

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE SUPERIOR COURT OF STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

In the Guardianship of: _____) Case No.:
)
) ORDER APPOINTING GUARDIAN
) AD LITEM AND NOTICE OF
) HEARING
) RCW 11.88.090
)
) (ORAPGL)
 An Alleged Incapacitated Person.)
) **(CLERK’S ACTION REQUIRED**
) **Paragraph 2.1,2.2,2.3)**
 _____)

FINDINGS OF FACT

The Court finds:

1.1 The facts set forth in the Petition include those necessary to give the Court jurisdiction over this matter.

1.2 Pursuant to RCW 11.88.090, a Guardian ad Litem should be appointed.

1.3[] The Guardian ad Litem should be the person whose name next appears on the King County Guardian ad Litem registry; or

1.4[] The Guardian ad Litem should not be the person whose name next appears on the registry because the Court finds extraordinary circumstances exist as follows:

_____.

1.5[] Payment of the filing fee, and the fees-costs of the Guardian ad Litem by Alleged Incapacitated Person would result in a substantial hardship upon such person because

_____.

1 **ORDER**

2 The Court orders:

3 2.1 [] The Clerk’s filing fee is waived

4 2.2 **The hearing on the Guardianship petition shall occur (*within 60 days of this hearing*):**

5 [] Date to be set by separate notice; OR

6 [] Date: _____ Hour: 10:30 AM

7 Depart Ex Parte and Probate

8 [] Room 1J, Maleng Regional Justice Center

9 401 4th Avenue North, Kent, WA 98030

10 [] Room W-325 King County Superior Courthouse

11 516 Third Avenue, Seattle, WA 98030

12 [] **Virtual Hearing**

13 **Important:**

14 Parties, participants, families, and attorneys must attend their hearings as indicated below, virtually, by video or telephone participation through Zoom:

15 DIRECT LINK: <https://kingcounty.zoom.us/j/95589486575>

16 TELEPHONE: +1 253 215 8782

17 VIRTUAL COURTROOM ID NUMBER (SUBJECT TO CHANGE):

18 **955 8948 6575**

19 *Please only attend by phone if you are unable to join online or by the app. If you are connecting by phone you will not be able to join the correct courtroom without assistance.*

20 *Please plan to call in to your hearing at least 15 minutes early to speak to someone.*

21 2.3 Guardian ad Litem:

22 _____ is found or known by the Court to be a suitable
23 disinterested person with the requisite knowledge, training or expertise, who is hereby
24 appointed as Guardian ad Litem for the above-named person. The address and/or
25 phone/fax/email for the Guardian ad Litem are:

26 _____.

1 [] The Guardian ad Litem shall be appointed at public expense, to be paid at a rate not to
2 exceed **\$70 per hour up to a maximum of \$700** without further, prior Court approval.

3 Should evidence hereafter be submitted showing that hardship did not exist or no longer
4 exists, the Court shall be reimbursed the filing fee and all other fees and costs.

5 [] The Guardian ad Litem shall be appointed at private expense. The Guardian ad Litem
6 shall be paid at a rate of **\$275 per hour OR their regular hourly rate if less up to a**
7 **maximum of \$2,750**, without further order from the court. These amounts may be increased
8 or modified only upon application to the court in advance of the Guardian ad Litem
9 providing further services. An application to increase the fee limits shall be presented upon
10 notice to all parties.

11 2.4 The Guardian ad Litem shall have the following duties as mandated by statute: (A) To
12 file within five days of receipt of Notice of Appointment, and serve all parties personally or
13 by certified mail with return receipt requested, his or her written statement of qualifications
14 required by RCW 11.88.090(3)(b), which shall include all information required by RCW
15 11.88.090(3)(b).

16 (B) To meet and consult with the Alleged Incapacitated Person as soon as practicable
17 following appointment and explain, in language which such person can reasonably be
18 expected to understand, the substance of the petition, the nature of the resultant proceedings,
19 the person's right to contest the petition, the identification of the proposed Guardian or
20 Limited Guardian, the right to a jury trial on the issue of his or her alleged incapacity, the
21 right to independent legal counsel as provided by RCW 11.88.045, and the right to be
22 present in court at the hearing on the petition;

23 (C) To determine whether mediation may be appropriate in the matter and if so, to bring a
24 motion before the court.

25 (D) To obtain a written report according to RCW 11.88.045 and such other written or oral
26 reports from other qualified professionals as are necessary to permit the Guardian ad Litem
to complete the report required by RCW 11.88.090 and to advise Alleged Incapacitated
Person of the identity of the health care professional selected by the Guardian ad Litem to
prepare the medical report. If Alleged Incapacitated Person opposes said health care
professional selected by the Guardian ad Litem , the Guardian ad Litem shall use the health

1 care professional selected by Alleged Incapacitated Person , but may obtain a supplemental
2 examination by a different physician or psychologist or advanced certified nurse
3 practitioner;

4 (E) Pursuant to 45 C.F.R. 164.514, all providers who are covered entities under HIPAA and
5 their business associates and upon verification of the authority of the Guardian ad Litem to
6 receive the required information, shall release to the Guardian ad Litem a copy of the
7 medical report required by RCW 11.88.045.

8 (F) To meet with the person whose appointment is sought as Guardian or Limited Guardian
9 and ascertain:

10 (i) The proposed Guardian's knowledge of the duties, requirements, and limitations
11 of a Guardian;

12 (ii) The steps the proposed Guardian intends to take or has taken to identify and meet
13 the needs of Alleged Incapacitated Person.

