a) Involve the adult in decision making to the extent reasonably  
30 feasible, including, when practicable, by encouraging and supporting  
31 the adult in understanding the risks and benefits of health care  
32 options;

33 (b) Defer to a decision by an agent under a power of attorney for  
34 health care executed by the adult and cooperate to the extent  
35 feasible with the agent making the decision; and

36 (c) Take into account:

37 (i) The risks and benefits of treatment options; and

38 (ii) The current and previous wishes and values of the adult, if  
39 known or reasonably ascertainable by the guardian.

1           NEW SECTION.   **Sec. 315.**   SPECIAL LIMITATIONS ON GUARDIAN'S POWER.

2   (1) Unless authorized by the court by specific order, a guardian for  
3   an adult does not have the power to revoke or amend a power of  
4   attorney for health care or power of attorney for finances executed  
5   by the adult. If a power of attorney for health care is in effect,  
6   unless there is a court order to the contrary, a health care decision  
7   of an agent takes precedence over that of the guardian and the  
8   guardian shall cooperate with the agent to the extent feasible. If a  
9   power of attorney for finances is in effect, unless there is a court  
10  order to the contrary, a decision by the agent which the agent is  
11  authorized to make under the power of attorney for finances takes  
12  precedence over that of the guardian and the guardian shall cooperate  
13  with the agent to the extent feasible.

14       (2) A guardian for an adult may not initiate the commitment of  
15  the adult to an evaluation and treatment facility except in  
16  accordance with the state's procedure for involuntary civil  
17  commitment.

18       (3) A guardian for an adult may not restrict the ability of the  
19  adult to communicate, visit, or interact with others, including  
20  receiving visitors and making or receiving telephone calls, personal  
21  mail, or electronic communications, including through social media,  
22  or participating in social activities, unless:

23       (a) Authorized by the court by specific order;

24       (b) A protective order or a protective arrangement instead of  
25  guardianship is in effect that limits contact between the adult and a  
26  person; or

27       (c) The guardian has good cause to believe restriction is  
28  necessary because interaction with a specified person poses a risk of  
29  significant physical, psychological, or financial harm to the adult  
30  and the restriction is:

31       (i) For a period of not more than seven business days if the  
32  person has a family or preexisting social relationship with the  
33  adult; or

34       (ii) For a period of not more than sixty days if the person does  
35  not have a family or preexisting social relationship with the adult.

36           NEW SECTION.   **Sec. 316.**   GUARDIAN'S PLAN. (1) A guardian for an  
37  adult, not later than ninety days after appointment, shall file with  
38  the court a plan for the care of the adult and shall provide a copy  
39  of the plan to the adult subject to guardianship, a person entitled



1 to notice under section 310(5) of this act or a subsequent order, and  
2 any other person the court determines. The plan must be based on the  
3 needs of the adult and take into account the best interest of the  
4 adult as well as the adult's preferences, values, and prior  
5 directions, to the extent known to or reasonably ascertainable by the  
6 guardian. The guardian shall include in the plan:

7 (a) The living arrangement, services, and supports the guardian  
8 expects to arrange, facilitate, or continue for the adult;

9 (b) Social and educational activities the guardian expects to  
10 facilitate on behalf of the adult;

11 (c) Any person with whom the adult has a close personal  
12 relationship or relationship involving regular visitation and any  
13 plan the guardian has for facilitating visits with the person;

14 (d) The anticipated nature and frequency of the guardian's visits  
15 and communication with the adult;

16 (e) Goals for the adult, including any goal related to the  
17 restoration of the adult's rights, and how the guardian anticipates  
18 achieving the goals;

19 (f) Whether the adult has an existing plan and, if so, whether  
20 the guardian's plan is consistent with the adult's plan; and

21 (g) A statement or list of the amount the guardian proposes to  
22 charge for each service the guardian anticipates providing to the  
23 adult.

24 (2) A guardian shall give notice of the filing of the guardian's  
25 plan under subsection (1) of this section, together with a copy of  
26 the plan, to the adult subject to guardianship, a person entitled to  
27 notice under section 310(5) of this act or a subsequent order, and  
28 any other person the court determines. The notice must include a  
29 statement of the right to object to the plan and be given not later  
30 than fourteen days after the filing.

31 (3) An adult subject to guardianship and any person entitled  
32 under subsection (2) of this section to receive notice and a copy of  
33 the guardian's plan may object to the plan.

34 (4) The court shall review the guardian's plan filed under  
35 subsection (1) of this section and determine whether to approve the  
36 plan or require a new plan. In deciding whether to approve the plan,  
37 the court shall consider an objection under subsection (3) of this  
38 section and whether the plan is consistent with the guardian's duties  
39 and powers under sections 313 and 314 of this act. The court may not  
40 approve the plan until thirty days after its filing.

1 (5) After the guardian's plan filed under this section is  
2 approved by the court, the guardian shall provide a copy of the order  
3 approving the plan to the adult subject to guardianship, a person  
4 entitled to notice under section 310(5) of this act or a subsequent  
5 order, and any other person the court determines.

6 NEW SECTION. **Sec. 317.** GUARDIAN'S REPORT—MONITORING OF  
7 GUARDIANSHIP. (1) A guardian for an adult shall file with the court  
8 by the date established by the court a report in a record regarding  
9 the condition of the adult and accounting for funds and other  
10 property in the guardian's possession or subject to the guardian's  
11 control. The guardian shall provide a copy of the report to the adult  
12 subject to guardianship, a person entitled to notice under section  
13 310(5) of this act or a subsequent order, and any other person the  
14 court determines.

15 (2) A report under subsection (1) of this section must state or  
16 contain:

17 (a) The mental, physical, and social condition of the adult;

18 (b) The living arrangements of the adult during the reporting  
19 period;

20 (c) A summary of the supported decision making, technological  
21 assistance, medical services, educational and vocational services,  
22 and other supports and services provided to the adult and the  
23 guardian's opinion as to the adequacy of the adult's care;

24 (d) A summary of the guardian's visits with the adult, including  
25 the dates of the visits;

26 (e) Action taken on behalf of the adult;

27 (f) The extent to which the adult has participated in decision  
28 making;

29 (g) If the adult is living in an evaluation and treatment  
30 facility or living in a facility that provides the adult with health  
31 care or other personal services, whether the guardian considers the  
32 facility's current plan for support, care, treatment, or habilitation  
33 consistent with the adult's preferences, values, prior directions,  
34 and best interests;

35 (h) Anything of more than de minimis value which the guardian,  
36 any individual who resides with the guardian, or the spouse, domestic  
37 partner, parent, child, or sibling of the guardian has received from  
38 an individual providing goods or services to the adult;

1 (i) If the guardian delegated a power to an agent, the power  
2 delegated and the reason for the delegation;

3 (j) Any business relation the guardian has with a person the  
4 guardian has paid or that has benefited from the property of the  
5 adult;

6 (k) A copy of the guardian's most recently approved plan under  
7 section 316 of this act and a statement whether the guardian has  
8 deviated from the plan and, if so, how the guardian has deviated and  
9 why;

10 (l) Plans for future care and support of the adult;

11 (m) A recommendation as to the need for continued guardianship  
12 and any recommended change in the scope of the guardianship; and

13 (n) Whether any co-guardian or successor guardian appointed to  
14 serve when a designated event occurs is alive and able to serve.

15 (3) The court may appoint a visitor to review a report submitted  
16 under this section or a guardian's plan submitted under section 316  
17 of this act, interview the guardian or adult subject to guardianship,  
18 or investigate any other matter involving the guardianship.

19 (4) Notice of the filing under this section of a guardian's  
20 report, together with a copy of the report, must be given to the  
21 adult subject to guardianship, a person entitled to notice under  
22 section 310(5) of this act or a subsequent order, and any other  
23 person the court determines. The notice and report must be given not  
24 later than fourteen days after the filing.

25 (5) The court shall establish procedures for monitoring a report  
26 submitted under this section and review each report to determine  
27 whether:

28 (a) The report provides sufficient information to establish the  
29 guardian has complied with the guardian's duties;

30 (b) The guardianship should continue; and

31 (c) The guardian's requested fees, if any, should be approved.

32 (6) If the court determines there is reason to believe a guardian  
33 for an adult has not complied with the guardian's duties or the  
34 guardianship should be modified or terminated, the court:

35 (a) Shall notify the adult, the guardian, and any other person  
36 entitled to notice under section 310(5) of this act or a subsequent  
37 order;

38 (b) May require additional information from the guardian;

39 (c) May appoint a visitor to interview the adult or guardian or  
40 investigate any matter involving the guardianship; and

1 (d) Consistent with sections 318 and 319 of this act, may hold a  
2 hearing to consider removal of the guardian, termination of the  
3 guardianship, or a change in the powers granted to the guardian or  
4 terms of the guardianship.

5 (7) If the court has reason to believe fees requested by a  
6 guardian for an adult are not reasonable, the court shall hold a  
7 hearing to determine whether to adjust the requested fees.

8 (8) A guardian for an adult may petition the court for approval  
9 of a report filed under this section. The court after review may  
10 approve the report. If the court approves the report, there is a  
11 rebuttable presumption the report is accurate as to a matter  
12 adequately disclosed in the report.

13 (9) If the court approves a report filed under this section, the  
14 order approving the report shall set the due date for the filing of  
15 the next report to be filed under this section. The court may set the  
16 review interval at annual, biennial, or triennial with the report due  
17 date to be within ninety days of the anniversary date of appointment.  
18 When determining the report interval, the court can consider: The  
19 length of time the guardian has been serving the person under  
20 guardianship; whether the guardian has timely filed all required  
21 reports with the court; whether the guardian is monitored by other  
22 state or local agencies; and whether there have been any allegations  
23 of abuse, neglect, or a breach of fiduciary duty against the  
24 guardian.

25 (10) If the court approves a report filed under this section, the  
26 order approving the report shall contain a guardianship summary or be  
27 accompanied by a guardianship summary in the form or substantially in  
28 the same form as set forth in section 606 of this act.

29 (11) If the court approves a report filed under this section, the  
30 order approving the report shall direct the clerk of the court to  
31 reissue letters of office in the form or substantially in the same  
32 form as set forth in section 605 of this act to the guardian  
33 containing an expiration date which will be within one hundred twenty  
34 days after the date the court directs the guardian file its next  
35 report.

36 NEW SECTION. **Sec. 318.** REMOVAL OF GUARDIAN FOR ADULT—  
37 APPOINTMENT OF SUCCESSOR. (1) The court may remove a guardian for an  
38 adult for failure to perform the guardian's duties or for other good

1 cause and appoint a successor guardian to assume the duties of  
2 guardian.

3 (2) The court shall hold a hearing to determine whether to remove  
4 a guardian for an adult and appoint a successor guardian on:

5 (a) Petition of the adult, guardian, or person interested in the  
6 welfare of the adult, which contains allegations that, if true, would  
7 support a reasonable belief that removal of the guardian and  
8 appointment of a successor guardian may be appropriate, but the court  
9 may decline to hold a hearing if a petition based on the same or  
10 substantially similar facts was filed during the preceding six  
11 months;

12 (b) Communication from the adult, guardian, or person interested  
13 in the welfare of the adult which supports a reasonable belief that  
14 removal of the guardian and appointment of a successor guardian may  
15 be appropriate; or

16 (c) Determination by the court that a hearing would be in the  
17 best interest of the adult.

18 (3) Notice of a petition under subsection (2)(a) of this section  
19 must be given to the adult subject to guardianship, the guardian, and  
20 any other person the court determines.

21 (4) An adult subject to guardianship who seeks to remove the  
22 guardian and have a successor guardian appointed has the right to  
23 choose an attorney to represent the adult in this matter. The court  
24 shall award reasonable attorneys' fees to the attorney for the adult  
25 as provided in section 121 of this act.

26 (5) In selecting a successor guardian for an adult, the court  
27 shall follow the priorities under section 309 of this act.

28 (6) Not later than thirty days after appointing a successor  
29 guardian, the court shall give notice of the appointment to the adult  
30 subject to guardianship and any person entitled to notice under  
31 section 310(5) of this act or a subsequent order.

32 NEW SECTION. **Sec. 319.** TERMINATION OR MODIFICATION OF  
33 GUARDIANSHIP FOR ADULT. (1) An adult subject to guardianship, the  
34 guardian for the adult, or a person interested in the welfare of the  
35 adult may petition for:

36 (a) Termination of the guardianship on the ground that a basis  
37 for appointment under section 301 of this act does not exist or  
38 termination would be in the best interest of the adult or for other  
39 good cause; or

1 (b) Modification of the guardianship on the ground that the  
2 extent of protection or assistance granted is not appropriate or for  
3 other good cause.

4 (2) The court shall hold a hearing to determine whether  
5 termination or modification of a guardianship for an adult is  
6 appropriate on:

7 (a) Petition under subsection (1) of this section that contains  
8 allegations that, if true, would support a reasonable belief that  
9 termination or modification of the guardianship may be appropriate,  
10 but the court may decline to hold a hearing if a petition based on  
11 the same or substantially similar facts was filed during the  
12 preceding six months;

13 (b) Communication from the adult, guardian, or person interested  
14 in the welfare of the adult which supports a reasonable belief that  
15 termination or modification of the guardianship may be appropriate,  
16 including because the functional needs of the adult or supports or  
17 services available to the adult have changed;

18 (c) A report from a guardian or conservator which indicates that  
19 termination or modification may be appropriate because the functional  
20 needs of the adult or supports or services available to the adult  
21 have changed or a protective arrangement instead of guardianship or  
22 other less restrictive alternative for meeting the adult's needs is  
23 available; or

24 (d) A determination by the court that a hearing would be in the  
25 best interest of the adult.

26 (3) Notice of a petition under subsection (2)(a) of this section  
27 must be given to the adult subject to guardianship, the guardian, and  
28 any other person the court determines.

29 (4) On presentation of prima facie evidence for termination of a  
30 guardianship for an adult, the court shall order termination unless  
31 it is proven that a basis for appointment of a guardian under section  
32 301 of this act exists.

33 (5) The court shall modify the powers granted to a guardian for  
34 an adult if the powers are excessive or inadequate due to a change in  
35 the abilities or limitations of the adult, the adult's supports, or  
36 other circumstances.

37 (6) Unless the court otherwise orders for good cause, before  
38 terminating or modifying a guardianship for an adult, the court shall  
39 follow the same procedures to safeguard the rights of the adult which  
40 apply to a petition for guardianship.

1 (7) An adult subject to guardianship who seeks to terminate or  
2 modify the terms of the guardianship has the right to choose an  
3 attorney to represent the adult in the matter. The court shall award  
4 reasonable attorneys' fees to the attorney for the adult as provided  
5 in section 121 of this act.

6 **ARTICLE 4**  
7 **CONSERVATORSHIP**

8 NEW SECTION. **Sec. 401.** BASIS FOR APPOINTMENT OF CONSERVATOR.

9 (1) On petition and after notice and hearing, the court may appoint a  
10 conservator for the property or financial affairs of a minor if the  
11 court finds by a preponderance of evidence that appointment of a  
12 conservator is in the minor's best interest, and:

13 (a) If the minor has a parent, the court gives weight to any  
14 recommendation of the parent whether an appointment is in the minor's  
15 best interest; and

16 (b) Either:

17 (i) The minor owns funds or other property requiring management  
18 or protection that otherwise cannot be provided;

19 (ii) The minor has or may have financial affairs that may be put  
20 at unreasonable risk or hindered because of the minor's age; or

21 (iii) Appointment is necessary or desirable to obtain or provide  
22 funds or other property needed for the support, care, education,  
23 health, or welfare of the minor.

24 (2) On petition and after notice and hearing, the court may  
25 appoint a conservator for the property or financial affairs of an  
26 adult if the court finds by clear and convincing evidence that:

27 (a) The adult is unable to manage property or financial affairs  
28 because:

29 (i) Of a limitation in the adult's ability to receive and  
30 evaluate information or make or communicate decisions, even with the  
31 use of appropriate supportive services, technological assistance, or  
32 supported decision making; or

33 (ii) The adult is missing, detained, or unable to return to the  
34 United States;

35 (b) Appointment is necessary to:

36 (i) Avoid harm to the adult or significant dissipation of the  
37 property of the adult; or

1 (ii) Obtain or provide funds or other property needed for the  
2 support, care, education, health, or welfare of the adult or of an  
3 individual entitled to the adult's support; and

4 (c) The respondent's identified needs cannot be met by a  
5 protective arrangement instead of conservatorship or other less  
6 restrictive alternatives.

7 (3) The court shall grant a conservator only those powers  
8 necessitated by demonstrated limitations and needs of the respondent  
9 and issue orders that will encourage development of the respondent's  
10 maximum self-determination and independence. The court may not  
11 establish a full conservatorship if a limited conservatorship,  
12 protective arrangement instead of conservatorship, or other less  
13 restrictive alternative would meet the needs of the respondent.

14 NEW SECTION. **Sec. 402.** PETITION FOR APPOINTMENT OF CONSERVATOR.

15 (1) The following may petition for the appointment of a conservator:

16 (a) The individual for whom the order is sought;

17 (b) A person interested in the estate, financial affairs, or  
18 welfare of the individual, including a person that would be adversely  
19 affected by lack of effective management of property or financial  
20 affairs of the individual; or

21 (c) The guardian for the individual.

