

How to become a Legal Guardian

(of an adult who needs special help because of a physical or mental disability)

These instructions explain how to ask the Court to make you Guardian of an adult to handle that person's personal or financial matters.

There are some situations, such as a minor receiving a life-insurance payment, which require the appointment of a Guardian of a minor. This instruction is for these situations as well.

The instructions are **not** for certified professional guardians.

Talk to a lawyer, if you can.

These instructions are legal *information*, not legal *advice*. It's a good idea to talk to a lawyer before you file any forms. You can contact the King County Bar Association to ask for a referral. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court, and confirming this is the best legal action for your case. This will cost less than hiring a lawyer for your whole case.
- Ask the Family Law Facilitators' office for a list of low-cost and free legal resources for low-income people.

Step 1: Fill out these forms

Download forms at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Case Information Cover Sheet	none	general forms, third from top	<input type="checkbox"/>

Step 2: Fill out these forms

Download forms at:

<http://kingcounty.gov/courts/superior-court/ex-parte-probate/guardianship-forms.aspx>

Petition for Guardianship of Person and/or Estate	1		<input type="checkbox"/>
Order Appointing Guardian ad Litem and Notice of Hearing	2		<input type="checkbox"/>
Notice of Guardianship Petition	3		<input type="checkbox"/>
Declaration of Proposed Guardian-Non-Certified	7		<input type="checkbox"/>
Declaration of Completing Mandated Guardianship Training	none	See Step 3	<input type="checkbox"/>
Declaration of Service	4	See Step 6	<input type="checkbox"/>
Order Appointing Guardian of Person and/or Estate	5	Do not file, see Step 9	<input type="checkbox"/>
Oath of Guardian	6	Do not file, see Step 9	<input type="checkbox"/>

Step 3: Take the required Guardianship training.

You must complete one of the following:

Watch a 13-minute video called *Instructions for Guardians*,

or

Complete the online training called *Guardianship 101*.

Watch the video or take the training at:

<http://kingcounty.gov/courts/superior-court/ex-parte-probate/guardianship-forms.aspx>

If you prefer to see the video at a County Courthouse, call: 206-477-2553.

Step 4: If the person you want to be Guardian of has less than \$3,000 in assets...

You may ask the Court to allow you to file your court papers for free, and to appoint a Guardian ad Litem at public expense. Follow these steps:

- Go to the Clerk's Office. Give your original completed forms to the Clerk and tell the Clerk that you are asking for the fees to be waived.

- The Clerk will send you to an Ex Parte Commissioner, who will consider your request for a fee waiver. Give your completed forms from Step 1 and Step 2 to the Ex Parte courtroom clerk. The courtroom clerk will fill in the Guardian ad Litem information and the date of the next hearing in the *Order to Appointing Guardian ad Litem and Notice of Hearing*. If the Commissioner signs the order but does not waive the fees, you can still file your forms, but you must pay the fees.
- Go back to the Clerk's office. Make 4 or more copies of your completed forms. Then give all of your original forms to the Clerk for filing. Pay the filing fee, if necessary. You will be issued a case number which must be stamped or written on all your forms.



Why so many copies?

The original forms are for the Clerk, and...

- Copy 1 is for your records.
- Copy 2 is to serve the Guardian ad Litem.
- Copy 3 is to serve the person you want to be guardian for.
- Copy 4 will go to the judge/commissioner for your case.

The next hearing will take place on the date which was chosen in the Ex-Parte Courtroom and written in the *Order Appointing Guardian ad Litem and Notice of Hearing*, usually within 60 days.

Step 5: If the person has more than \$3,000 in assets...

- Go to the Clerk's Office. Pay the filing fee and give your original, completed forms (except for the *Order Appointing Guardian ad Litem and Notice of Hearing*) to the Clerk for filing. You will be issued a case number which must be stamped or written on all your forms.
- Pay the processing fee for your *Order Appointing Guardian ad Litem and Notice of Hearing*. Give the Clerk a copy of your *Petition for Guardianship* and the original and one copy of the completed *Order Appointing Guardian ad Litem and Notice of Hearing*. Complete the Ex-Parte via the Clerk cover sheet and select the method for picking up your copy of the signed *Order Appointing Guardian ad Litem and Notice of Hearing*. The Clerk will present the order to the Commissioner on your behalf. The Ex Parte courtroom clerk will fill in the Guardian ad Litem information and the date of your next hearing. After the order has been signed, the Clerk will file the original and return the copy to you by the method you requested. Make at least 4 copies of the form **after** it is signed.

The next hearing will take place on the date which was chosen in the Ex-Parte Courtroom and written in the *Order Appointing Guardian ad Litem and Notice of Hearing*, usually within 60 days.

Step 6: The Guardian ad Litem and the person needing a guardian must be personally served.

You must have copies of your court forms served.

How to Serve

Someone 18 years old or older – **not you** – must serve (give) the Guardian ad Litem and the person needing a guardian copies of your court papers.

After serving, the server fills out a *Declaration of Service* form for each person served, then gives it to you. Keep a copy for your own records and file the originals with the Clerk.

Call the Guardian ad Litem *before* serving and ask for the best address to serve him/her your court papers.

Step 7: In some cases other people must be served, too.

If the person needing a guardian has any of the following people in his/her life, they must be served, too:

- Spouse
- Adults living in the same home
- Adult children not living in the same home
- Parents, if the person is under 18 years of age
- Other Guardians, full or limited.

Step 8: Deliver Copy 4 to the Ex Parte Court.

Deliver the 4th copy of all the forms to the Court. You must take or mail them to the Ex Parte Courtroom at least 14 business days before your hearing.

Copy the words below to a sheet of paper, then put that sheet on top of your stack of copies.

Working Papers

Attn: Ex Parte Department

Hearing (date): _____ (time): _____

Presented by (your name): _____

Step 9: Go to the Hearing.

You must go to the hearing. The date of the hearing is listed on the *Order Appointing Guardian ad Litem and Notice of Hearing*.

If your case number ends in SEA, your hearing is in Seattle at:

King County Courthouse, Room W-325
516 Third Avenue, Seattle, WA 98104

If your case number ends in KNT, your hearing is in Kent at:

Maleng Regional Justice Center, Room 1J
401 Fourth Ave., N., Kent, WA 98032

Take with you the original of your *Order Appointing Guardian of Person and/or Estate* and copies of all the other forms, including the *Declarations of Service*.

If the Commissioner signs the *Order Appointing Guardian of Person and/or Estate*, make a copy for your records, and take the original form to the Clerk's Office for filing.

The Clerk will charge you a small fee then give you a certified copy of *Letters of Guardianship*. This is your proof that you can make certain kinds of decisions for the incapacitated person.

Step 10: Within 90 Days of the Hearing...

You have 90 days after the Court signed the *Order Appointing Guardian of Person and/or Estate* to fill out and file the following forms.

These forms are available at:

<http://kingcounty.gov/courts/superior-court/ex-parte-probate/guardianship-forms.aspx>

Form Name	Form Number	Notes
Personal Care Plan	11	Only if you are Guardian of the Person
Guardianship Inventory	12	Only if you are Guardian of the Estate (finances)
Designation of Standby Guardian	13	

Keep a copy for your records.

Step 11: Guardian's Report

Your *Order Appointing Guardian of Person and/or Estate* lists reports you must submit for approval every one, two or three years. Your reporting period is also listed in the order. Read Instruction G-4 to know how to complete your report and submit it to the Court.