

Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

January 1, 2022

Practical Considerations

- ❖ **Court Visitor and Dwellings:** Court visitor shall under RCW 11.130.280 (5) (b) “Visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made. “ No statutory definition of dwelling. What is a “present” dwelling?

- ❖ **RCW 11.88.090:** Section (g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel. RCW 11.130 does not have an equivalent provision.

- ❖ **Timeframes in Emergency Guardianships and Conservatorships.** Note the shorter time frames in emergency guardianship or conservatorship proceedings.