22 (2) A petition under subsection (1) of this section must state  
23 the petitioner's name, principal residence, current street address,  
24 if different, relationship to the respondent, interest in the  
25 appointment, the name and address of any attorney representing the  
26 petitioner, and, to the extent known, the following:

27 (a) The respondent's name, age, principal residence, current  
28 street address, if different, and, if different, address of the  
29 dwelling in which it is proposed the respondent will reside if the  
30 petition is granted;

31 (b) The name and address of the respondent's:

32 (i) Spouse or domestic partner or, if the respondent has none, an  
33 adult with whom the respondent has shared household responsibilities  
34 for more than six months in the twelve-month period before the filing  
35 of the petition;

36 (ii) Adult children or, if none, each parent and adult sibling of  
37 the respondent, or, if none, at least one adult nearest in kinship to  
38 the respondent who can be found with reasonable diligence; and



1 (iii) Adult stepchildren whom the respondent actively parented  
2 during the stepchildren's minor years and with whom the respondent  
3 had an ongoing relationship during the two years immediately before  
4 the filing of the petition;

5 (c) The name and current address of each of the following, if  
6 applicable:

7 (i) A person responsible for the care or custody of the  
8 respondent;

9 (ii) Any attorney currently representing the respondent;

10 (iii) The representative payee appointed by the social security  
11 administration for the respondent;

12 (iv) A guardian or conservator acting for the respondent in this  
13 state or another jurisdiction;

14 (v) A trustee or custodian of a trust or custodianship of which  
15 the respondent is a beneficiary;

16 (vi) The fiduciary appointed for the respondent by the department  
17 of veterans affairs;

18 (vii) An agent designated under a power of attorney for health  
19 care in which the respondent is identified as the principal;

20 (viii) An agent designated under a power of attorney for finances  
21 in which the respondent is identified as the principal;

22 (ix) A person known to have routinely assisted the respondent  
23 with decision making in the six-month period immediately before the  
24 filing of the petition;

25 (x) Any proposed conservator, including a person nominated by the  
26 respondent, if the respondent is twelve years of age or older; and

27 (xi) If the individual for whom a conservator is sought is a  
28 minor:

29 (A) An adult not otherwise listed with whom the minor resides;  
30 and

31 (B) Each person not otherwise listed that had primary care or  
32 custody of the minor for at least sixty days during the two years  
33 immediately before the filing of the petition or for at least seven  
34 hundred thirty days during the five years immediately before the  
35 filing of the petition;

36 (d) A general statement of the respondent's property with an  
37 estimate of its value, including any insurance or pension, and the  
38 source and amount of other anticipated income or receipts;

39 (e) The reason conservatorship is necessary, including a brief  
40 description of:

- 1 (i) The nature and extent of the respondent's alleged need;
- 2 (ii) If the petition alleges the respondent is missing, detained,  
3 or unable to return to the United States, the relevant circumstances,  
4 including the time and nature of the disappearance or detention and  
5 any search or inquiry concerning the respondent's whereabouts;
- 6 (iii) Any protective arrangement instead of conservatorship or  
7 other less restrictive alternative for meeting the respondent's  
8 alleged need which has been considered or implemented;
- 9 (iv) If no protective arrangement or other less restrictive  
10 alternatives have been considered or implemented, the reason it has  
11 not been considered or implemented; and
- 12 (v) The reason a protective arrangement or other less restrictive  
13 alternative is insufficient to meet the respondent's need;
- 14 (f) Whether the petitioner seeks a limited conservatorship or a  
15 full conservatorship;
- 16 (g) If the petitioner seeks a full conservatorship, the reason a  
17 limited conservatorship or protective arrangement instead of  
18 conservatorship is not appropriate;
- 19 (h) If the petition includes the name of a proposed conservator,  
20 the reason the proposed conservator should be appointed;
- 21 (i) If the petition is for a limited conservatorship, a  
22 description of the property to be placed under the conservator's  
23 control and any requested limitation on the authority of the  
24 conservator;
- 25 (j) Whether the respondent needs an interpreter, translator, or  
26 other form of support to communicate effectively with the court or  
27 understand court proceedings; and
- 28 (k) The name and address of an attorney representing the  
29 petitioner, if any.

30 NEW SECTION. **Sec. 403.** NOTICE AND HEARING FOR APPOINTMENT OF  
31 CONSERVATOR. (1) All petitions filed under section 402 of this act  
32 for appointment of a conservator shall be heard within sixty days  
33 unless an extension of time is requested by a party or the visitor  
34 within such sixty-day period and granted for good cause shown. If an  
35 extension is granted, the court shall set a new hearing date.

36 (2) A copy of a petition under section 402 of this act and notice  
37 of a hearing on the petition must be served personally on the  
38 respondent and the visitor appointed under section 405 of this act  
39 not more than five court days after the petition under section 402 of

1 this act has been filed. If the respondent's whereabouts are unknown  
2 or personal service cannot be made, service on the respondent must be  
3 made by publication. The notice must inform the respondent of the  
4 respondent's rights at the hearing, including the right to an  
5 attorney and to attend the hearing. The notice must include a  
6 description of the nature, purpose, and consequences of granting the  
7 petition. The court may not grant a petition for appointment of a  
8 conservator if notice substantially complying with this subsection is  
9 not served on the respondent.

10 (3) In a proceeding on a petition under section 402 of this act,  
11 the notice required under subsection (2) of this section must be  
12 given to the persons required to be listed in the petition under  
13 section 402(2) (a) through (c) of this act and any other person  
14 interested in the respondent's welfare the court determines. Failure  
15 to give notice under this subsection does not preclude the court from  
16 appointing a conservator.

17 (4) After the appointment of a conservator, notice of a hearing  
18 on a petition for an order under this article, together with a copy  
19 of the petition, must be given to:

20 (a) The individual subject to conservatorship, if the individual  
21 is twelve years of age or older and not missing, detained, or unable  
22 to return to the United States;

23 (b) The conservator; and

24 (c) Any other person the court determines.

25 NEW SECTION. **Sec. 404.** ORDER TO PRESERVE OR APPLY PROPERTY  
26 WHILE PROCEEDING PENDING. While a petition under section 402 of this  
27 act is pending, after preliminary hearing and without notice to  
28 others, the court may issue an order to preserve and apply property  
29 of the respondent as required for the support of the respondent or an  
30 individual who is in fact dependent on the respondent. The court may  
31 appoint a commissioner to assist in implementing the order.

32 NEW SECTION. **Sec. 405.** APPOINTMENT AND ROLE OF VISITOR. (1) If  
33 the respondent in a proceeding to appoint a conservator is a minor,  
34 the court may appoint a visitor to investigate a matter related to  
35 the petition or inform the minor or a parent of the minor about the  
36 petition or a related matter.

37 (2) If the respondent in a proceeding to appoint a conservator is  
38 an adult, the court shall appoint a visitor. The duties and reporting

1 requirements of the visitor are limited to the relief requested in  
2 the petition. The visitor must be an individual with training or  
3 experience in the type of abilities, limitations, and needs alleged  
4 in the petition.

5 (3) The court, in the order appointing visitor, shall specify the  
6 hourly rate the visitor may charge for his or her services, and shall  
7 specify the maximum amount the visitor may charge without additional  
8 court review and approval.

9 (4) (a) The visitor appointed under subsection (1) or (2) of this  
10 section shall within five days of receipt of notice of appointment  
11 file with the court and serve, either personally or by certified mail  
12 with return receipt, the respondent or his or her legal counsel, the  
13 petitioner or his or her legal counsel, and any interested party  
14 entitled to notice under section 117 of this act with a statement  
15 including: His or her training relating to the duties as a visitor;  
16 his or her criminal history as defined in RCW 9.94A.030 for the  
17 period covering ten years prior to the appointment; his or her hourly  
18 rate, if compensated; whether the guardian ad litem has had any  
19 contact with a party to the proceeding prior to his or her  
20 appointment; and whether he or she has an apparent conflict of  
21 interest. Within three days of the later of the actual service or  
22 filing of the visitor's statement, any party may set a hearing and  
23 file and serve a motion for an order to show cause why the visitor  
24 should not be removed for one of the following three reasons:

25 (i) Lack of expertise necessary for the proceeding;

26 (ii) An hourly rate higher than what is reasonable for the  
27 particular proceeding; or

28 (iii) A conflict of interest.

29 (b) Notice of the hearing shall be provided to the visitor and  
30 all parties. If, after a hearing, the court enters an order replacing  
31 the visitor, findings shall be included, expressly stating the  
32 reasons for the removal. If the visitor is not removed, the court has  
33 the authority to assess to the moving party attorneys' fees and costs  
34 related to the motion. The court shall assess attorneys' fees and  
35 costs for frivolous motions.

36 (5) A visitor appointed under subsection (2) of this section for  
37 an adult shall interview the respondent in person and in a manner the  
38 respondent is best able to understand:

39 (a) Explain to the respondent the substance of the petition, the  
40 nature, purpose, and effect of the proceeding, the respondent's

1 rights at the hearing on the petition, and the general powers and  
2 duties of a conservator;

3 (b) Determine the respondent's views about the appointment sought  
4 by the petitioner, including views about a proposed conservator, the  
5 conservator's proposed powers and duties, and the scope and duration  
6 of the proposed conservatorship; and

7 (c) Inform the respondent that all costs and expenses of the  
8 proceeding, including respondent's attorneys' fees, may be paid from  
9 the respondent's assets.

10 (6) A visitor appointed under subsection (2) of this section for  
11 an adult shall:

12 (a) Interview the petitioner and proposed conservator, if any;

13 (b) Review financial records of the respondent, if relevant to  
14 the visitor's recommendation under subsection (7)(b) of this section;

15 (c) Investigate whether the respondent's needs could be met by a  
16 protective arrangement instead of conservatorship or other less  
17 restrictive alternative and, if so, identify the arrangement or other  
18 less restrictive alternative; and

19 (d) Investigate the allegations in the petition and any other  
20 matter relating to the petition the court directs.

21 (7) A visitor appointed under subsection (2) of this section for  
22 an adult shall file a report in a record with the court and provide a  
23 copy of the report to the respondent, petitioner, and any interested  
24 party entitled to notice under section 117 of this act at least  
25 fifteen days prior to the hearing on the petition filed under section  
26 402 of this act, which must include:

27 (a) A recommendation:

28 (i) Regarding the appropriateness of conservatorship, or whether  
29 a protective arrangement instead of conservatorship or other less  
30 restrictive alternative for meeting the respondent's needs is  
31 available;

32 (ii) If a conservatorship is recommended, whether it should be  
33 full or limited;

34 (iii) If a limited conservatorship is recommended, the powers to  
35 be granted to the conservator, and the property that should be placed  
36 under the conservator's control; and

37 (iv) If a conservatorship is recommended, the amount of the bond  
38 or other asset protection arrangement needed under sections 416 and  
39 417 of this act;

1 (b) A statement of the qualifications of the proposed conservator  
2 and whether the respondent approves or disapproves of the proposed  
3 conservator;

4 (c) A recommendation whether a professional evaluation under  
5 section 407 of this act is necessary;

6 (d) A statement whether the respondent is able to attend a  
7 hearing at the location court proceedings typically are held;

8 (e) A statement whether the respondent is able to participate in  
9 a hearing and which identifies any technology or other form of  
10 support that would enhance the respondent's ability to participate;  
11 and

12 (f) Any other matter the court directs.

13 NEW SECTION. **Sec. 406.** APPOINTMENT AND ROLE OF ATTORNEY. (1)

14 Unless the respondent in a proceeding for appointment of a  
15 conservator is represented by an attorney, the court shall appoint an  
16 attorney to represent the respondent, regardless of the respondent's  
17 ability to pay.

18 (2) An attorney representing the respondent in a proceeding for  
19 appointment of a conservator shall:

20 (a) Make reasonable efforts to ascertain the respondent's wishes;

21 (b) Advocate for the respondent's wishes to the extent reasonably  
22 ascertainable; and

23 (c) If the respondent's wishes are not reasonably ascertainable,  
24 advocate for the result that is the least restrictive in type,  
25 duration, and scope, consistent with the respondent's interests.

26 (3) The court shall appoint an attorney to represent a parent of  
27 a minor who is the subject of a proceeding under section 402 of this  
28 act if:

29 (a) The parent objects to appointment of a conservator;

30 (b) The court determines that counsel is needed to ensure that  
31 consent to appointment of a conservator is informed; or

32 (c) The court otherwise determines the parent needs  
33 representation.

34 NEW SECTION. **Sec. 407.** PROFESSIONAL EVALUATION. (1) At or

35 before a hearing on a petition for conservatorship for an adult, the  
36 court shall order a professional evaluation of the respondent:

37 (a) If the respondent requests the evaluation; or

1 (b) In other cases, unless the court finds it has sufficient  
2 information to determine the respondent's needs and abilities without  
3 the evaluation.

4 (2) If the court orders an evaluation under subsection (1) of  
5 this section, the respondent must be examined by a licensed  
6 physician, psychologist, social worker, or other individual appointed  
7 by the court who is qualified to evaluate the respondent's alleged  
8 cognitive and functional abilities and limitations and will not be  
9 advantaged or disadvantaged by a decision to grant the petition or  
10 otherwise have a conflict of interest. The individual conducting the  
11 evaluation promptly shall file a report in a record with the court.  
12 Unless otherwise directed by the court, the report must contain:

13 (a) A description of the nature, type, and extent of the  
14 respondent's cognitive and functional abilities and limitations with  
15 regard to the management of the respondent's property and financial  
16 affairs;

17 (b) An evaluation of the respondent's mental and physical  
18 condition and, if appropriate, educational potential, adaptive  
19 behavior, and social skills;

20 (c) A prognosis for improvement with regard to the ability to  
21 manage the respondent's property and financial affairs; and

22 (d) The date of the examination on which the report is based.

23 (3) A respondent may decline to participate in an evaluation  
24 ordered under subsection (1) of this section.

25 NEW SECTION. **Sec. 408.** ATTENDANCE AND RIGHTS AT HEARING. (1)  
26 Except as otherwise provided in subsection (2) of this section, a  
27 hearing under section 403 of this act may not proceed unless the  
28 respondent attends the hearing. If it is not reasonably feasible for  
29 the respondent to attend a hearing at the location court proceedings  
30 typically are held, the court shall make reasonable efforts to hold  
31 the hearing at an alternative location convenient to the respondent  
32 or allow the respondent to attend the hearing using real-time audio-  
33 visual technology.

34 (2) A hearing under section 403 of this act may proceed without  
35 the respondent in attendance if the court finds by clear and  
36 convincing evidence that:

37 (a) The respondent consistently and repeatedly has refused to  
38 attend the hearing after having been fully informed of the right to  
39 attend and the potential consequences of failing to do so;

1 (b) There is no practicable way for the respondent to attend and  
2 participate in the hearing even with appropriate supportive services  
3 or technological assistance; or

4 (c) The respondent is a minor who has received proper notice and  
5 attendance would be harmful to the minor.

6 (3) The respondent may be assisted in a hearing under section 403  
7 of this act by a person or persons of the respondent's choosing,  
8 assistive technology, or an interpreter or translator, or a  
9 combination of these supports. If assistance would facilitate the  
10 respondent's participation in the hearing, but is not otherwise  
11 available to the respondent, the court shall make reasonable efforts  
12 to provide it.

13 (4) The respondent has a right to choose an attorney to represent  
14 the respondent at a hearing under section 403 of this act.

15 (5) At a hearing under section 403 of this act, the respondent  
16 may:

17 (a) Present evidence and subpoena witnesses and documents;

18 (b) Examine witnesses, including any court-appointed evaluator  
19 and the visitor; and

20 (c) Otherwise participate in the hearing.

21 (6) Unless excused by the court for good cause, a proposed  
22 conservator shall attend a hearing under section 403 of this act.

23 (7) A hearing under section 403 of this act must be closed on  
24 request of the respondent and a showing of good cause.

25 (8) Any person may request to participate in a hearing under  
26 section 403 of this act. The court may grant the request, with or  
27 without a hearing, on determining that the best interest of the  
28 respondent will be served. The court may impose appropriate  
29 conditions on the person's participation.

30 NEW SECTION. **Sec. 409.** CONFIDENTIALITY OF RECORDS. (1) The  
31 existence of a proceeding for or the existence of conservatorship is  
32 a matter of public record unless the court seals the record after:

33 (a) The respondent, the individual subject to conservatorship, or  
34 the parent of a minor subject to conservatorship requests the record  
35 be sealed; and

36 (b) Either:

37 (i) The petition for conservatorship is dismissed; or

38 (ii) The conservatorship is terminated.



1 (2) An individual subject to a proceeding for a conservatorship,  
2 whether or not a conservator is appointed, an attorney designated by  
3 the individual, and a person entitled to notice under section 411(6)  
4 of this act or a subsequent order may access court records of the  
5 proceeding and resulting conservatorship, including the conservator's  
6 plan under section 419 of this act and the conservator's report under  
7 section 423 of this act. A person not otherwise entitled access to  
8 court records under this section for good cause may petition the  
9 court for access to court records of the conservatorship, including  
10 the conservator's plan and report. The court shall grant access if  
11 access is in the best interest of the respondent or individual  
12 subject to conservatorship or furthers the public interest and does  
13 not endanger the welfare or financial interests of the respondent or  
14 individual.

15 (3) A report under section 405 of this act of a visitor or  
16 professional evaluation under section 407 of this act is confidential  
17 and must be sealed on filing, but is available to:

18 (a) The court;

19 (b) The individual who is the subject of the report or  
20 evaluation, without limitation as to use;

21 (c) The petitioner, visitor, and petitioner's and respondent's  
22 attorneys, for purposes of the proceeding;

23 (d) Unless the court directs otherwise, an agent appointed under  
24 a power of attorney for finances in which the respondent is  
25 identified as the principal; and

26 (e) Any other person if it is in the public interest or for a  
27 purpose the court orders for good cause.

