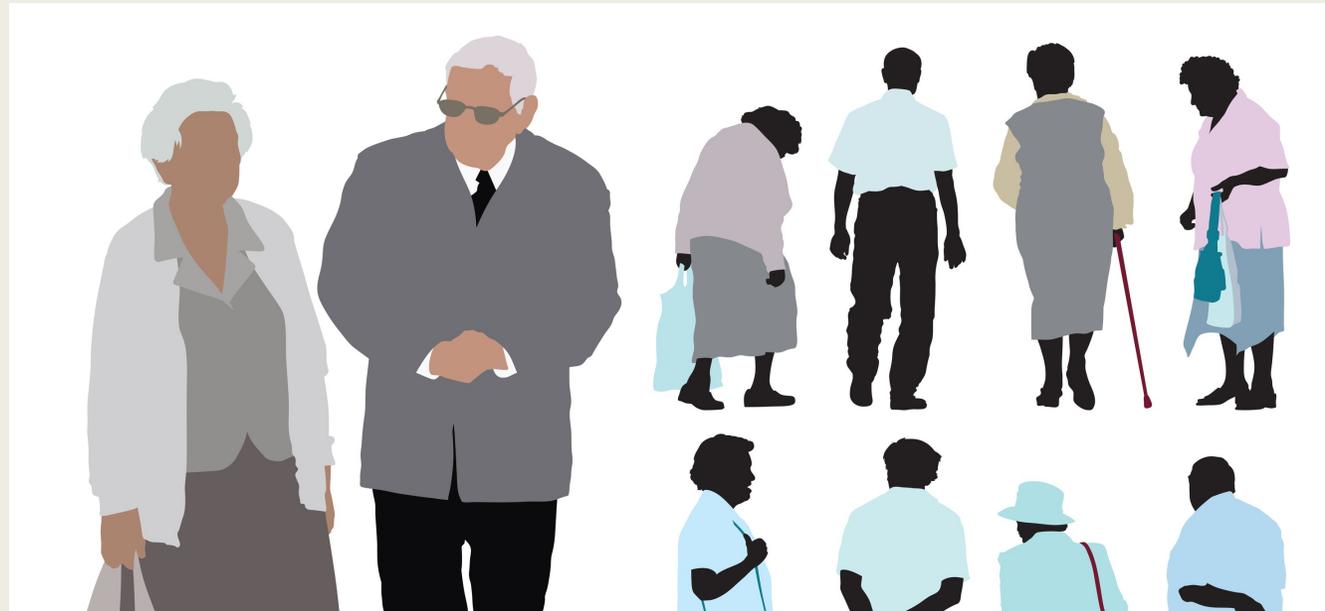


UNIFORM GUARDIANSHIP, CONSERVATORSHIP AND OTHER PROTECTIVE ARRANGEMENTS ACT

**Spokane County Superior Court
Title 11 GAL / Court Visitor
October 29, 2021**

An Introduction to the Court Visitor Role under RCW 11.130



***The following is provided for informational purposes only, and is not intended as legal advice

Today's presentation does not address Title 11 minor guardianship court visitors or GALs.

GALs and Court Visitors under the UGA



GALs are defined as “a person appointed to inform the court about, and to represent, the needs and best interests of a minor”

But see... RCW 11.130.075

Court Visitor and Visitor – are interchangeable terms.

"Court visitor" means the person appointed by the court pursuant to this chapter

"Visitor" means a court visitor”

Court Visitor Appointment

Adult Guardianships

- RCW 11.130.280 - Appointment and role of court visitor
- RCW 11.130.320 - Emergency guardian for adult
- RCW 11.130.345 - Guardian's report—Monitoring of guardianship

Conservatorships

- RCW 11.130.380 - Appointment and role of court visitor
- RCW 11.130.430 - Emergency conservator
- RCW 11.130.530 - Conservator's report and accounting—Monitoring

Court Visitor Appointment, continued

Protective Arrangements

- RCW 11.130.605 - Appointment and role of court visitor.