14 (G) To consult as necessary to complete the investigation and report required by RCW
15 11.88.090 with those known relatives, friends, or other persons the Guardian ad Litem
16 determines to have had a significant, continuing interest in the welfare of Alleged
17 Incapacitated Person:

18 (H)To investigate alternate arrangements made or which might be created, by or on behalf of
19 the Alleged Incapacitated Person, such revocable or irrevocable trusts, durable powers
20 attorney or blocked account; whether good cause exists for any such arrangements to be
21 discontinued; and why such arrangements should not be continued or created in lieu of a
22 Guardianship:

23 (I)To provide the Court with a written report which shall include the following:

24 (i) A description of the nature, cause and degree of incapacity, and the basis upon
25 which this judgment was made;

26 (ii) A description of the needs of the Incapacitated Person for care and treatment, the
probable residential requirements of the Alleged Incapacitated Person and the basis upon
which these findings were made;

(iii) An evaluation of the appropriateness of the Guardian or Limited Guardian whose
appointment is sought and a description of the steps the proposed Guardian has taken or

1 intends to take to identify and meet current and emerging needs of the Alleged
2 Incapacitated Person;

3 (iv) A description of any alternative arrangements previously made by the Alleged
4 Incapacitated Person or which could be made, and whether and to what extent such
5 alternatives should be used in lieu of a Guardianship, and if the Guardian ad Litem is
6 recommending discontinuation of any such arrangements, specific findings as to why
7 such arrangements are contrary to the best interest of the Alleged Incapacitated Person;

8 (v) A description of the abilities of the Alleged Incapacitated Person and a
9 recommendation as to whether a Guardian or Limited Guardian should be appointed. If
10 appointment of a Limited Guardian is recommended, the Guardian ad Litem shall
11 recommend the specific areas of authority the Limited Guardian should have and the
12 limitations and disabilities to be placed on the Alleged Incapacitated Person;

13 (vi) An evaluation of the Alleged Incapacitated Person's mental ability to rationally
14 exercise the right to vote and the basis upon which the evaluation is made;

15 (vii) Any expression of approval or disapproval made by the Alleged Incapacitated
16 Person concerning the proposed Guardian or Limited Guardian or Guardianship or
17 Limited Guardianship;

18 (viii) Identification of persons with significant interest in the welfare of the Alleged
19 Incapacitated Person who should be advised of their right to request special notice of
20 proceedings pursuant to RCW 11.92.150; and

21 (ix) Unless independent counsel has appeared for the Alleged Incapacitated Person,
22 an explanation of how the Alleged Incapacitated Person responded to the advice of the
23 right to jury trial, to independent counsel, and to present at the hearing on the petition.

24 (J) Within forty-five days after notice of commencement of the Guardianship proceeding
25 has been served upon the Guardian ad Litem, and at least fifteen days before the hearing on
26 the petition, unless an extension or reduction of time has been granted by the Court for good
cause, the Guardian ad Litem shall file a report and send a copy to the Alleged Incapacitated
Person and his or her counsel, spouse, all children not residing with a notified person, those
persons described in (I)(viii) of this subsection, and persons who have filed a request for
special notice pursuant to RCW 11.92.150. If the Guardian ad Litem needs additional time

1 to finalize his or her report, then the Guardian ad Litem shall petition the Court for a
2 postponement of the hearing or, with the consent of all other parties, an extension or
3 reduction of time for filing the report. If the hearing does not occur within sixty days of
4 filing the petition, then upon the two-month anniversary of filing the petition and on or
5 before the same day of each following month until the hearing, the Guardian ad Litem shall
6 file interim reports summarizing his or her activities on the proceeding during that time
7 period as well as fees and costs incurred.

7 (K) To advise the Court of the need for appointment of counsel for the Alleged
8 Incapacitated Person within five court days after the meeting described in (A) of this
9 subsection unless (i) counsel has appeared, (ii) the Alleged Incapacitated Person
10 affirmatively communicated a wish not to be represented by counsel after being advised of
11 the right to representation and of the conditions under which court-provided counsel may be
12 available, or (iii) the Alleged Incapacitated Person was unable to communicate at all on the
13 subject, and the Guardian ad Litem is satisfied that the Alleged Incapacitated Person does
14 not affirmatively desire to be represented by counsel.

14 (L) The Guardian ad Litem shall provide the Court with a working copy of the Guardian ad
15 Litem report pursuant to local rule or custom.

16 (M) The Guardian ad Litem shall have the authority, in the event that the Alleged
17 Incapacitated Person needs emergency life-saving medical services and is unable to consent
18 to such medical services due to incapacity pending the hearing on the Petition, to give
19 consent for such emergency lifesaving medical services on behalf of the Alleged
20 Incapacitated Person.

20 (N) At any time during the course of the Guardian ad Litem's appointment he/she may
21 petition the Court for additional instruction and authorization to undertake specific duties,
22 including but not limited to consent for medical treatment beyond which is provided in
23 paragraph (M) above.

24 (O) The Court also ORDERS:

25 _____
26 _____

1 DATED AND SIGNED IN OPEN COURT THIS __ DAY OF _____, 20__.

2
3 _____
Judge/Court Commissioner

4 Presented by:

5 _____
Signature

5 _____
Printed Name

6
7 _____
Address

7 _____
Telephone/Fax Number

8
9 _____
City, State, Zip Code

8 _____
Email Address

10
11 **IMPORTANT**

12 **Service of Petition and Notice.** Notice that a guardianship proceeding has been brought and
13 a copy of the petition *must be personally served* on the Alleged Incapacitated Person and the
14 Guardian ad Litem **within 5 court days after the petition has been filed.** Because the
15 GAL is a party to the case, it is improper for the GAL to personally serve the AIP with
16 notice of the proceeding or a copy of the petition. **The Court does not serve or notify the
Guardian ad Litem of their appointment.** This is the Petitioner’s responsibility.