28 NEW SECTION. **Sec. 410.** WHO MAY BE CONSERVATOR—ORDER OF  
29 PRIORITY. (1) Except as otherwise provided in subsection (3) of this  
30 section, the court in appointing a conservator shall consider persons  
31 qualified to be a conservator in the following order of priority:

32 (a) A conservator, other than a temporary or emergency  
33 conservator, currently acting for the respondent in another  
34 jurisdiction;

35 (b) A person nominated as conservator by the respondent,  
36 including the respondent's most recent nomination made in a power of  
37 attorney for finances;

38 (c) An agent appointed by the respondent to manage the  
39 respondent's property under a power of attorney for finances;

1 (d) A spouse or domestic partner of the respondent;

2 (e) A family member or other individual who has shown special  
3 care and concern for the respondent; and

4 (f) A certified professional guardian or conservator or other  
5 entity the court determines is suitable.

6 (2) If two or more persons have equal priority under subsection  
7 (1) of this section, the court shall select as conservator the person  
8 the court considers best qualified. In determining the best qualified  
9 person, the court shall consider the person's relationship with the  
10 respondent, the person's skills, the expressed wishes of the  
11 respondent, the extent to which the person and the respondent have  
12 similar values and preferences, and the likelihood the person will be  
13 able to perform the duties of a conservator successfully.

14 (3) The court, acting in the best interest of the respondent, may  
15 decline to appoint as conservator a person having priority under  
16 subsection (1) of this section and appoint a person having a lower  
17 priority or no priority.

18 (4) A person that provides paid services to the respondent, or an  
19 individual who is employed by a person that provides paid services to  
20 the respondent or is the spouse, domestic partner, parent, or child  
21 of an individual who provides or is employed to provide paid services  
22 to the respondent, may not be appointed as conservator unless:

23 (a) The individual is related to the respondent by blood,  
24 marriage, or adoption; or

25 (b) The court finds by clear and convincing evidence that the  
26 person is the best qualified person available for appointment and the  
27 appointment is in the best interest of the respondent.

28 (5) An owner, operator, or employee of a long-term care facility  
29 at which the respondent is receiving care may not be appointed as  
30 conservator unless the owner, operator, or employee is related to the  
31 respondent by blood, marriage, or adoption.

32 NEW SECTION. **Sec. 411.** ORDER OF APPOINTMENT OF CONSERVATOR. (1)

33 A court order appointing a conservator for a minor must include  
34 findings to support appointment of a conservator and, if a full  
35 conservatorship is granted, the reason a limited conservatorship  
36 would not meet the identified needs of the minor.

37 (2) A court order appointing a conservator for a minor may  
38 dispense with the requirement for the conservator to file reports  
39 with the court under section 423 of this act if all the property of

1 the minor subject to the conservatorship is protected by an asset  
2 protection arrangement.

3 (3) A court order appointing a conservator for an adult must:

4 (a) Include a specific finding that clear and convincing evidence  
5 has established that the identified needs of the respondent cannot be  
6 met by a protective arrangement instead of conservatorship or other  
7 less restrictive alternatives, including use of appropriate  
8 supportive services, technological assistance, or supported decision  
9 making; and

10 (b) Include a specific finding that clear and convincing evidence  
11 established the respondent was given proper notice of the hearing on  
12 the petition.

13 (4) A court order establishing a full conservatorship for an  
14 adult must state the basis for granting a full conservatorship and  
15 include specific findings to support the conclusion that a limited  
16 conservatorship would not meet the functional needs of the adult.

17 (5) A court order establishing a limited conservatorship must  
18 state the specific property placed under the control of the  
19 conservator and the powers granted to the conservator.

20 (6) The court, as part of an order establishing a  
21 conservatorship, shall identify any person that subsequently is  
22 entitled to:

23 (a) Notice of the rights of the individual subject to  
24 conservatorship under section 412(2) of this act;

25 (b) Notice of a sale of or surrender of a lease to the primary  
26 dwelling of the individual;

27 (c) Notice that the conservator has delegated a power that  
28 requires court approval under section 414 of this act or  
29 substantially all powers of the conservator;

30 (d) Notice that the conservator will be unavailable to perform  
31 the conservator's duties for more than one month;

32 (e) A copy of the conservator's plan under section 419 of this  
33 act and the conservator's report under section 423 of this act;

34 (f) Access to court records relating to the conservatorship;

35 (g) Notice of a transaction involving a substantial conflict  
36 between the conservator's fiduciary duties and personal interests;

37 (h) Notice of the death or significant change in the condition of  
38 the individual;

39 (i) Notice that the court has limited or modified the powers of  
40 the conservator; and

1 (j) Notice of the removal of the conservator.

2 (7) If an individual subject to conservatorship is an adult, the  
3 spouse, domestic partner, and adult children of the adult subject to  
4 conservatorship are entitled under subsection (6) of this section to  
5 notice unless the court determines notice would be contrary to the  
6 preferences or prior directions of the adult subject to  
7 conservatorship or not in the best interest of the adult.

8 (8) If an individual subject to conservatorship is a minor, each  
9 parent and adult sibling of the minor is entitled under subsection  
10 (6) of this section to notice unless the court determines notice  
11 would not be in the best interest of the minor.

12 (9) All orders establishing a conservatorship for an adult must  
13 contain:

14 (a) A conservatorship summary placed directly below the case  
15 caption or on a separate cover page in the form or substantially the  
16 same form as set forth in section 606 of this act;

17 (b) The date which the limited conservator or conservator must  
18 file the conservator's plan under section 419 of this act;

19 (c) The date which the limited conservator or conservator must  
20 file an inventory under section 420 of this act;

21 (d) The date by which the court will review the conservator's  
22 plan as required by section 419 of this act;

23 (e) The report interval which the conservator must file its  
24 report under section 423 of this act. The report interval may be  
25 annual, biennial, or triennial;

26 (f) The date the limited conservator or conservator must file its  
27 report under section 423 of this act. The due date of the filing of  
28 the report shall be within ninety days after the anniversary date of  
29 the appointment;

30 (g) The date for the court to review the report under section 423  
31 of this act and enter its order. The court shall conduct the review  
32 within one hundred twenty days after the anniversary date of the  
33 appointment.

34 NEW SECTION. **Sec. 412.** NOTICE OF ORDER OF APPOINTMENT—RIGHTS.

35 (1) A conservator appointed under section 411 of this act shall give  
36 to the individual subject to conservatorship and to all other persons  
37 given notice under section 403 of this act a copy of the order of  
38 appointment, together with notice of the right to request termination

1 or modification. The order and notice must be given not later than  
2 fourteen days after the appointment.

3 (2) Not later than thirty days after appointment of a conservator  
4 under section 411 of this act, the conservator shall give to the  
5 individual subject to conservatorship and any other person entitled  
6 to notice under section 411(6) of this act a statement of the rights  
7 of the individual subject to conservatorship and procedures to seek  
8 relief if the individual is denied those rights. The statement must  
9 be in plain language, in at least sixteen-point font, and to the  
10 extent feasible, in a language in which the individual subject to  
11 conservatorship is proficient. The statement must notify the  
12 individual subject to conservatorship of the right to:

13 (a) Seek termination or modification of the conservatorship, or  
14 removal of the conservator, and choose an attorney to represent the  
15 individual in these matters;

16 (b) Participate in decision making to the extent reasonably  
17 feasible;

18 (c) Receive a copy of the conservator's plan under section 419 of  
19 this act, the conservator's inventory under section 420 of this act,  
20 and the conservator's report under section 423 of this act; and

21 (d) Object to the conservator's inventory, plan, or report.

22 (3) If a conservator is appointed for the reasons stated in  
23 section 401(2)(a)(ii) of this act and the individual subject to  
24 conservatorship is missing, notice under this section to the  
25 individual is not required.

26 NEW SECTION. **Sec. 413.** EMERGENCY CONSERVATOR. (1) On its own or  
27 on petition by a person interested in an individual's welfare after a  
28 petition has been filed under section 402 of this act, the court may  
29 appoint an emergency conservator for the individual if the court  
30 finds:

31 (a) Appointment of an emergency conservator is likely to prevent  
32 substantial and irreparable harm to the individual's property or  
33 financial interests;

34 (b) No other person appears to have authority and willingness to  
35 act in the circumstances; and

36 (c) There is reason to believe that a basis for appointment of a  
37 conservator under section 401 of this act exists.

38 (2) The duration of authority of an emergency conservator may not  
39 exceed sixty days and the emergency conservator may exercise only the

1 powers specified in the order of appointment. The emergency  
2 conservator's authority may be extended once for not more than sixty  
3 days if the court finds that the conditions for appointment of an  
4 emergency conservator under subsection (1) of this section continue.

5 (3) Immediately on filing of a petition for an emergency  
6 conservator, the court shall appoint an attorney to represent the  
7 respondent in the proceeding. Except as otherwise provided in  
8 subsection (4) of this section, reasonable notice of the date, time,  
9 and place of a hearing on the petition must be given to the  
10 respondent, the respondent's attorney, and any other person the court  
11 determines.

12 (4) The court may appoint an emergency conservator without notice  
13 to the respondent and any attorney for the respondent only if the  
14 court finds from an affidavit or testimony that the respondent's  
15 property or financial interests will be substantially and irreparably  
16 harmed before a hearing with notice on the appointment can be held.  
17 If the court appoints an emergency conservator without giving notice  
18 under subsection (3) of this section, the court must give notice of  
19 the appointment not later than forty-eight hours after the  
20 appointment to:

- 21 (a) The respondent;
- 22 (b) The respondent's attorney; and
- 23 (c) Any other person the court determines.

24 (5) Not later than five days after the appointment, the court  
25 shall hold a hearing on the appropriateness of the appointment.

26 (6) Appointment of an emergency conservator under this section is  
27 not a determination that a basis exists for appointment of a  
28 conservator under section 401 of this act.

29 (7) The court may remove an emergency conservator appointed under  
30 this section at any time. The emergency conservator shall make any  
31 report the court requires.

32 NEW SECTION. **Sec. 414.** POWERS OF CONSERVATOR REQUIRING COURT  
33 APPROVAL. (1) Except as otherwise ordered by the court, a conservator  
34 must give notice to persons entitled to notice under section 403(4)  
35 of this act and receive specific authorization by the court before  
36 the conservator may exercise with respect to the conservatorship the  
37 power to:

- 38 (a) Make a gift, except a gift of de minimis value;

1 (b) Sell, encumber an interest in, or surrender a lease to the  
2 primary dwelling of the individual subject to conservatorship;

3 (c) Convey, release, or disclaim a contingent or expectant  
4 interest in property, including marital property and any right of  
5 survivorship incident to joint tenancy or tenancy by the entireties;

6 (d) Exercise or release a power of appointment;

7 (e) Create a revocable or irrevocable trust of property of the  
8 conservatorship estate, whether or not the trust extends beyond the  
9 duration of the conservatorship, or revoke or amend a trust revocable  
10 by the individual subject to conservatorship;

11 (f) Exercise a right to elect an option or change a beneficiary  
12 under an insurance policy or annuity or surrender the policy or  
13 annuity for its cash value;

14 (g) Exercise a right to an elective share in the estate of a  
15 deceased spouse or domestic partner of the individual subject to  
16 conservatorship or renounce or disclaim a property interest;

17 (h) Grant a creditor priority for payment over creditors of the  
18 same or higher class if the creditor is providing property or  
19 services used to meet the basic living and care needs of the  
20 individual subject to conservatorship and preferential treatment  
21 otherwise would be impermissible under section 428(5) of this act;  
22 and

23 (i) Make, modify, amend, or revoke the will of the individual  
24 subject to conservatorship in compliance with chapter 11.12 RCW.

25 (2) In approving a conservator's exercise of a power listed in  
26 subsection (1) of this section, the court shall consider primarily  
27 the decision the individual subject to conservatorship would make if  
28 able, to the extent the decision can be ascertained.

29 (3) To determine under subsection (2) of this section the  
30 decision the individual subject to conservatorship would make if  
31 able, the court shall consider the individual's prior or current  
32 directions, preferences, opinions, values, and actions, to the extent  
33 actually known or reasonably ascertainable by the conservator. The  
34 court also shall consider:

35 (a) The financial needs of the individual subject to  
36 conservatorship and individuals who are in fact dependent on the  
37 individual subject to conservatorship for support, and the interests  
38 of creditors of the individual;

39 (b) Possible reduction of income, estate, inheritance, or other  
40 tax liabilities;

1 (c) Eligibility for governmental assistance;

2 (d) The previous pattern of giving or level of support provided  
3 by the individual;

4 (e) Any existing estate plan or lack of estate plan of the  
5 individual;

6 (f) The life expectancy of the individual and the probability the  
7 conservatorship will terminate before the individual's death; and

8 (g) Any other relevant factor.

9 (4) A conservator may not revoke or amend a power of attorney for  
10 finances executed by the individual subject to conservatorship. If a  
11 power of attorney for finances is in effect, a decision of the agent  
12 takes precedence over that of the conservator, unless the court  
13 orders otherwise.

14 NEW SECTION. **Sec. 415.** PETITION FOR ORDER AFTER APPOINTMENT. An  
15 individual subject to conservatorship or a person interested in the  
16 welfare of the individual may petition for an order:

17 (1) Requiring the conservator to furnish a bond or collateral or  
18 additional bond or collateral or allowing a reduction in a bond or  
19 collateral previously furnished;

20 (2) Requiring an accounting for the administration of the  
21 conservatorship estate;

22 (3) Directing distribution;

23 (4) Removing the conservator and appointing a temporary or  
24 successor conservator;

25 (5) Modifying the type of appointment or powers granted to the  
26 conservator, if the extent of protection or management previously  
27 granted is excessive or insufficient to meet the individual's needs,  
28 including because the individual's abilities or supports have  
29 changed;

30 (6) Rejecting or modifying the conservator's plan under section  
31 419 of this act, the conservator's inventory under section 420 of  
32 this act, or the conservator's report under section 423 of this act;  
33 or

34 (7) Granting other appropriate relief.

35 NEW SECTION. **Sec. 416.** BOND—ALTERNATIVE ASSET PROTECTION  
36 ARRANGEMENT. (1) Except as otherwise provided in subsections (3) and  
37 (4) of this section, the court shall require a conservator to furnish  
38 a bond with a surety the court specifies, or require an alternative



1 asset protection arrangement, conditioned on faithful discharge of  
2 all duties of the conservator. The court may waive the requirement  
3 only if the court finds that a bond or other asset protection  
4 arrangement is not necessary to protect the interests of the  
5 individual subject to conservatorship. Except as otherwise provided  
6 in subsections (3) and (4) of this section, the court may not waive  
7 the requirement if the conservator is in the business of serving as a  
8 conservator and is being paid for the conservator's service.

9 (2) Unless the court directs otherwise, the bond required under  
10 this section must be in the amount of the aggregate capital value of  
11 the conservatorship estate, plus one year's estimated income, less  
12 the value of property deposited under an arrangement requiring a  
13 court order for its removal and real property the conservator lacks  
14 power to sell or convey without specific court authorization. The  
15 court, in place of surety on a bond, may accept collateral for the  
16 performance of the bond, including a pledge of securities or a  
17 mortgage of real property.

18 (3) A regulated financial institution qualified to do trust  
19 business in this state is not required to give a bond under this  
20 section.

21 (4) In all conservatorships where the person subject to  
22 conservatorship has total assets of a value of less than three  
23 thousand dollars, the court may dispense with the requirement of a  
24 bond: PROVIDED, That the conservator swears to report to the court  
25 any changes in the total assets of the person subject to  
26 conservatorship increasing their value to over three thousand  
27 dollars: PROVIDED FURTHER, That the conservator files a yearly  
28 statement showing the monthly income of the person subject to  
29 conservatorship if such monthly income, excluding moneys from state  
30 or federal benefits, is over the sum of five hundred dollars per  
31 month for any three consecutive months.

32 NEW SECTION. **Sec. 417.** TERMS AND REQUIREMENTS OF BOND. (1) The  
33 following rules apply to the bond required under section 416 of this  
34 act:

35 (a) Except as otherwise provided by the bond, the surety and the  
36 conservator are jointly and severally liable.

37 (b) By executing a bond provided by a conservator, the surety  
38 submits to the personal jurisdiction of the court that issued letters  
39 of office to the conservator in a proceeding relating to the duties

1 of the conservator in which the surety is named as a party. Notice of  
2 the proceeding must be given to the surety at the address shown in  
3 the records of the court in which the bond is filed and any other  
4 address of the surety then known to the person required to provide  
5 the notice.

6 (c) On petition of a successor conservator or person affected by  
7 a breach of the obligation of the bond, a proceeding may be brought  
8 against the surety for breach of the obligation of the bond.

9 (d) A proceeding against the bond may be brought until liability  
10 under the bond is exhausted.

11 (2) A proceeding may not be brought under this section against a  
12 surety of a bond on a matter as to which a proceeding against the  
13 conservator is barred.

14 (3) If a bond under section 416 of this act is not renewed by the  
15 conservator, the surety or sureties immediately shall give notice to  
16 the court and the individual subject to conservatorship.

17 NEW SECTION. **Sec. 418.** DUTIES OF CONSERVATOR. (1) A conservator  
18 is a fiduciary and has duties of prudence and loyalty to the  
19 individual subject to conservatorship.