Grievance or Complaint

- RCW 11.130.140 Grievance or complaint against guardian or conservator

Registry Management

RCW 11.130.155

- ✓ Consistent rotation, except in extraordinary circumstances such as the need for particular expertise

See also,

RCW 11.130.280 (1)

- ✓ On receipt of a petition under RCW 11.130.270 for appointment of a guardian for an adult, the court shall appoint a court visitor. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(similar provisions in emergency guardianship, adult conservatorship, emergency conservatorship, and adult protective arrangements)

Upon Appointment

RCW 11.130.280 (3)(a) The court visitor appointed under subsection (1) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including....

- Within 5 days of appointment
- File statement with the court and serve respondent or counsel, petitioner or counsel, and interested party entitled to notice under RCW 11.130.080

**Note, RCW 11.130.080 allows a person interested in the welfare of the adult to file with the court a request for notice

Court Visitor Responsibilities in Adult Guardianship Proceedings RCW 11.130.280

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

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

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

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

Court Visitor Responsibilities in Adult Guardianship Proceedings RCW 11.130.280

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

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

(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;

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

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

Notice of Adult Petition Pattern Form Language

YOU AS THE RESPONDENT COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- to marry, divorce, or enter into or end a state registered domestic partnership;
- to vote or hold an elected office;
- to make or revoke a will;
- to make financial decisions about your own money;
- to enter into a contract;
- to appoint someone to act on your behalf;

Notice of Adult Petition Pattern Form Language

- to sue and/or be sued, other than through a guardian;
- to possess a license to drive;
- to buy, sell, own, mortgage, or lease property;
- to consent to or refuse medical treatment;
- to decide who shall provide your care and assistance;
- to make decisions regarding social aspects of your life.

Notice of Adult Petition Pattern Form Language

YOU HAVE THE FOLLOWING RIGHTS UNDER THE LAW:

1. You have the right to have a lawyer you choose at any stage of the proceedings. The court will appoint a lawyer at public expense you if you cannot afford one or if paying a lawyer would result in a significant hardship to you.
2. You have the right to demand a jury trial on the:
 - issue of whether the basis exists for appointment of a guardian or conservator; and
 - rights to be retained or restricted if a guardian or conservator is appointed.
3. You have the right to be present in court and testify when the hearing is held to decide whether or not you need a guardian or conservator. If a court visitor is appointed, you have the right to request the court to replace that person.
4. You have the right to ask the court to establish a protective arrangement instead of a guardianship or conservatorship.

If you have any questions about these rights or you want to exercise these rights, tell your court visitor, lawyer, or the judge.

Report Requirements

RCW 11.130.280 (6) A court visitor appointed under subsection (1) of this section shall **file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.080 at least fifteen days prior to the hearing on the petition** filed under RCW 11.130.270, which must include:.....

- Filed with the court
- Copies to respondent, petitioner and any interested party per 11.130.080
- At least 15 day before hearing

Report Components

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



Report Components

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

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

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

Report Components

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

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

(e) A statement whether the respondent declined a professional evaluation under RCW 11.130.290 and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

Report Components

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

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

(h) Any other matter the court directs

Basis for Appointment of Guardian for Adult RCW 11.130.265

- (i) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making;
- (ii) Appointment is necessary to prevent significant risk of harm to the adult respondent's physical health, safety, or self-care; and
- (iii) The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative.

Supported Decision Making Agreements

RCW 11.130.700-755

- ✓ Agreement between individual (with disabilities who needs assistance with decisions regarding daily living) and one or more “supporters” (person who assists the individual)
- ✓ Supporter assists with understanding, obtaining, communicating information for identified aspects of the individual’s life
- ✓ Non-judicial process

Requirements of Supported Decision Making Agreements under 11.130

- SDMA under the chapter must be in writing
- Requires two qualified witnesses or notary (see disqualified witnesses)
- General form in statute; agreement will be unique to the individual
- Either party may terminate (individual in writing, orally or by other means)
- Supporters may not be either: employer/employee or direct provider of paid support services to individual (unless immediate family member) or object of a protective order or civil or criminal order prohibiting contact
- Recipients of the agreement shall rely on the agreement, no liability if rely in good faith; must report RCW 74.34.020 vulnerable adult abuse, etc. to DSHS

Protective Arrangements under Article 5



- Findings regarding individual's abilities equivalent to findings to establish a protective arrangement
- Court ordered arrangement
- Limited as to time/task
- No right to jury trial with protective arrangements

Protective Arrangements – Statutory Examples

RCW 11.130.585

(2) If the court makes the findings under subsection (1) of this section, the court, instead of appointing a guardian, may:

(a) Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:

(i) A particular medical treatment or refusal of a particular medical treatment; or

(ii) Visitation or supervised visitation between the respondent and another person;

(b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; and

(c) Reorder other arrangements on a limited basis that are appropriate.