20 (2) A conservator shall promote the self-determination of the  
21 individual subject to conservatorship and, to the extent feasible,  
22 encourage the individual to participate in decisions, act on the  
23 individual's own behalf, and develop or regain the capacity to manage  
24 the individual's personal affairs.

25 (3) In making a decision for an individual subject to  
26 conservatorship, the conservator shall make the decision the  
27 conservator reasonably believes the individual would make if able,  
28 unless doing so would fail to preserve the resources needed to  
29 maintain the individual's well-being and lifestyle or otherwise  
30 unreasonably harm or endanger the welfare or personal or financial  
31 interests of the individual. To determine the decision the individual  
32 would make if able, the conservator shall consider the individual's  
33 prior or current directions, preferences, opinions, values, and  
34 actions, to the extent actually known or reasonably ascertainable by  
35 the conservator.

36 (4) If a conservator cannot make a decision under subsection (3)  
37 of this section because the conservator does not know and cannot  
38 reasonably determine the decision the individual subject to  
39 conservatorship probably would make if able, or the conservator

1 reasonably believes the decision the individual would make would fail  
2 to preserve resources needed to maintain the individual's well-being  
3 and lifestyle or otherwise unreasonably harm or endanger the welfare  
4 or personal or financial interests of the individual, the conservator  
5 shall act in accordance with the best interests of the individual. In  
6 determining the best interests of the individual, the conservator  
7 shall consider:

8 (a) Information received from professionals and persons that  
9 demonstrate sufficient interest in the welfare of the individual;

10 (b) Other information the conservator believes the individual  
11 would have considered if the individual were able to act; and

12 (c) Other factors a reasonable person in the circumstances of the  
13 individual would consider, including consequences for others.

14 (5) Except when inconsistent with the conservator's duties under  
15 subsections (1) through (4) of this section, a conservator shall  
16 invest and manage the conservatorship estate as a prudent investor  
17 would, by considering:

18 (a) The circumstances of the individual subject to  
19 conservatorship and the conservatorship estate;

20 (b) General economic conditions;

21 (c) The possible effect of inflation or deflation;

22 (d) The expected tax consequences of an investment decision or  
23 strategy;

24 (e) The role of each investment or course of action in relation  
25 to the conservatorship estate as a whole;

26 (f) The expected total return from income and appreciation of  
27 capital;

28 (g) The need for liquidity, regularity of income, and  
29 preservation or appreciation of capital; and

30 (h) The special relationship or value, if any, of specific  
31 property to the individual subject to conservatorship.

32 (6) The propriety of a conservator's investment and management of  
33 the conservatorship estate is determined in light of the facts and  
34 circumstances existing when the conservator decides or acts and not  
35 by hindsight.

36 (7) A conservator shall make a reasonable effort to verify facts  
37 relevant to the investment and management of the conservatorship  
38 estate.

39 (8) A conservator that has special skills or expertise, or is  
40 named conservator in reliance on the conservator's representation of

1 special skills or expertise, has a duty to use the special skills or  
2 expertise in carrying out the conservator's duties.

3 (9) In investing, selecting specific property for distribution,  
4 and invoking a power of revocation or withdrawal for the use or  
5 benefit of the individual subject to conservatorship, a conservator  
6 shall consider any estate plan of the individual known or reasonably  
7 ascertainable to the conservator and may examine the will or other  
8 donative, nominative, or appointive instrument of the individual.

9 (10) A conservator shall maintain insurance on the insurable real  
10 and personal property of the individual subject to conservatorship,  
11 unless the conservatorship estate lacks sufficient funds to pay for  
12 insurance or the court finds:

13 (a) The property lacks sufficient equity; or

14 (b) Insuring the property would unreasonably dissipate the  
15 conservatorship estate or otherwise not be in the best interest of  
16 the individual.

17 (11) If a power of attorney for finances is in effect, a  
18 conservator shall cooperate with the agent to the extent feasible.

19 (12) A conservator has access to and authority over a digital  
20 asset of the individual subject to conservatorship to the extent  
21 provided by the revised uniform fiduciary access to digital assets  
22 act (chapter 11.120 RCW) or court order.

23 (13) A conservator for an adult shall notify the court if the  
24 condition of the adult has changed so that the adult is capable of  
25 exercising rights previously removed. The notice must be given  
26 immediately on learning of the change.

27 (14) A conservator shall notify the court within thirty days of  
28 any substantial change in the value of the property of the person  
29 subject to conservatorship and shall provide a copy of the notice to  
30 the person subject to guardianship, a person entitled to notice under  
31 section 403 of this act or a subsequent order, and any other person  
32 the court has determined is entitled to notice and schedule a hearing  
33 for the court to review the adequacy of the bond or other asset  
34 protection arrangement under sections 416 and 417 of this act.

35 NEW SECTION. **Sec. 419.** CONSERVATOR'S PLAN. (1) A conservator,  
36 not later than ninety days after appointment, shall file with the  
37 court a plan for protecting, managing, expending, and distributing  
38 the assets of the conservatorship estate. The plan must be based on  
39 the needs of the individual subject to conservatorship and take into

1 account the best interest of the individual as well as the  
2 individual's preferences, values, and prior directions, to the extent  
3 known to or reasonably ascertainable by the conservator. The  
4 conservator shall include in the plan:

5 (a) A budget containing projected expenses and resources,  
6 including an estimate of the total amount of fees the conservator  
7 anticipates charging per year and a statement or list of the amount  
8 the conservator proposes to charge for each service the conservator  
9 anticipates providing to the individual;

10 (b) How the conservator will involve the individual in decisions  
11 about management of the conservatorship estate;

12 (c) Any step the conservator plans to take to develop or restore  
13 the ability of the individual to manage the conservatorship estate;  
14 and

15 (d) An estimate of the duration of the conservatorship.

16 (2) A conservator shall give notice of the filing of the  
17 conservator's plan under subsection (1) of this section, together  
18 with a copy of the plan, to the individual subject to  
19 conservatorship, a person entitled to notice under section 411(6) of  
20 this act or a subsequent order, and any other person the court  
21 determines. The notice must include a statement of the right to  
22 object to the plan and be given not later than fourteen days after  
23 the filing.

24 (3) An individual subject to conservatorship and any person  
25 entitled under subsection (2) of this section to receive notice and a  
26 copy of the conservator's plan may object to the plan.

27 (4) The court shall review the conservator's plan filed under  
28 subsection (1) of this section and determine whether to approve the  
29 plan or require a new plan. In deciding whether to approve the plan,  
30 the court shall consider an objection under subsection (3) of this  
31 section and whether the plan is consistent with the conservator's  
32 duties and powers. The court may not approve the plan until thirty  
33 days after its filing.

34 (5) After a conservator's plan under this section is approved by  
35 the court, the conservator shall provide a copy of the plan to the  
36 individual subject to conservatorship, a person entitled to notice  
37 under section 411(6) of this act or a subsequent order, and any other  
38 person the court determines.

1        NEW SECTION.    **Sec. 420.**    INVENTORY—RECORDS. (1) Not later than  
2 sixty days after appointment, a conservator shall prepare and file  
3 with the appointing court a detailed inventory of the conservatorship  
4 estate, together with an oath or affirmation that the inventory is  
5 believed to be complete and accurate as far as information permits.

6        (2) A conservator shall give notice of the filing of an inventory  
7 to the individual subject to conservatorship, a person entitled to  
8 notice under section 411(6) of this act or a subsequent order, and  
9 any other person the court determines. The notice must be given not  
10 later than fourteen days after the filing.

11        (3) A conservator shall keep records of the administration of the  
12 conservatorship estate and make them available for examination on  
13 reasonable request of the individual subject to conservatorship, a  
14 guardian for the individual, or any other person the conservator or  
15 the court determines.

16        NEW SECTION.    **Sec. 421.**    ADMINISTRATIVE POWERS OF CONSERVATOR NOT  
17 REQUIRING COURT APPROVAL. (1) Except as otherwise provided in section  
18 414 of this act or qualified or limited in the court's order of  
19 appointment and stated in the letters of office, a conservator has  
20 all powers granted in this section and any additional power granted  
21 to a trustee by law of this state other than this chapter.

22        (2) A conservator, acting reasonably and consistent with the  
23 fiduciary duties of the conservator to accomplish the purpose of the  
24 conservatorship, without specific court authorization or  
25 confirmation, may with respect to the conservatorship estate:

26        (a) Collect, hold, and retain property, including property in  
27 which the conservator has a personal interest and real property in  
28 another state, until the conservator determines disposition of the  
29 property should be made;

30        (b) Receive additions to the conservatorship estate;

31        (c) Continue or participate in the operation of a business or  
32 other enterprise;

33        (d) Acquire an undivided interest in property in which the  
34 conservator, in a fiduciary capacity, holds an undivided interest;

35        (e) Invest assets;

36        (f) Deposit funds or other property in a financial institution,  
37 including one operated by the conservator;

38        (g) Acquire or dispose of property, including real property in  
39 another state, for cash or on credit, at public or private sale, and

1 manage, develop, improve, exchange, partition, change the character  
2 of, or abandon property;

3 (h) Make ordinary or extraordinary repairs or alterations in a  
4 building or other structure, demolish any improvement, or raze an  
5 existing or erect a new party wall or building;

6 (i) Subdivide or develop land, dedicate land to public use, make  
7 or obtain the vacation of a plat and adjust a boundary, adjust a  
8 difference in valuation of land, exchange or partition land by giving  
9 or receiving consideration, and dedicate an easement to public use  
10 without consideration;

11 (j) Enter for any purpose into a lease of property as lessor or  
12 lessee, with or without an option to purchase or renew, for a term  
13 within or extending beyond the term of the conservatorship;

14 (k) Enter into a lease or arrangement for exploration and removal  
15 of minerals or other natural resources or a pooling or unitization  
16 agreement;

17 (l) Grant an option involving disposition of property or accept  
18 or exercise an option for the acquisition of property;

19 (m) Vote a security, in person or by general or limited proxy;

20 (n) Pay a call, assessment, or other sum chargeable or accruing  
21 against or on account of a security;

22 (o) Sell or exercise a stock subscription or conversion right;

23 (p) Consent, directly or through a committee or agent, to the  
24 reorganization, consolidation, merger, dissolution, or liquidation of  
25 a corporation or other business enterprise;

26 (q) Hold a security in the name of a nominee or in other form  
27 without disclosure of the conservatorship so that title to the  
28 security may pass by delivery;

29 (r) Insure:

30 (i) The conservatorship estate, in whole or in part, against  
31 damage or loss in accordance with section 418(10) of this act; and

32 (ii) The conservator against liability with respect to a third  
33 person;

34 (s) Borrow funds, with or without security, to be repaid from the  
35 conservatorship estate or otherwise;

36 (t) Advance funds for the protection of the conservatorship  
37 estate or the individual subject to conservatorship and all expenses,  
38 losses, and liability sustained in the administration of the  
39 conservatorship estate or because of holding any property for which  
40 the conservator has a lien on the conservatorship estate;

1 (u) Pay or contest a claim, settle a claim by or against the  
2 conservatorship estate or the individual subject to conservatorship  
3 by compromise, arbitration, or otherwise, or release, in whole or in  
4 part, a claim belonging to the conservatorship estate to the extent  
5 the claim is uncollectible;

6 (v) Pay a tax, assessment, compensation of the conservator or any  
7 guardian, and other expense incurred in the collection, care,  
8 administration, and protection of the conservatorship estate;

9 (w) Pay a sum distributable to the individual subject to  
10 conservatorship or an individual who is in fact dependent on the  
11 individual subject to conservatorship by paying the sum to the  
12 distributee or for the use of the distributee:

13 (i) To the guardian for the distributee;

14 (ii) To the custodian of the distributee under the uniform  
15 transfers to minors act (chapter 11.114 RCW); or

16 (iii) If there is no guardian, custodian, or custodial trustee,  
17 to a relative or other person having physical custody of the  
18 distributee;

19 (x) Bring or defend an action, claim, or proceeding in any  
20 jurisdiction for the protection of the conservatorship estate or the  
21 conservator in the performance of the conservator's duties;

22 (y) Structure the finances of the individual subject to  
23 conservatorship to establish eligibility for a public benefit,  
24 including by making gifts consistent with the individual's  
25 preferences, values, and prior directions, if the conservator's  
26 action does not jeopardize the individual's welfare and otherwise is  
27 consistent with the conservator's duties; and

28 (z) Execute and deliver any instrument that will accomplish or  
29 facilitate the exercise of a power of the conservator.

30 NEW SECTION. **Sec. 422.** DISTRIBUTION FROM CONSERVATORSHIP  
31 ESTATE. Except as otherwise provided in section 414 of this act or  
32 qualified or limited in the court's order of appointment and stated  
33 in the letters of office, and unless contrary to a conservator's plan  
34 under section 419 of this act, the conservator may expend or  
35 distribute income or principal of the conservatorship estate without  
36 specific court authorization or confirmation for the support, care,  
37 education, health, or welfare of the individual subject to  
38 conservatorship or an individual who is in fact dependent on the



1 individual subject to conservatorship, including the payment of child  
2 or spousal support, in accordance with the following rules:

3 (1) The conservator shall consider a recommendation relating to  
4 the appropriate standard of support, care, education, health, or  
5 welfare for the individual subject to conservatorship or individual  
6 who is dependent on the individual subject to conservatorship, made  
7 by a guardian for the individual subject to conservatorship, if any,  
8 and, if the individual subject to conservatorship is a minor, a  
9 recommendation made by a parent of the minor.

10 (2) The conservator acting in compliance with the conservator's  
11 duties under section 418 of this act is not liable for an expenditure  
12 or distribution made based on a recommendation under subsection (1)  
13 of this section unless the conservator knows the expenditure or  
14 distribution is not in the best interest of the individual subject to  
15 conservatorship.

16 (3) In making an expenditure or distribution under this section,  
17 the conservator shall consider:

18 (a) The size of the conservatorship estate, the estimated  
19 duration of the conservatorship, and the likelihood the individual  
20 subject to conservatorship, at some future time, may be fully self-  
21 sufficient and able to manage the individual's financial affairs and  
22 the conservatorship estate;

23 (b) The accustomed standard of living of the individual subject  
24 to conservatorship and individual who is dependent on the individual  
25 subject to conservatorship;

26 (c) Other funds or source used for the support of the individual  
27 subject to conservatorship; and

28 (d) The preferences, values, and prior directions of the  
29 individual subject to conservatorship.

30 (4) Funds expended or distributed under this section may be paid  
31 by the conservator to any person, including the individual subject to  
32 conservatorship, as reimbursement for expenditures the conservator  
33 might have made, or in advance for services to be provided to the  
34 individual subject to conservatorship or individual who is dependent  
35 on the individual subject to conservatorship if it is reasonable to  
36 expect the services will be performed and advance payment is  
37 customary or reasonably necessary under the circumstances.

38 NEW SECTION. **Sec. 423.** CONSERVATOR'S REPORT AND ACCOUNTING—  
39 MONITORING. (1) A conservator shall file with the court by the date

1 established by the court a report in a record regarding the  
2 administration of the conservatorship estate unless the court  
3 otherwise directs, on resignation or removal, on termination of the  
4 conservatorship, and at any other time the court directs.

5 (2) A report under subsection (1) of this section must state or  
6 contain:

7 (a) An accounting that lists property included in the  
8 conservatorship estate and the receipts, disbursements, liabilities,  
9 and distributions during the period for which the report is made;

10 (b) A list of the services provided to the individual subject to  
11 conservatorship;

12 (c) A copy of the conservator's most recently approved plan and a  
13 statement whether the conservator has deviated from the plan and, if  
14 so, how the conservator has deviated and why;

15 (d) A recommendation as to the need for continued conservatorship  
16 and any recommended change in the scope of the conservatorship;

17 (e) To the extent feasible, a copy of the most recent reasonably  
18 available financial statements evidencing the status of bank  
19 accounts, investment accounts, and mortgages or other debts of the  
20 individual subject to conservatorship with all but the last four  
21 digits of the account numbers and social security number redacted;

22 (f) Anything of more than de minimis value which the conservator,  
23 any individual who resides with the conservator, or the spouse,  
24 domestic partner, parent, child, or sibling of the conservator has  
25 received from a person providing goods or services to the individual  
26 subject to conservatorship;

27 (g) Any business relation the conservator has with a person the  
28 conservator has paid or that has benefited from the property of the  
29 individual subject to conservatorship; and

30 (h) Whether any co-conservator or successor conservator appointed  
31 to serve when a designated event occurs is alive and able to serve.

32 (3) The court may appoint a visitor to review a report under this  
33 section or conservator's plan under section 419 of this act,  
34 interview the individual subject to conservatorship or conservator,  
35 or investigate any other matter involving the conservatorship. In  
36 connection with the report, the court may order the conservator to  
37 submit the conservatorship estate to appropriate examination in a  
38 manner the court directs.

39 (4) Notice of the filing under this section of a conservator's  
40 report, together with a copy of the report, must be provided to the

1 individual subject to conservatorship, a person entitled to notice  
2 under section 411(6) of this act or a subsequent order, and other  
3 persons the court determines. The notice and report must be given not  
4 later than fourteen days after filing.

5 (5) The court shall establish procedures for monitoring a report  
6 submitted under this section and review each report at least annually  
7 to determine whether:

8 (a) The reports provide sufficient information to establish the  
9 conservator has complied with the conservator's duties;

10 (b) The conservatorship should continue; and

11 (c) The conservator's requested fees, if any, should be approved.

12 (6) If the court determines there is reason to believe a  
13 conservator has not complied with the conservator's duties or the  
14 conservatorship should not continue, the court:

15 (a) Shall notify the individual subject to conservatorship, the  
16 conservator, and any other person entitled to notice under section  
17 411(6) of this act or a subsequent order;

18 (b) May require additional information from the conservator;

19 (c) May appoint a visitor to interview the individual subject to  
20 conservatorship or conservator or investigate any matter involving  
21 the conservatorship; and

22 (d) Consistent with sections 430 and 431 of this act, may hold a  
23 hearing to consider removal of the conservator, termination of the  
24 conservatorship, or a change in the powers granted to the conservator  
25 or terms of the conservatorship.

26 (7) If the court has reason to believe fees requested by a  
27 conservator are not reasonable, the court shall hold a hearing to  
28 determine whether to adjust the requested fees.

29 (8) A conservator must petition the court for approval of a  
30 report filed under this section. The court after review may approve  
31 the report. If the court approves the report, there is a rebuttable  
32 presumption the report is accurate as to a matter adequately  
33 disclosed in the report.

34 (9) An order, after notice and hearing, approving an interim  
35 report of a conservator filed under this section adjudicates  
36 liabilities concerning a matter adequately disclosed in the report,  
37 as to a person given notice of the report or accounting.

38 (10) If the court approves a report filed under this section, the  
39 order approving the report shall set the due date for the filing of  
40 the next report to be filed under this section. The court may set the

1 review at annual, biennial, or triennial intervals with the report  
2 due date to be within ninety days of the anniversary date of  
3 appointment. When determining the report interval, the court can  
4 consider: The length of time the conservator has been serving the  
5 person under conservatorship; whether the conservator has timely  
6 filed all required reports with the court; whether the conservator is  
7 monitored by other state or local agencies; the income of the person  
8 subject to conservatorship; the value of the property of the person  
9 subject to conservatorship; the adequacy of the bond and other asset  
10 protection arrangement(s); and whether there have been any  
11 allegations of abuse, neglect, or a breach of fiduciary duty against  
12 the conservator.

13 (11) If the court approves a report filed under this section, the  
14 order approving the report shall contain a conservatorship summary or  
15 accompanied by a conservatorship summary in the form or substantially  
16 in the same form as set forth in section 606 of this act.

17 (12) If the court approves a report filed under this section, the  
18 order approving the report shall direct the clerk of the court to  
19 reissue letters of office in the form or substantially in the same  
20 form as set forth in section 605 of this act to the conservator  
21 containing an expiration date which will be within one hundred twenty  
22 days after the date the court directs the conservator file its next  
23 report.

24 (13) An order, after notice and hearing, approving a final report  
25 filed under this section discharges the conservator from all  
26 liabilities, claims, and causes of action by a person given notice of  
27 the report and the hearing as to a matter adequately disclosed in the  
28 report.

29 NEW SECTION. **Sec. 424.** ATTEMPTED TRANSFER OF PROPERTY BY  
30 INDIVIDUAL SUBJECT TO CONSERVATORSHIP. (1) The interest of an  
31 individual subject to conservatorship in property included in the  
32 conservatorship estate is not transferable or assignable by the  
33 individual and is not subject to levy, garnishment, or similar  
34 process for claims against the individual unless allowed under  
35 section 428 of this act.

36 (2) If an individual subject to conservatorship enters into a  
37 contract after having the right to enter the contract removed by the  
38 court, the contract is void against the individual and the

1 individual's property but is enforceable against the person that  
2 contracted with the individual.

3 (3) A person other than the conservator that deals with an  
4 individual subject to conservatorship with respect to property  
5 included in the conservatorship estate is entitled to protection  
6 provided by law of this state other than this chapter.

7 NEW SECTION. **Sec. 425.** TRANSACTION INVOLVING CONFLICT OF  
8 INTEREST. A transaction involving a conservatorship estate which is  
9 affected by a substantial conflict between the conservator's  
10 fiduciary duties and personal interests is voidable unless the  
11 transaction is authorized by court order after notice to persons  
12 entitled to notice under section 411(6) of this act or a subsequent  
13 order. A transaction affected by a substantial conflict includes a  
14 sale, encumbrance, or other transaction involving the conservatorship  
15 estate entered into by the conservator, an individual with whom the  
16 conservator resides, the spouse, domestic partner, descendant,  
17 sibling, agent, or attorney of the conservator, or a corporation or  
18 other enterprise in which the conservator has a substantial  
19 beneficial interest.

20 NEW SECTION. **Sec. 426.** PROTECTION OF PERSON DEALING WITH  
21 CONSERVATOR. (1) A person that assists or deals with a conservator in  
22 good faith and for value in any transaction, other than a transaction  
23 requiring a court order under section 414 of this act, is protected  
24 as though the conservator properly exercised any power in question.  
25 Knowledge by a person that the person is dealing with a conservator  
26 alone does not require the person to inquire into the existence of  
27 authority of the conservator or the propriety of the conservator's  
28 exercise of authority, but restrictions on authority stated in  
29 letters of office, or otherwise provided by law, are effective as to  
30 the person. A person that pays or delivers property to a conservator  
31 is not responsible for proper application of the property.

32 (2) Protection under subsection (1) of this section extends to a  
33 procedural irregularity or jurisdictional defect in the proceeding  
34 leading to the issuance of letters of office and does not substitute  
35 for protection for a person that assists or deals with a conservator  
36 provided by comparable provisions in law of this state other than  
37 this chapter relating to a commercial transaction or simplifying a  
38 transfer of securities by a fiduciary.

1        NEW SECTION.        **Sec. 427.**        DEATH OF INDIVIDUAL SUBJECT TO  
2 CONSERVATORSHIP. (1) If an individual subject to conservatorship  
3 dies, the conservator shall deliver to the court for safekeeping any  
4 will of the individual in the conservator's possession and inform the  
5 personal representative named in the will if feasible, or if not  
6 feasible, a beneficiary named in the will, of the delivery.

7        (2) If forty days after the death of an individual subject to  
8 conservatorship no personal representative has been appointed and no  
9 application or petition for appointment is before the court, the  
10 conservator may apply to exercise the powers and duties of a personal  
11 representative to administer and distribute the decedent's estate.  
12 The conservator shall give notice of his or her appointment and the  
13 pendency of any probate proceedings as provided in RCW 11.28.237 and  
14 shall also give notice to a person nominated as personal  
15 representative by a will of the decedent of which the conservator is  
16 aware. The court may grant the application if there is no objection  
17 and endorse the letters of office to note that the individual  
18 formerly subject to conservatorship is deceased and the conservator  
19 has acquired the powers and duties of a personal representative.

20        (3) On the death of an individual subject to conservatorship, the  
21 conservator shall conclude the administration of the conservatorship  
22 estate as provided in section 431 of this act.

23        NEW SECTION.        **Sec. 428.**        PRESENTATION AND ALLOWANCE OF CLAIM. (1)  
24 A conservator may pay, or secure by encumbering property included in  
25 the conservatorship estate, a claim against the conservatorship  
26 estate or the individual subject to conservatorship arising before or  
27 during the conservatorship, on presentation and allowance in  
28 accordance with the priorities under subsection (4) of this section.  
29 A claimant may present a claim by:

30        (a) Sending or delivering to the conservator a statement in a  
31 record of the claim, indicating its basis, the name and address of  
32 the claimant, and the amount claimed; or

33        (b) Filing the claim with the court, in a form acceptable to the  
34 court, and sending or delivering a copy of the claim to the  
35 conservator.

36        (2) A claim under subsection (1) of this section is presented on  
37 receipt by the conservator of the statement of the claim or the  
38 filing with the court of the claim, whichever first occurs. A  
39 presented claim is allowed if it is not disallowed in whole or in

1 part by the conservator in a record sent or delivered to the claimant  
2 not later than sixty days after its presentation. Before payment, the  
3 conservator may change an allowance of the claim to a disallowance in  
4 whole or in part, but not after allowance under a court order or  
5 order directing payment of the claim. Presentation of a claim tolls  
6 until thirty days after disallowance of the claim the running of a  
7 statute of limitations that has not expired relating to the claim.

8 (3) A claimant whose claim under subsection (1) of this section  
9 has not been paid may petition the court to determine the claim at  
10 any time before it is barred by a statute of limitations, and the  
11 court may order its allowance, payment, or security by encumbering  
12 property included in the conservatorship estate. If a proceeding is  
13 pending against the individual subject to conservatorship at the time  
14 of appointment of the conservator or is initiated thereafter, the  
15 moving party shall give the conservator notice of the proceeding if  
16 it could result in creating a claim against the conservatorship  
17 estate.

18 (4) If a conservatorship estate is likely to be exhausted before  
19 all existing claims are paid, the conservator shall distribute the  
20 estate in money or in kind in payment of claims in the following  
21 order:

22 (a) Costs and expenses of administration;

23 (b) A claim of the federal or state government having priority  
24 under law other than this chapter;

25 (c) A claim incurred by the conservator for support, care,  
26 education, health, or welfare previously provided to the individual  
27 subject to conservatorship or an individual who is in fact dependent  
28 on the individual subject to conservatorship;

29 (d) A claim arising before the conservatorship; and

30 (e) All other claims.

31 (5) Preference may not be given in the payment of a claim under  
32 subsection (4) of this section over another claim of the same class.  
33 A claim due and payable may not be preferred over a claim not due  
34 unless:

35 (a) Doing so would leave the conservatorship estate without  
36 sufficient funds to pay the basic living and health care expenses of  
37 the individual subject to conservatorship; and

38 (b) The court authorizes the preference under section 414(1)(h)  
39 of this act.

1 (6) If assets of a conservatorship estate are adequate to meet  
2 all existing claims, the court, acting in the best interest of the  
3 individual subject to conservatorship, may order the conservator to  
4 grant a security interest in the conservatorship estate for payment  
5 of a claim at a future date.

6 NEW SECTION. **Sec. 429.** PERSONAL LIABILITY OF CONSERVATOR. (1)

7 Except as otherwise agreed by a conservator, the conservator is not  
8 personally liable on a contract properly entered into in a fiduciary  
9 capacity in the course of administration of the conservatorship  
10 estate unless the conservator fails to reveal the conservator's  
11 representative capacity in the contract or before entering into the  
12 contract.

13 (2) A conservator is personally liable for an obligation arising  
14 from control of property of the conservatorship estate or an act or  
15 omission occurring in the course of administration of the  
16 conservatorship estate only if the conservator is personally at  
17 fault.

18 (3) A claim based on a contract entered into by a conservator in  
19 a fiduciary capacity, an obligation arising from control of property  
20 included in the conservatorship estate, or a tort committed in the  
21 course of administration of the conservatorship estate may be  
22 asserted against the conservatorship estate in a proceeding against  
23 the conservator in a fiduciary capacity, whether or not the  
24 conservator is personally liable for the claim.

25 (4) A question of liability between a conservatorship estate and  
26 the conservator personally may be determined in a proceeding for  
27 accounting, surcharge, or indemnification or another appropriate  
28 proceeding or action.

29 NEW SECTION. **Sec. 430.** REMOVAL OF CONSERVATOR—APPOINTMENT OF  
30 SUCCESSOR. (1) The court may remove a conservator for failure to  
31 perform the conservator's duties or other good cause and appoint a  
32 successor conservator to assume the duties of the conservator.

33 (2) The court shall hold a hearing to determine whether to remove  
34 a conservator and appoint a successor on:

35 (a) Petition of the individual subject to conservatorship,  
36 conservator, or person interested in the welfare of the individual  
37 which contains allegations that, if true, would support a reasonable  
38 belief that removal of the conservator and appointment of a successor



1 may be appropriate, but the court may decline to hold a hearing if a  
2 petition based on the same or substantially similar facts was filed  
3 during the preceding six months;

4 (b) Communication from the individual subject to conservatorship,  
5 conservator, or person interested in the welfare of the individual  
6 which supports a reasonable belief that removal of the conservator  
7 and appointment of a successor may be appropriate; or

8 (c) Determination by the court that a hearing would be in the  
9 best interest of the individual subject to conservatorship.

10 (3) Notice of a petition under subsection (2)(a) of this section  
11 must be given to the individual subject to conservatorship, the  
12 conservator, and any other person the court determines.

13 (4) An individual subject to conservatorship who seeks to remove  
14 the conservator and have a successor appointed has the right to  
15 choose an attorney to represent the individual in this matter. The  
16 court shall award reasonable attorneys' fees to the attorney as  
17 provided in section 121 of this act.

18 (5) In selecting a successor conservator, the court shall follow  
19 the priorities under section 410 of this act.

20 (6) Not later than thirty days after appointing a successor  
21 conservator, the court shall give notice of the appointment to the  
22 individual subject to conservatorship and any person entitled to  
23 notice under section 411(6) of this act or a subsequent order.

24 NEW SECTION. **Sec. 431.** TERMINATION OR MODIFICATION OF  
25 CONSERVATORSHIP. (1) A conservatorship for a minor terminates on the  
26 earliest of:

27 (a) A court order terminating the conservatorship;

28 (b) The minor becoming an adult or, if the minor consents or the  
29 court finds by clear and convincing evidence that substantial harm to  
30 the minor's interests is otherwise likely, attaining twenty-one years  
31 of age;

32 (c) Emancipation of the minor; or

33 (d) Death of the minor.

34 (2) A conservatorship for an adult terminates on order of the  
35 court or when the adult dies.

36 (3) An individual subject to conservatorship, the conservator, or  
37 a person interested in the welfare of the individual may petition  
38 for:

1 (a) Termination of the conservatorship on the ground that a basis  
2 for appointment under section 401 of this act does not exist or  
3 termination would be in the best interest of the individual or for  
4 other good cause; or

5 (b) Modification of the conservatorship on the ground that the  
6 extent of protection or assistance granted is not appropriate or for  
7 other good cause.

8 (4) The court shall hold a hearing to determine whether  
9 termination or modification of a conservatorship is appropriate on:

10 (a) Petition under subsection (3) of this section that contains  
11 allegations that, if true, would support a reasonable belief that  
12 termination or modification of the conservatorship may be  
13 appropriate, but the court may decline to hold a hearing if a  
14 petition based on the same or substantially similar facts was filed  
15 within the preceding six months;

16 (b) A communication from the individual subject to  
17 conservatorship, conservator, or person interested in the welfare of  
18 the individual which supports a reasonable belief that termination or  
19 modification of the conservatorship may be appropriate, including  
20 because the functional needs of the individual or supports or  
21 services available to the individual have changed;

22 (c) A report from a guardian or conservator which indicates that  
23 termination or modification may be appropriate because the functional  
24 needs or supports or services available to the individual have  
25 changed or a protective arrangement instead of conservatorship or  
26 other less restrictive alternative is available; or

27 (d) A determination by the court that a hearing would be in the  
28 best interest of the individual.

29 (5) Notice of a petition under subsection (3) of this section  
30 must be given to the individual subject to conservatorship, the  
31 conservator, and any such other person the court determines.

32 (6) On presentation of prima facie evidence for termination of a  
33 conservatorship, the court shall order termination unless it is  
34 proven that a basis for appointment of a conservator under section  
35 401 of this act exists.

36 (7) The court shall modify the powers granted to a conservator if  
37 the powers are excessive or inadequate due to a change in the  
38 abilities or limitations of the individual subject to  
39 conservatorship, the individual's supports, or other circumstances.

1 (8) Unless the court otherwise orders for good cause, before  
2 terminating a conservatorship, the court shall follow the same  
3 procedures to safeguard the rights of the individual subject to  
4 conservatorship which apply to a petition for conservatorship.

5 (9) An individual subject to conservatorship who seeks to  
6 terminate or modify the terms of the conservatorship has the right to  
7 choose an attorney to represent the individual in this matter. The  
8 court shall award reasonable attorneys' fees to the attorney as  
9 provided in section 121 of this act.

10 (10) On termination of a conservatorship other than by reason of  
11 the death of the individual subject to conservatorship, property of  
12 the conservatorship estate passes to the individual. The order of  
13 termination must direct the conservator to file a final report and  
14 petition for discharge on approval by the court of the final report.

15 (11) On termination of a conservatorship by reason of the death  
16 of the individual subject to conservatorship, the conservator shall  
17 file a final report and petition for discharge on approval by the  
18 court of the final report within ninety days of death of the person  
19 subject to conservatorship. On approval of the final report, the  
20 conservator shall proceed expeditiously to distribute the  
21 conservatorship estate to the individual's estate or as otherwise  
22 ordered by the court. The conservator may take reasonable measures  
23 necessary to preserve the conservatorship estate until distribution  
24 can be made.

25 (12) The court shall issue a final order of discharge on the  
26 approval by the court of the final report and satisfaction by the  
27 conservator of any other condition the court imposed on the  
28 conservator's discharge.

29 NEW SECTION. **Sec. 432.** TRANSFER FOR BENEFIT OF MINOR WITHOUT  
30 APPOINTMENT OF CONSERVATOR. (1) Unless a person required to transfer  
31 funds or other property to a minor knows that a conservator for the  
32 minor has been appointed or a proceeding is pending for  
33 conservatorship, the person may transfer an amount or value not  
34 exceeding fifteen thousand dollars in a twelve-month period to:

35 (a) A person that has care or custody of the minor and with whom  
36 the minor resides;

37 (b) A guardian for the minor;

38 (c) A custodian under the uniform transfers to minors act  
39 (chapter 11.114 RCW); or

1 (d) A financial institution as a deposit in an interest-bearing  
2 account or certificate solely in the name of the minor and shall give  
3 notice to the minor of the deposit.

4 (2) A person that transfers funds or other property under this  
5 section is not responsible for its proper application.

6 (3) A person that receives funds or other property for a minor  
7 under subsection (1)(a) or (b) of this section may apply it only to  
8 the support, care, education, health, or welfare of the minor, and  
9 may not derive a personal financial benefit from it, except for  
10 reimbursement for necessary expenses. Funds not applied for these  
11 purposes must be preserved for the future support, care, education,  
12 health, or welfare of the minor, and the balance, if any, transferred  
13 to the minor when the minor becomes an adult or otherwise is  
14 emancipated.

15 **ARTICLE 5**

16 **OTHER PROTECTIVE ARRANGEMENTS**

17 NEW SECTION. **Sec. 501.** AUTHORITY FOR PROTECTIVE ARRANGEMENT.

18 (1) Under this article, a court:

19 (a) On receiving a petition for a guardianship for an adult may  
20 order a protective arrangement instead of guardianship as a less  
21 restrictive alternative to guardianship; and

22 (b) On receiving a petition for a conservatorship for an  
23 individual may order a protective arrangement instead of  
24 conservatorship as a less restrictive alternative to conservatorship.

25 (2) A person interested in an adult's welfare, including the  
26 adult or a conservator for the adult, may petition under this article  
27 for a protective arrangement instead of guardianship.

28 (3) The following persons may petition under this article for a  
29 protective arrangement instead of conservatorship:

30 (a) The individual for whom the protective arrangement is sought;

31 (b) A person interested in the property, financial affairs, or  
32 welfare of the individual, including a person that would be affected  
33 adversely by lack of effective management of property or financial  
34 affairs of the individual; and

35 (c) The guardian for the individual.

36 NEW SECTION. **Sec. 502.** BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD  
37 OF GUARDIANSHIP FOR ADULT. (1) After the hearing on a petition under

1 section 302 of this act for a guardianship or under section 501(2) of  
2 this act for a protective arrangement instead of guardianship, the  
3 court may issue an order under subsection (2) of this section for a  
4 protective arrangement instead of guardianship if the court finds by  
5 clear and convincing evidence that:

6 (a) The respondent lacks the ability to meet essential  
7 requirements for physical health, safety, or self-care because the  
8 respondent is unable to receive and evaluate information or make or  
9 communicate decisions, even with appropriate supportive services,  
10 technological assistance, or supported decision making; and

11 (b) The respondent's identified needs cannot be met by a less  
12 restrictive alternative.

13 (2) If the court makes the findings under subsection (1) of this  
14 section, the court, instead of appointing a guardian, may:

15 (a) Authorize or direct a transaction necessary to meet the  
16 respondent's need for health, safety, or care, including:

17 (i) A particular medical treatment or refusal of a particular  
18 medical treatment;

19 (ii) A move to a specified place of dwelling; or

20 (iii) Visitation or supervised visitation between the respondent  
21 and another person;

22 (b) Restrict access to the respondent by a specified person whose  
23 access places the respondent at serious risk of physical,  
24 psychological, or financial harm; and

25 (c) Reorder other arrangements on a limited basis that are  
26 appropriate.

27 (3) In deciding whether to issue an order under this section, the  
28 court shall consider the factors under sections 313 and 314 of this  
29 act that a guardian must consider when making a decision on behalf of  
30 an adult subject to guardianship.

31 NEW SECTION. **Sec. 503.** BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD  
32 OF CONSERVATORSHIP FOR ADULT OR MINOR. (1) After the hearing on a  
33 petition under section 402 of this act for conservatorship for an  
34 adult or under section 501(3) of this act for a protective  
35 arrangement instead of a conservatorship for an adult, the court may  
36 issue an order under subsection (3) of this section for a protective  
37 arrangement instead of conservatorship for the adult if the court  
38 finds by clear and convincing evidence that:

1 (a) The adult is unable to manage property or financial affairs  
2 because:

3 (i) Of a limitation in the ability to receive and evaluate  
4 information or make or communicate decisions, even with appropriate  
5 supportive services, technological assistance, or supported decision  
6 making; or

7 (ii) The adult is missing, detained, or unable to return to the  
8 United States;

9 (b) An order under subsection (3) of this section is necessary  
10 to:

11 (i) Avoid harm to the adult or significant dissipation of the  
12 property of the adult; or

13 (ii) Obtain or provide funds or other property needed for the  
14 support, care, education, health, or welfare of the adult or an  
15 individual entitled to the adult's support; and

16 (c) The respondent's identified needs cannot be met by a less  
17 restrictive alternative.

18 (2) After the hearing on a petition under section 402 of this act  
19 for conservatorship for a minor or under section 501(3) of this act  
20 for a protective arrangement instead of conservatorship for a minor,  
21 the court may issue an order under subsection (3) of this section for  
22 a protective arrangement instead of conservatorship for the  
23 respondent if the court finds by a preponderance of the evidence that  
24 the arrangement is in the minor's best interest, and:

25 (a) If the minor has a parent, the court gives weight to any  
26 recommendation of the parent whether an arrangement is in the minor's  
27 best interest;

28 (b) Either:

29 (i) The minor owns money or property requiring management or  
30 protection that otherwise cannot be provided;

31 (ii) The minor has or may have financial affairs that may be put  
32 at unreasonable risk or hindered because of the minor's age; or

33 (iii) The arrangement is necessary or desirable to obtain or  
34 provide funds or other property needed for the support, care,  
35 education, health, or welfare of the minor; and

36 (iv) The order under subsection (3) of this section is necessary  
37 or desirable to obtain or provide money needed for the support, care,  
38 education, health, or welfare of the minor.

39 (3) If the court makes the findings under subsection (1) or (2)  
40 of this section, the court, instead of appointing a conservator, may:

1 (a) Authorize or direct a transaction necessary to protect the  
2 financial interest or property of the respondent, including:

3 (i) An action to establish eligibility for benefits;

4 (ii) Payment, delivery, deposit, or retention of funds or  
5 property;

6 (iii) Sale, mortgage, lease, or other transfer of property;

7 (iv) Purchase of an annuity;

8 (v) Entry into a contractual relationship, including a contract  
9 to provide for personal care, supportive services, education,  
10 training, or employment;

11 (vi) Addition to or establishment of a trust;

12 (vii) Ratification or invalidation of a contract, trust, will, or  
13 other transaction, including a transaction related to the property or  
14 business affairs of the respondent; or

15 (viii) Settlement of a claim; or

16 (b) Restrict access to the respondent's property by a specified  
17 person whose access to the property places the respondent at serious  
18 risk of financial harm.

19 (4) After the hearing on a petition under section 501 (1)(b) or  
20 (3) of this act, whether or not the court makes the findings under  
21 subsection (1) or (2) of this section, the court may issue an order  
22 to restrict access to the respondent or the respondent's property by  
23 a specified person that the court finds by clear and convincing  
24 evidence:

25 (a) Through fraud, coercion, duress, or the use of deception and  
26 control caused or attempted to cause an action that would have  
27 resulted in financial harm to the respondent or the respondent's  
28 property; and

29 (b) Poses a serious risk of substantial financial harm to the  
30 respondent or the respondent's property.

31 (5) Before issuing an order under subsection (3) or (4) of this  
32 section, the court shall consider the factors under section 418 of  
33 this act a conservator must consider when making a decision on behalf  
34 of an individual subject to conservatorship.

35 (6) Before issuing an order under subsection (3) or (4) of this  
36 section for a respondent who is a minor, the court also shall  
37 consider the best interest of the minor, the preference of the  
38 parents of the minor, and the preference of the minor, if the minor  
39 is twelve years of age or older.

1        NEW SECTION.    **Sec. 504.**    PETITION FOR PROTECTIVE ARRANGEMENT. A  
2 petition for a protective arrangement instead of guardianship or  
3 conservatorship must state the petitioner's name, principal  
4 residence, current street address, if different, relationship to the  
5 respondent, interest in the protective arrangement, the name and  
6 address of any attorney representing the petitioner, and, to the  
7 extent known, the following:

8        (1) The respondent's name, age, principal residence, current  
9 street address, if different, and, if different, address of the  
10 dwelling in which it is proposed the respondent will reside if the  
11 petition is granted;

12        (2) The name and address of the respondent's:

13        (a) Spouse or domestic partner or, if the respondent has none, an  
14 adult with whom the respondent has shared household responsibilities  
15 for more than six months in the twelve-month period before the filing  
16 of the petition;

17        (b) Adult children or, if none, each parent and adult sibling of  
18 the respondent, or, if none, at least one adult nearest in kinship to  
19 the respondent who can be found with reasonable diligence; and

20        (c) Adult stepchildren whom the respondent actively parented  
21 during the stepchildren's minor years and with whom the respondent  
22 had an ongoing relationship in the two-year period immediately before  
23 the filing of the petition;

24        (3) The name and current address of each of the following, if  
25 applicable:

26        (a) A person responsible for the care or custody of the  
27 respondent;

28        (b) Any attorney currently representing the respondent;

29        (c) The representative payee appointed by the social security  
30 administration for the respondent;

31        (d) A guardian or conservator acting for the respondent in this  
32 state or another jurisdiction;

33        (e) A trustee or custodian of a trust or custodianship of which  
34 the respondent is a beneficiary;

35        (f) The fiduciary appointed for the respondent by the department  
36 of veterans affairs;

37        (g) An agent designated under a power of attorney for health care  
38 in which the respondent is identified as the principal;

39        (h) An agent designated under a power of attorney for finances in  
40 which the respondent is identified as the principal;



1 (i) A person nominated as guardian or conservator by the  
2 respondent if the respondent is twelve years of age or older;

3 (j) A person nominated as guardian by the respondent's parent,  
4 spouse, or domestic partner in a will or other signed record;

5 (k) A person known to have routinely assisted the respondent with  
6 decision making in the six-month period immediately before the filing  
7 of the petition; and

8 (l) If the respondent is a minor:

9 (i) An adult not otherwise listed with whom the respondent  
10 resides; and

11 (ii) Each person not otherwise listed that had primary care or  
12 custody of the respondent for at least sixty days during the two  
13 years immediately before the filing of the petition or for at least  
14 seven hundred thirty days during the five years immediately before  
15 the filing of the petition;

16 (4) The nature of the protective arrangement sought;

17 (5) The reason the protective arrangement sought is necessary,  
18 including a brief description of:

19 (a) The nature and extent of the respondent's alleged need;

20 (b) Any less restrictive alternative for meeting the respondent's  
21 alleged need which has been considered or implemented;

22 (c) If no less restrictive alternative has been considered or  
23 implemented, the reason less restrictive alternatives have not been  
24 considered or implemented; and

25 (d) The reason other less restrictive alternatives are  
26 insufficient to meet the respondent's alleged need;

27 (6) The name and current address, if known, of any person with  
28 whom the petitioner seeks to limit the respondent's contact;

29 (7) Whether the respondent needs an interpreter, translator, or  
30 other form of support to communicate effectively with the court or  
31 understand court proceedings;

32 (8) If a protective arrangement instead of guardianship is sought  
33 and the respondent has property other than personal effects, a  
34 general statement of the respondent's property with an estimate of  
35 its value, including any insurance or pension, and the source and  
36 amount of any other anticipated income or receipts; and

37 (9) If a protective arrangement instead of conservatorship is  
38 sought, a general statement of the respondent's property with an  
39 estimate of its value, including any insurance or pension, and the  
40 source and amount of other anticipated income or receipts.

1        NEW SECTION.    **Sec. 505.**    NOTICE AND HEARING. (1) All petitions  
2 filed under section 504 of this act for appointment of a guardian for  
3 an adult shall be heard within sixty days unless an extension of time  
4 is requested by a party or the visitor within such sixty-day period  
5 and granted for good cause shown.

6        (2) A copy of a petition under section 501 of this act and notice  
7 of a hearing on the petition must be served personally on the  
8 respondent and the visitor appointed under section 506 of this act  
9 not more than five court days after the petition under section 504 of  
10 this act has been filed. The notice must inform the respondent of the  
11 respondent's rights at the hearing, including the right to an  
12 attorney and to attend the hearing. The notice must include a  
13 description of the nature, purpose, and consequences of granting the  
14 petition. The court may not grant the petition if notice  
15 substantially complying with this subsection is not served on the  
16 respondent.

17        (3) In a proceeding on a petition under section 501 of this act,  
18 the notice required under subsection (2) of this section must be  
19 given to the persons required to be listed in the petition under  
20 section 504 (1) through (3) of this act and any other person  
21 interested in the respondent's welfare the court determines. Failure  
22 to give notice under this subsection does not preclude the court from  
23 granting the petition.

24        (4) After the court has ordered a protective arrangement under  
25 this article, notice of a hearing on a petition filed under this  
26 chapter, together with a copy of the petition, must be given to the  
27 respondent and any other person the court determines.

28        NEW SECTION.    **Sec. 506.**    APPOINTMENT AND ROLE OF VISITOR. (1) On  
29 filing of a petition under section 501 of this act for a protective  
30 arrangement instead of guardianship, the court shall appoint a  
31 visitor. The visitor must be an individual with training or  
32 experience in the type of abilities, limitations, and needs alleged  
33 in the petition.

34        (2) On filing of a petition under section 501 of this act for a  
35 protective arrangement instead of conservatorship for a minor, the  
36 court may appoint a visitor to investigate a matter related to the  
37 petition or inform the minor or a parent of the minor about the  
38 petition or a related matter.

1 (3) On filing of a petition under section 501 of this act or a  
2 protective arrangement instead of conservatorship for an adult, the  
3 court shall appoint a visitor unless the respondent is represented by  
4 an attorney appointed by the court. The visitor must be an individual  
5 with training or experience in the types of abilities, limitations,  
6 and needs alleged in the petition.

7 (4) The court, in the order appointing visitor, shall specify the  
8 hourly rate the visitor may charge for his or her services, and shall  
9 specify the maximum amount the visitor may charge without additional  
10 court review and approval.

11 (5) (a) The visitor appointed under subsection (1) or (3) of this  
12 section shall within five days of receipt of notice of appointment  
13 file with the court and serve, either personally or by certified mail  
14 with return receipt, the respondent or his or her legal counsel, the  
15 petitioner or his or her legal counsel, and any interested party  
16 entitled to notice under section 117 of this act with a statement  
17 including: His or her training relating to the duties as a visitor;  
18 his or her criminal history as defined in RCW 9.94A.030 for the  
19 period covering ten years prior to the appointment; his or her hourly  
20 rate, if compensated; whether the guardian ad litem has had any  
21 contact with a party to the proceeding prior to his or her  
22 appointment; and whether he or she has an apparent conflict of  
23 interest. Within three days of the later of the actual service or  
24 filing of the visitor's statement, any party may set a hearing and  
25 file and serve a motion for an order to show cause why the visitor  
26 should not be removed for one of the following three reasons:

27 (i) Lack of expertise necessary for the proceeding;

28 (ii) An hourly rate higher than what is reasonable for the  
29 particular proceeding; or

30 (iii) A conflict of interest.

31 (b) Notice of the hearing shall be provided to the visitor and  
32 all parties. If, after a hearing, the court enters an order replacing  
33 the visitor, findings shall be included, expressly stating the  
34 reasons for the removal. If the visitor is not removed, the court has  
35 the authority to assess to the moving party attorneys' fees and costs  
36 related to the motion. The court shall assess attorneys' fees and  
37 costs for frivolous motions.

38 (6) A visitor appointed under subsection (1) or (3) of this  
39 section shall interview the respondent in person and in a manner the  
40 respondent is best able to understand:

1 (a) Explain to the respondent the substance of the petition, the  
2 nature, purpose, and effect of the proceeding, and the respondent's  
3 rights at the hearing on the petition;

4 (b) Determine the respondent's views with respect to the order  
5 sought;

6 (c) Inform the respondent that all costs and expenses of the  
7 proceeding, including respondent's attorneys' fees, may be paid from  
8 the respondent's assets;

9 (d) If the petitioner seeks an order related to the dwelling of  
10 the respondent, visit the respondent's present dwelling and any  
11 dwelling in which it is reasonably believed the respondent will live  
12 if the order is granted;

13 (e) If a protective arrangement instead of guardianship is  
14 sought, obtain information from any physician or other person known  
15 to have treated, advised, or assessed the respondent's relevant  
16 physical or mental condition;

17 (f) If a protective arrangement instead of conservatorship is  
18 sought, review financial records of the respondent, if relevant to  
19 the visitor's recommendation under subsection (7)(b) of this section;  
20 and

21 (g) Investigate the allegations in the petition and any other  
22 matter relating to the petition the court directs.

23 (7) A visitor under this section promptly shall file a report in  
24 a record with the court, which must include:

25 (a) To the extent relevant to the order sought, a summary of  
26 self-care, independent living tasks, and financial management tasks  
27 the respondent:

28 (i) Can manage without assistance or with existing supports;

29 (ii) Could manage with the assistance of appropriate supportive  
30 services, technological assistance, or supported decision making; and

31 (iii) Cannot manage;

32 (b) A recommendation regarding the appropriateness of the  
33 protective arrangement sought and whether a less restrictive  
34 alternative for meeting the respondent's needs is available;

35 (c) If the petition seeks to change the physical location of the  
36 dwelling of the respondent, a statement whether the proposed dwelling  
37 meets the respondent's needs and whether the respondent has expressed  
38 a preference as to the respondent's dwelling;

39 (d) A recommendation whether a professional evaluation under  
40 section 508 of this act is necessary;

1 (e) A statement whether the respondent is able to attend a  
2 hearing at the location court proceedings typically are held;

3 (f) A statement whether the respondent is able to participate in  
4 a hearing and which identifies any technology or other form of  
5 support that would enhance the respondent's ability to participate;  
6 and

7 (g) Any other matter the court directs.

8 NEW SECTION. **Sec. 507.** APPOINTMENT AND ROLE OF ATTORNEY. (1)

9 Unless the respondent in a proceeding under this article is  
10 represented by an attorney, the court shall appoint an attorney to  
11 represent the respondent, regardless of the respondent's ability to  
12 pay.

13 (2) An attorney representing the respondent in a proceeding under  
14 this article shall:

15 (a) Make reasonable efforts to ascertain the respondent's wishes;

16 (b) Advocate for the respondent's wishes to the extent reasonably  
17 ascertainable; and

18 (c) If the respondent's wishes are not reasonably ascertainable,  
19 advocate for the result that is the least restrictive alternative in  
20 type, duration, and scope, consistent with the respondent's  
21 interests.

22 (3) The court shall appoint an attorney to represent a parent of  
23 a minor who is the subject of a proceeding under this article if:

24 (a) The parent objects to the entry of an order for a protective  
25 arrangement instead of guardianship or conservatorship;

26 (b) The court determines that counsel is needed to ensure that  
27 consent to the entry of an order for a protective arrangement is  
28 informed; or

29 (c) The court otherwise determines the parent needs  
30 representation.

31 NEW SECTION. **Sec. 508.** PROFESSIONAL EVALUATION. (1) At or

32 before a hearing on a petition under this article for a protective  
33 arrangement, the court shall order a professional evaluation of the  
34 respondent:

35 (a) If the respondent requests the evaluation; or

36 (b) In other cases, unless the court finds that it has sufficient  
37 information to determine the respondent's needs and abilities without  
38 the evaluation.

1 (2) If the court orders an evaluation under subsection (1) of  
2 this section, the respondent must be examined by a licensed  
3 physician, psychologist, social worker, or other individual appointed  
4 by the court who is qualified to evaluate the respondent's alleged  
5 cognitive and functional abilities and limitations and will not be  
6 advantaged or disadvantaged by a decision to grant the petition or  
7 otherwise have a conflict of interest. The individual conducting the  
8 evaluation promptly shall file a report in a record with the court.  
9 Unless otherwise directed by the court, the report must contain:

10 (a) A description of the nature, type, and extent of the  
11 respondent's cognitive and functional abilities and limitations;

12 (b) An evaluation of the respondent's mental and physical  
13 condition and, if appropriate, educational potential, adaptive  
14 behavior, and social skills;

15 (c) A prognosis for improvement, including with regard to the  
16 ability to manage the respondent's property and financial affairs if  
17 a limitation in that ability is alleged, and recommendation for the  
18 appropriate treatment, support, or habilitation plan; and

19 (d) The date of the examination on which the report is based.

20 (3) The respondent may decline to participate in an evaluation  
21 ordered under subsection (1) of this section.

22 NEW SECTION. **Sec. 509.** ATTENDANCE AND RIGHTS AT HEARING. (1)

23 Except as otherwise provided in subsection (2) of this section, a  
24 hearing under this article may not proceed unless the respondent  
25 attends the hearing. If it is not reasonably feasible for the  
26 respondent to attend a hearing at the location court proceedings  
27 typically are held, the court shall make reasonable efforts to hold  
28 the hearing at an alternative location convenient to the respondent  
29 or allow the respondent to attend the hearing using real-time audio-  
30 visual technology.

31 (2) A hearing under this article may proceed without the  
32 respondent in attendance if the court finds by clear and convincing  
33 evidence that:

34 (a) The respondent consistently and repeatedly has refused to  
35 attend the hearing after having been fully informed of the right to  
36 attend and the potential consequences of failing to do so;

37 (b) There is no practicable way for the respondent to attend and  
38 participate in the hearing even with appropriate supportive services  
39 and technological assistance; or

1 (c) The respondent is a minor who has received proper notice and  
2 attendance would be harmful to the minor.

3 (3) The respondent may be assisted in a hearing under this  
4 article by a person or persons of the respondent's choosing,  
5 assistive technology, or an interpreter or translator, or a  
6 combination of these supports. If assistance would facilitate the  
7 respondent's participation in the hearing, but is not otherwise  
8 available to the respondent, the court shall make reasonable efforts  
9 to provide it.

10 (4) The respondent has a right to choose an attorney to represent  
11 the respondent at a hearing under this article.

12 (5) At a hearing under this article, the respondent may:

13 (a) Present evidence and subpoena witnesses and documents;

14 (b) Examine witnesses, including any court-appointed evaluator  
15 and the visitor; and

16 (c) Otherwise participate in the hearing.

17 (6) A hearing under this article must be closed on request of the  
18 respondent and a showing of good cause.

19 (7) Any person may request to participate in a hearing under this  
20 article. The court may grant the request, with or without a hearing,  
21 on determining that the best interests of the respondent will be  
22 served. The court may impose appropriate conditions on the person's  
23 participation.

24 NEW SECTION. **Sec. 510.** NOTICE OF ORDER. The court shall give  
25 notice of an order under this article to the individual who is  
26 subject to the protective arrangement instead of guardianship or  
27 conservatorship, a person whose access to the individual is  
28 restricted by the order, and any other person the court determines.

29 NEW SECTION. **Sec. 511.** CONFIDENTIALITY OF RECORDS. (1) The  
30 existence of a proceeding for or the existence of a protective  
31 arrangement instead of guardianship or conservatorship is a matter of  
32 public record unless the court seals the record after:

33 (a) The respondent, the individual subject to the protective  
34 arrangement, or the parent of a minor subject to the protective  
35 arrangement requests the record be sealed; and

36 (b) Either:

37 (i) The proceeding is dismissed;

38 (ii) The protective arrangement is no longer in effect; or

1 (iii) An act authorized by the order granting the protective  
2 arrangement has been completed.

3 (2) A respondent, an individual subject to a protective  
4 arrangement instead of guardianship or conservatorship, an attorney  
5 designated by the respondent or individual, a parent of a minor  
6 subject to a protective arrangement, and any other person the court  
7 determines are entitled to access court records of the proceeding and  
8 resulting protective arrangement. A person not otherwise entitled  
9 access to court records under this subsection for good cause may  
10 petition the court for access. The court shall grant access if access  
11 is in the best interest of the respondent or individual subject to  
12 the protective arrangement or furthers the public interest and does  
13 not endanger the welfare or financial interests of the respondent or  
14 individual.

15 (3) A report of a visitor or professional evaluation generated in  
16 the course of a proceeding under this article must be sealed on  
17 filing but is available to:

18 (a) The court;

19 (b) The individual who is the subject of the report or  
20 evaluation, without limitation as to use;

21 (c) The petitioner, visitor, and petitioner's and respondent's  
22 attorneys, for purposes of the proceeding;

23 (d) Unless the court orders otherwise, an agent appointed under a  
24 power of attorney for finances in which the respondent is the  
25 principal;

26 (e) If the order is for a protective arrangement instead of  
27 guardianship and unless the court orders otherwise, an agent  
28 appointed under a power of attorney for health care in which the  
29 respondent is identified as the principal; and

30 (f) Any other person if it is in the public interest or for a  
31 purpose the court orders for good cause.

32 NEW SECTION. **Sec. 512.** APPOINTMENT OF COMMISSIONER. The court  
33 may appoint a commissioner to assist in implementing a protective  
34 arrangement under this article. The commissioner has the authority  
35 conferred by the order of appointment and serves until discharged by  
36 court order.

37 **ARTICLE 6**

38 **FORMS**



1 NEW SECTION. **Sec. 601.** USE OF FORMS. Unless otherwise provided  
2 in this chapter, use of the forms contained in this article is  
3 optional. Failure to use these forms does not prejudice any party.

4 NEW SECTION. **Sec. 602.** PETITION FOR GUARDIANSHIP FOR MINOR.  
5 This form may be used to petition for guardianship for a minor.

6 Petition for Guardianship for Minor

7 State of: . . . . .

8 County of: . . . . .

9 Name and address of attorney representing petitioner, if  
10 applicable: . . . . .

11 . . . . .

12 . . . . .

13 Note to petitioner: This form can be used to petition for a  
14 guardian for a minor. A court may appoint a guardian for a minor  
15 who does not have a guardian if the court finds the appointment  
16 is in the minor's best interest, and: The parents, after being  
17 fully informed of the nature and consequences of guardianship,  
18 consent; all parental rights have been terminated; or the court  
19 finds by clear and convincing evidence that the parents are  
20 unwilling or unable to exercise their parental rights.

21 (1) Information about the person filing this petition (the  
22 petitioner.)

23 (a) Name: . . . . .

24 (b) Principal residence: . . . . .

25 (c) Current street address (if different): . . . . .

26 (d) Relationship to minor: . . . . .

27 (e) Interest in this petition: . . . . .

28 (f) Telephone number (optional): . . . . .

29 (g) Email address (optional): . . . . .

30 (2) Information about the minor alleged to need a guardian.  
31 Provide the following information to the extent known.

32 (a) Name: . . . . .

33 (b) Age: . . . . .

34 (c) Principal residence: . . . . .

35 (d) Current street address (if different): . . . . .

36 (e) If petitioner anticipates the minor moving, or seeks to  
37 move the minor, proposed new address: . . . . .

1 (f) Does the minor need an interpreter, translator, or other  
2 form of support to communicate with the court or understand court  
3 proceedings? If so, please explain: . . . . .

4 (g) Telephone number (optional): . . . . .

5 (h) Email address (optional): . . . . .

6 (3) Information about the minor's parent(s).

7 (a) Name(s) of living parent(s): . . . . .

8 (b) Current street address(es) of living parent(s): . . . . .

9 (c) Does any parent need an interpreter, translator, or other  
10 form of support to communicate with the court or understand court  
11 proceedings? If so, please explain: . . . . .

12 . . . . .

13 . . . . .

14 (4) People who are required to be notified of this petition.  
15 State the name and current address of the people listed in  
16 Appendix A.

17 . . . . .

18 . . . . .

19 (5) Appointment requested. State the name and address of any  
20 proposed guardian and the reason the proposed guardian should be  
21 selected.

22 . . . . .

23 . . . . .

24 (6) State why petitioner seeks the appointment. Include a  
25 description of the nature and extent of the minor's alleged need.

26 . . . . .

27 . . . . .

28 (7) Property. If the minor has property other than personal  
29 effects, state the minor's property with an estimate of its  
30 value.

31 . . . . .

32 . . . . .

33 (8) Other proceedings. If there are any other proceedings  
34 concerning the care or custody of the minor currently pending in  
35 any court in this state or another jurisdiction, please describe  
36 them.

37 . . . . .

38 . . . . .

1 (9) Attorney(s). If the minor or the minor's parent is  
2 represented by an attorney in this matter, state the name,  
3 telephone number, email address, and address of the attorney(s).

4 . . . . .  
5 . . . . .

6 SIGNATURE

7 . . . . .  
8 Signature of Petitioner Date  
9 . . . . .  
10 Signature of Petitioner's Attorney if Date  
11 Petitioner is Represented by Counsel

12 APPENDIX A:

13 People whose name and address must be listed in subsection  
14 (4) of this petition if they are not the petitioner:

15 The minor, if the minor is twelve years of age or older;

16 Each parent of the minor or, if there are none, the adult  
17 nearest in kinship that can be found;

18 An adult with whom the minor resides;

19 Each person that had primary care or custody of the minor for  
20 at least sixty days during the two years immediately before the  
21 filing of the petition or for at least seven hundred thirty days  
22 during the five years immediately before the filing of the  
23 petition;

24 If the minor is twelve years of age or older, any person  
25 nominated as guardian by the minor;

26 Any person nominated as guardian by a parent of the minor;

27 The grandparents of the minor;

28 Adult siblings of the minor; and

29 Any current guardian or conservator for the minor appointed  
30 in this state or another jurisdiction.

31 NEW SECTION. **Sec. 603.** PETITION FOR GUARDIANSHIP,  
32 CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT. This form may be used to  
33 petition for:

34 Guardianship for an adult;

35 Conservatorship for an adult or minor;

36 A protective arrangement instead of guardianship for an  
37 adult; or

1 A protective arrangement instead of conservatorship for an  
2 adult or minor.

3 Petition for Guardianship, Conservatorship, or Protective  
4 Arrangement

5 State of: . . . . .

6 County of: . . . . .

7 Name and address of attorney representing petitioner, if  
8 applicable: . . . . .  
9 . . . . .  
10 . . . . .

11 Note to petitioner: This form can be used to petition for a  
12 guardian, conservator, or both, or for a protective arrangement  
13 instead of either a guardianship or conservatorship. This form  
14 should not be used to petition for guardianship for a minor.

15 The court may appoint a guardian or order a protective  
16 arrangement instead of guardianship for an adult if the adult  
17 lacks the ability to meet essential requirements for physical  
18 health, safety, or self-care because (1) the adult is unable to  
19 receive and evaluate information or make or communicate decisions  
20 even with the use of supportive services, technological  
21 assistance, and supported decision making, and (2) the adult's  
22 identified needs cannot be met by a less restrictive alternative.

23 The court may appoint a conservator or order a protective  
24 arrangement instead of conservatorship for an adult if (1) the  
25 adult is unable to manage property and financial affairs because  
26 of a limitation in the ability to receive and evaluate  
27 information or make or communicate decisions even with the use of  
28 supportive services, technological assistance, and supported  
29 decision making or the adult is missing, detained, or unable to  
30 return to the United States, and (2) appointment is necessary to  
31 avoid harm to the adult or significant dissipation of the  
32 property of the adult, or to obtain or provide funds or other  
33 property needed for the support, care, education, health, or  
34 welfare of the adult, or of an individual who is entitled to the  
35 adult's support, and protection is necessary or desirable to  
36 provide funds or other property for that purpose.

37 The court may appoint a conservator or order a protective  
38 arrangement instead of conservatorship for a minor if: (1) The  
39 minor owns funds or other property requiring management or  
40 protection that cannot otherwise be provided; or (2) it would be

1 in the minor's best interests, and the minor has or may have  
2 financial affairs that may be put at unreasonable risk or  
3 hindered because of the minor's age, or appointment is necessary  
4 or desirable to provide funds or other property needed for the  
5 support, care, education, health, or welfare of the minor.

6 The court may also order a protective arrangement instead of  
7 conservatorship that restricts access to an individual or an  
8 individual's property by a person that the court finds: (1)  
9 Through fraud, coercion, duress, or the use of deception and  
10 control, caused, or attempted to cause, an action that would have  
11 resulted in financial harm to the individual or the individual's  
12 property; and (2) poses a serious risk of substantial financial  
13 harm to the individual or the individual's property.

14 (1) Information about the person filing this petition (the  
15 petitioner.)

- 16 (a) Name: . . . . .
- 17 (b) Principal residence: . . . . .
- 18 (c) Current street address (if different): . . . . .
- 19 (d) Relationship to respondent: . . . . .
- 20 (e) Interest in this petition: . . . . .
- 21 (f) Telephone number (optional): . . . . .
- 22 (g) Email address (optional): . . . . .

23 (2) Information about the individual alleged to need  
24 protection (the "respondent"). Provide the following information  
25 to the extent known.

- 26 (a) Name: . . . . .
- 27 (b) Age: . . . . .
- 28 (c) Principal residence: . . . . .
- 29 (d) Current street address (if different): . . . . .
- 30 (e) If petitioner anticipates respondent moving, or seeks to  
31 move respondent, proposed new address: . . . . .
- 32 (f) Does respondent need an interpreter, translator, or other  
33 form of support to communicate with the court or understand court  
34 proceedings? If so, please explain: . . . . .  
35 . . . . .
- 36 (g) Telephone number (optional): . . . . .
- 37 (h) Email address (optional): . . . . .

38 (3) People who are required to be notified of this petition.  
39 State the name and address of the people listed in Appendix A.  
40 . . . . .

1 . . . . .  
2 (4) Existing agents. State the name and address of any person  
3 appointed as an agent under a power of attorney for finances or  
4 power of attorney for health care, or who has been appointed as  
5 the individual's representative for payment of benefits.

6 . . . . .  
7 . . . . .  
8 (5) Action requested. State whether petitioner is seeking  
9 appointment of a guardian, a conservator, or a protective  
10 arrangement instead of an appointment.

11 . . . . .  
12 . . . . .  
13 (6) Order requested or appointment requested. If seeking a  
14 protective arrangement instead of a guardianship or  
15 conservatorship, state the transaction or other action you want  
16 the court to order. If seeking appointment of a guardian or  
17 conservator, state the powers petitioner requests the court grant  
18 to a guardian or conservator.

19 . . . . .  
20 . . . . .  
21 (7) State why the appointment or protective arrangement  
22 sought is necessary. Include a description of the nature and  
23 extent of respondent's alleged need.

24 . . . . .  
25 . . . . .  
26 (8) State all less restrictive alternatives to meeting  
27 respondent's alleged need that have been considered or  
28 implemented. Less restrictive alternatives could include  
29 supported decision making, technological assistance, or the  
30 appointment of an agent by respondent including appointment under  
31 a power of attorney for health care or power of attorney for  
32 finances. If no alternative has been considered or implemented,  
33 state the reason why not.

34 . . . . .  
35 . . . . .  
36 (9) Explain why less restrictive alternatives will not meet  
37 respondent's alleged need.

38 . . . . .  
39 . . . . .

1 (10) Provide a general statement of respondent's property and  
2 an estimate of its value. Include any real property such as a  
3 house or land, insurance or pension, and the source and amount of  
4 any other anticipated income or receipts. As part of this  
5 statement, indicate, if known, how the property is titled (for  
6 example, is it jointly owned?).

7 . . . . .  
8 . . . . .

9 (11) For a petition seeking appointment of a conservator.  
10 (Skip this section if not asking for appointment of a  
11 conservator.)

12 (a) If seeking appointment of a conservator with all powers  
13 permissible under this state's law, explain why appointment of a  
14 conservator with fewer powers (i.e., a "limited conservatorship")  
15 or other protective arrangement instead of conservatorship will  
16 not meet the individual's alleged needs.

17 . . . . .  
18 . . . . .

19 (b) If seeking a limited conservatorship, state the property  
20 petitioner requests be placed under the conservator's control and  
21 any proposed limitation on the conservator's powers and duties.

22 . . . . .  
23 . . . . .

24 (c) State the name and address of any proposed conservator  
25 and the reason the proposed conservator should be selected.

26 . . . . .  
27 . . . . .

28 (d) If respondent is twelve years of age or older, state the  
29 name and address of any person respondent nominates as  
30 conservator.

31 . . . . .  
32 . . . . .

33 (e) If alleging a limitation in respondent's ability to  
34 receive and evaluate information, provide a brief description of  
35 the nature and extent of respondent's alleged limitation.

36 . . . . .  
37 . . . . .

38 (f) If alleging that respondent is missing, detained, or  
39 unable to return to the United States, state the relevant  
40 circumstances, including the time and nature of the disappearance

1 or detention and a description of any search or inquiry  
2 concerning respondent's whereabouts.

3 . . . . .  
4 . . . . .

5 (12) For a petition seeking appointment of a guardian. (Skip  
6 this section if not asking for appointment of a guardian.)

7 (a) If seeking appointment of a guardian with all powers  
8 permissible under this state's law, explain why appointment of a  
9 guardian with fewer powers (i.e., a "limited guardianship") or  
10 other protective arrangement instead of guardianship will not  
11 meet the individual's alleged needs.

12 . . . . .  
13 . . . . .

14 (b) If seeking a limited guardianship, state the powers  
15 petitioner requests be granted to the guardian.

16 . . . . .  
17 . . . . .

18 (c) State the name and address of any proposed guardian and  
19 the reason the proposed guardian should be selected.

20 . . . . .  
21 . . . . .

22 (d) State the name and address of any person nominated as  
23 guardian by respondent, or, in a will or other signed writing or  
24 other record, by respondent's parent or spouse or domestic  
25 partner.

26 . . . . .  
27 . . . . .

28 (13) Attorney. If petitioner, respondent, or, if respondent  
29 is a minor, respondent's parent is represented by an attorney in  
30 this matter, state the name, telephone number, email address, and  
31 address of the attorney(s).

32 . . . . .  
33 . . . . .

34 SIGNATURE

35 . . . . .  
36 Signature of Petitioner Date

37 . . . . .  
38 Signature of Petitioner's Attorney if Date  
39 Petitioner is Represented by Counsel



APPENDIX A:

People whose name and address must be listed in subsection (3) of this petition, if they are not the petitioner.

Respondent's spouse or domestic partner, or if respondent has none, any adult with whom respondent has shared household responsibilities in the past six months;

Respondent's adult children, or, if respondent has none, respondent's parents and adult siblings, or if respondent has none, one or more adults nearest in kinship to respondent who can be found with reasonable diligence;

Respondent's adult stepchildren whom respondent actively parented during the stepchildren's minor years and with whom respondent had an ongoing relationship within two years of this petition;

Any person responsible for the care or custody of respondent;

Any attorney currently representing respondent;

Any representative payee for respondent appointed by the social security administration;

Any current guardian or conservator for respondent appointed in this state or another jurisdiction;

Any trustee or custodian of a trust or custodianship of which respondent is a beneficiary;

Any veterans administration fiduciary for respondent;

Any person respondent has designated as agent under a power of attorney for finances;

Any person respondent has designated as agent under a power of attorney for health care;

Any person known to have routinely assisted the individual with decision making in the previous six months;

Any person respondent nominates as guardian or conservator; and

Any person nominated as guardian by respondent's parent or spouse or domestic partner in a will or other signed writing or other record.

NEW SECTION. **Sec. 604.** NOTIFICATION OF RIGHTS FOR ADULT SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. This form may be used to notify an adult subject to guardianship or conservatorship of the adult's rights under sections 311 and 412 of this act.

1 **Notification of Rights**

2 You are getting this notice because a guardian, conservator,  
3 or both have been appointed for you. It tells you about some  
4 important rights you have. It does not tell you about all your  
5 rights. If you have questions about your rights, you can ask an  
6 attorney or another person, including your guardian or  
7 conservator, to help you understand your rights.

8 **General rights:**

9 You have the right to exercise any right the court has not  
10 given to your guardian or conservator.

11 You also have the right to ask the court to:

12 End your guardianship, conservatorship, or both;

13 Increase or decrease the powers granted to your guardian,  
14 conservator, or both;

15 Make other changes that affect what your guardian or  
16 conservator can do or how they do it; and

17 Replace the person that was appointed with someone else.

18 You also have a right to hire an attorney to help you do any  
19 of these things.

20 **Additional rights for persons for whom a guardian has been**  
21 **appointed:**

22 As an adult subject to guardianship, you have a right to:

23 (1) Be involved in decisions affecting you, including  
24 decisions about your care, where you live, your activities, and  
25 your social interactions, to the extent reasonably feasible;

26 (2) Be involved in decisions about your health care to the  
27 extent reasonably feasible, and to have other people help you  
28 understand the risks and benefits of health care options;

29 (3) Be notified at least fourteen days in advance of a change  
30 in where you live or a permanent move to a nursing home, mental  
31 health facility, or other facility that places restrictions on  
32 your ability to leave or have visitors, unless the guardian has  
33 proposed this change in the guardian's plan or the court has  
34 expressly authorized it;

35 (4) Ask the court to prevent your guardian from changing  
36 where you live or selling or surrendering your primary dwelling  
37 by following the appropriate process for objecting to such a move  
38 in compliance with section 314(5) of this act;

1 (5) Vote and get married unless the court order appointing  
2 your guardian states that you cannot do so;

3 (6) Receive a copy of your guardian's report and your  
4 guardian's plan; and

5 (7) Communicate, visit, or interact with other people (this  
6 includes the right to have visitors, to make and receive  
7 telephone calls, personal mail, or electronic communications)  
8 unless:

9 (a) Your guardian has been authorized by the court by  
10 specific order to restrict these communications, visits, or  
11 interactions;

12 (b) A protective order is in effect that limits contact  
13 between you and other people; or

14 (c) Your guardian has good cause to believe the restriction  
15 is needed to protect you from significant physical,  
16 psychological, or financial harm and the restriction is for not  
17 more than seven business days if the person has a family or  
18 preexisting social relationship with you or not more than sixty  
19 days if the person does not have that kind of relationship with  
20 you.

21 **Additional rights for persons for whom a conservator has been**  
22 **appointed:**

23 As an adult subject to conservatorship, you have a right to:

24 Participate in decisions about how your property is managed  
25 to the extent feasible; and

26 Receive a copy of your conservator's inventory, report, and  
27 plan.

28 NEW SECTION. **Sec. 605.** LETTERS OF OFFICE. All letters of  
29 guardianship/conservatorship must be in the following form or a  
30 substantially similar form:

31 IN THE SUPERIOR COURT OF THE  
32 STATE OF WASHINGTON IN AND FOR THE  
33 COUNTY OF .....

34 IN THE MATTER OF THE Cause No. ....  
35 GUARDIANSHIP/  
36 CONSERVATORSHIP OF  
37 .....

1  
2 LETTERS OF  
3 GUARDIANSHIP/CONSERVATORSHIP  
4

5 Date letters expire .....

6 THESE LETTERS OF GUARDIANSHIP/CONSERVATORSHIP PROVIDE OFFICIAL VERIFICATION OF THE  
7 FOLLOWING:  
8

9 On the ..... day of ....., (year) .... the Court appointed .....to serve as:

- 10  
11  Guardian of the Person  Full  Limited  
12  Conservator of the Estate  Full  Limited  
13

14 for ....., in the above referenced matter.  
15

16 The Guardian/Conservator has fulfilled all legal requirements to serve including, but not limited to: Taking and filing  
17 the oath; filing any bond consistent with the court's order; filing any blocked account agreement consistent with the court's  
18 order; and appointing a resident agent for a nonresident guardian.  
19

20 The Court, having found the Guardian/Conservator duly qualified, now makes it known ..... is authorized as the  
21 Guardian for ..... designated in the Court's order as referenced above.  
22

23 The next filing and reporting deadline in this matter is on the ... day of ....., .....

24 THESE LETTERS ARE NO LONGER VALID ON .....

25 These letters can only be renewed by a new court order. If the court grants an extension, new letters will be issued.

26 This matter is before the Honorable ..... of Superior Court, the seal of the Court being affixed  
27 this .... day of .....

28  
29 State of Washington )

30 ) ss.

31 County of .....)  
32

1 I, . . . . ., Clerk of the Superior Court of said County and State, certify that this document represents true and correct  
2 Letters of Guardianship/Conservatorship in the above entitled case, entered upon the record on this . . . . . day  
3 of . . . . ., . . . . .

4  
5 These letters remain in full force and effect until the date of expiration set forth above.

6 The seal of Superior Court has been affixed and witnessed by my hand this . . . . . day of . . . . ., . . . . .

7  
8  
9 . . . . ., Clerk of Superior Court

10  
11 By . . . . ., Deputy

12  
13 . . . . .

14 (Signature of Deputy)

15 NEW SECTION. **Sec. 606.** GUARDIANSHIP/CONSERVATORSHIP SUMMARY.  
16 The guardianship/conservatorship summary shall be in or substantially  
17 similar form:

18 **GUARDIANSHIP/CONSERVATORSHIP SUMMARY**

19 Date Guardian/  
20 Conservator Appointed: . . . . .  
21 Due Date for Report and  
22 Accounting: . . . . .  
23 Date of Next Review: . . . . .  
24 Letters Expire On: . . . . .  
25 Bond Amount: \$. . . . .  
26 Restricted Account  
27 Agreements Required: . . . . .  
28 Due Date for Inventory, if  
29 applicable: . . . . .  
30 Due Date for Guardian's  
31 Plan, if applicable: . . . . .  
32

Person subject to                      Guardian/Conservator  
guardianship/  
conservatorship

Name:	Name:
Address:	Address:
Phone:	Phone:
Facsimile:	Facsimile:

Interested Parties	Address	Relation

**ARTICLE 7**

**MISCELLANEOUS PROVISIONS**

NEW SECTION.   **Sec. 701.**   REPEALS. The following acts or parts of acts are each repealed:

(1) RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2) RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3) RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4) RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5) RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

1 (6) RCW 11.88.040 (Notice and hearing, when required—Service—  
2 Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c  
3 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95  
4 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

5 (7) RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical  
6 report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995  
7 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, &  
8 1975 1st ex.s. c 95 s 7;

9 (8) RCW 11.88.080 (Guardians nominated by will or durable power  
10 of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, &  
11 1965 c 145 s 11.88.080;

12 (9) RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—  
13 Qualifications—Notice of and statement by guardian ad litem—Hearing  
14 and notice—Attorneys' fees and costs—Registry—Duties—Report—  
15 Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1,  
16 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977  
17 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

18 (10) RCW 11.88.093 (Ex parte communications—Removal) and 2000 c  
19 124 s 10;

20 (11) RCW 11.88.095 (Disposition of guardianship petition) and  
21 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

22 (12) RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

23 (13) RCW 11.88.100 (Oath and bond of guardian or limited  
24 guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977  
25 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

26 (14) RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s  
27 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

28 (15) RCW 11.88.107 (When bond not required) and 1990 c 122 s 12,  
29 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s  
30 11.88.107;

31 (16) RCW 11.88.110 (Law on executors' and administrators' bonds  
32 applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

33 (17) RCW 11.88.120 (Modification or termination of guardianship—  
34 Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c  
35 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c  
36 145 s 11.88.120;

37 (18) RCW 11.88.125 (Standby limited guardian or limited guardian)  
38 and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8,

1 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st  
2 ex.s. c 95 s 6;

3 (19) RCW 11.88.127 (Guardianship—Incapacitated person—Letters of  
4 guardianship) and 2011 c 329 s 6;

5 (20) RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990  
6 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

7 (21) RCW 11.88.140 (Termination of guardianship or limited  
8 guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9,  
9 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, &  
10 1965 c 145 s 11.88.140;

11 (22) RCW 11.88.150 (Administration of deceased incapacitated  
12 person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c  
13 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

14 (23) RCW 11.88.160 (Guardianships involving veterans) and 1990 c  
15 122 s 13;

16 (24) RCW 11.88.170 (Guardianship courthouse facilitator program)  
17 and 2015 c 295 s 1;

18 (25) RCW 11.88.900 (Construction—Chapter applicable to state  
19 registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

20 (26) RCW 11.92.010 (Guardians or limited guardians under court  
21 control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, &  
22 1965 c 145 s 11.92.010;

23 (27) RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c  
24 95 s 19, & 1965 c 145 s 11.92.035;

25 (28) RCW 11.92.040 (Duties of guardian or limited guardian in  
26 general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985  
27 c 30 s 9;

28 (29) RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c  
29 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

30 (30) RCW 11.92.050 (Intermediate accounts or reports—Hearing—  
31 Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st  
32 ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

33 (31) RCW 11.92.053 (Settlement of estate upon termination) and  
34 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s  
35 11.92.053;

36 (32) RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s  
37 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;



1 (33) RCW 11.92.060 (Guardian to represent incapacitated person—  
2 Compromise of claims—Service of process) and 1990 c 122 s 26, 1975  
3 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

4 (34) RCW 11.92.090 (Sale, exchange, lease, or mortgage of  
5 property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145  
6 s 11.92.090;

7 (35) RCW 11.92.096 (Guardian access to certain held assets) and  
8 1991 c 289 s 13;

9 (36) RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975  
10 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

11 (37) RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29,  
12 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

13 (38) RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8  
14 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s  
15 11.92.115;

16 (39) RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c  
17 95 s 28 & 1965 c 145 s 11.92.120;

18 (40) RCW 11.92.125 (Broker's fee and closing expenses—Sale,  
19 exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s  
20 15 & 1965 c 145 s 11.92.125;

21 (41) RCW 11.92.130 (Performance of contracts) and 1990 c 122 s  
22 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

23 (42) RCW 11.92.140 (Court authorization for actions regarding  
24 guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s  
25 32, 1990 c 122 s 32, & 1985 c 30 s 10;

26 (43) RCW 11.92.150 (Request for special notice of proceedings)  
27 and 1990 c 122 s 33 & 1985 c 30 s 11;

28 (44) RCW 11.92.160 (Citation for failure to file account or  
29 report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s  
30 11.92.160;

31 (45) RCW 11.92.170 (Removal of property of nonresident  
32 incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16,  
33 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

34 (46) RCW 11.92.180 (Compensation and expenses of guardian or  
35 limited guardian—Attorney's fees—Department of social and health  
36 services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994  
37 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33,  
38 & 1965 c 145 s 11.92.180;

1 (47) RCW 11.92.185 (Concealed or embezzled property) and 1990 c  
2 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

3 (48) RCW 11.92.190 (Detention of person in residential placement  
4 facility against will prohibited—Effect of court order—Service of  
5 notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c  
6 249 s 11, & 1977 ex.s. c 309 s 14; and

7 (49) RCW 11.92.195 (Incapacitated persons—Right to associate with  
8 persons of their choosing) and 2017 c 268 s 1.

9 NEW SECTION. **Sec. 702.** UNIFORMITY OF APPLICATION AND  
10 CONSTRUCTION. In applying and construing this uniform act,  
11 consideration must be given to the need to promote uniformity of the  
12 law with respect to its subject matter among states that enact it.

13 NEW SECTION. **Sec. 703.** RELATION TO ELECTRONIC SIGNATURES IN  
14 GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits, or  
15 supersedes the electronic signatures in global and national commerce  
16 act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or  
17 supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or  
18 authorize electronic delivery of any of the notices described in  
19 section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

20 NEW SECTION. **Sec. 704.** APPLICABILITY. This chapter applies to:

21 (1) A proceeding for appointment of a guardian or conservator or  
22 for a protective arrangement instead of guardianship or  
23 conservatorship commenced after the effective date of this section;  
24 and

25 (2) A guardianship, conservatorship, or protective arrangement  
26 instead of a guardianship or conservatorship in existence on the  
27 effective date of this section unless the court finds application of  
28 a particular provision of this act would substantially interfere with  
29 the effective conduct of the proceeding or prejudice the rights of a  
30 party, in which case the particular provision of this act does not  
31 apply and the superseded law applies.

32 NEW SECTION. **Sec. 705.** SEVERABILITY. If any provision of this  
33 act or its application to any person or circumstance is held invalid,  
34 the remainder of the act or the application of the provision to other  
35 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 706.**    Sections 101 through 606, 702 through  
2    704, and 707 of this act constitute a new chapter in Title 11 RCW.

3        NEW SECTION.    **Sec. 707.**    EFFECTIVE DATE. This act takes effect  
4    January 1, 2020.

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