Protective Arrangements – Statutory Examples

RCW 11.130.585

(3) If the court makes the findings under subsection (1) or (2) of this section, the court, instead of appointing a conservator, may:

(a) Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:

(i) An action to establish eligibility for benefits;

(ii) Payment, delivery, deposit, or retention of funds or property;

(iii) Sale, mortgage, lease, or other transfer of property;

iv) Purchase of an annuity;

Protective Arrangements – Statutory Examples

- (v) Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training, or employment;
 - (vi) Addition to or establishment of a trust;
 - (vii) Ratification or invalidation of a contract, trust, will, or other transaction, including a transaction related to the property or business affairs of the respondent; or
 - (viii) Settlement of a claim; or
- (b) Restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm

Protective arrangements – restricting access - Compare

- ❖ **RCW 11.130.585 (2) (b) Basis for protective arrangement instead of guardianship for adult.** (2) If the court makes the findings under subsection (1) of this section, the court, instead of appointing a guardian, may:.. (b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm
- ❖ **RCW 11.130.590 (4) Basis for protective arrangement instead of conservatorship for adult or minor...** if to avoid harm to the adult or significant dissipation of the property of the adult...whether or not the court makes the findings under subsection (1) or (2).. court may issue an order to restrict access to the respondent or the respondent's property by a specified person that the court finds by clear and convincing evidence:

Protective arrangements – restricting access, con't.

- (a) Through fraud, coercion, duress, or the use of deception and control caused or attempted to cause an action that would have resulted in financial harm to the respondent or the respondent's property; and
- (b) Poses a serious risk of substantial financial harm to the respondent or the respondent's property.

Professional Evaluations

RCW 11.130.290

(2) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW **selected by the court visitor** who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. **If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional**

Professional Evaluations, Continued

(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

- (a) The professional's name, address, education, and experience;
- (b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;
- (c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;
- (d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan;
- (e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;
- (f) Identification or persons with whom the professional has met or spoken with regarding the respondent; and
- (g) The date of the examination on which the report is based.

Professional Evaluations, Continued

(4) If the respondent declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.275 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional.

Rights to Representation – RCW 11.130.285



(1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in guardianship proceedings

(b) Unless the respondent in a proceeding for appointment of a guardian for an adult is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

Rights to Representation, Continued

RCW 11.130.285



(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

Rights to Representation, Continued

RCW 11.130.285



(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

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

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

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

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

Attendance and Rights at Hearing

(1) Except as otherwise provided in subsection (2) of this section, a hearing under RCW 11.130.275 may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, **the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.**

Attendance and Rights at Hearing

(2) A hearing under RCW 11.130.275 may proceed without the respondent in attendance **if the court finds by clear and convincing evidence that:**

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

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

Attendance and Rights at Hearing

(3) The respondent may be assisted in a hearing under RCW 11.130.275 by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under RCW 11.130.275.

(5) At a hearing held under RCW 11.130.275, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

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

(c) Otherwise participate in the hearing.

Attendance at Hearing – Conservatorship and Protective Arrangement Proceedings

RCW 11.130.400 (2) A hearing under RCW 11.130.370 may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

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

RCW 11.130.620 (2) A hearing under this article may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

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

Guardian and Conservator Qualifications

RCW 11.130.090

- Age 21 generally (unless parent)
- Convicted of a crime involving dishonesty, neglect, or use of physical force or other crime relevant to the functions the individual would assume as guardian, but see exception
- Court may, upon consideration of the facts, find that a relative convicted of a crime is qualified to serve as a guardian or conservator

See also...required disclosures RCW 11.130.085

See also...priority list in RCW 11.130.305

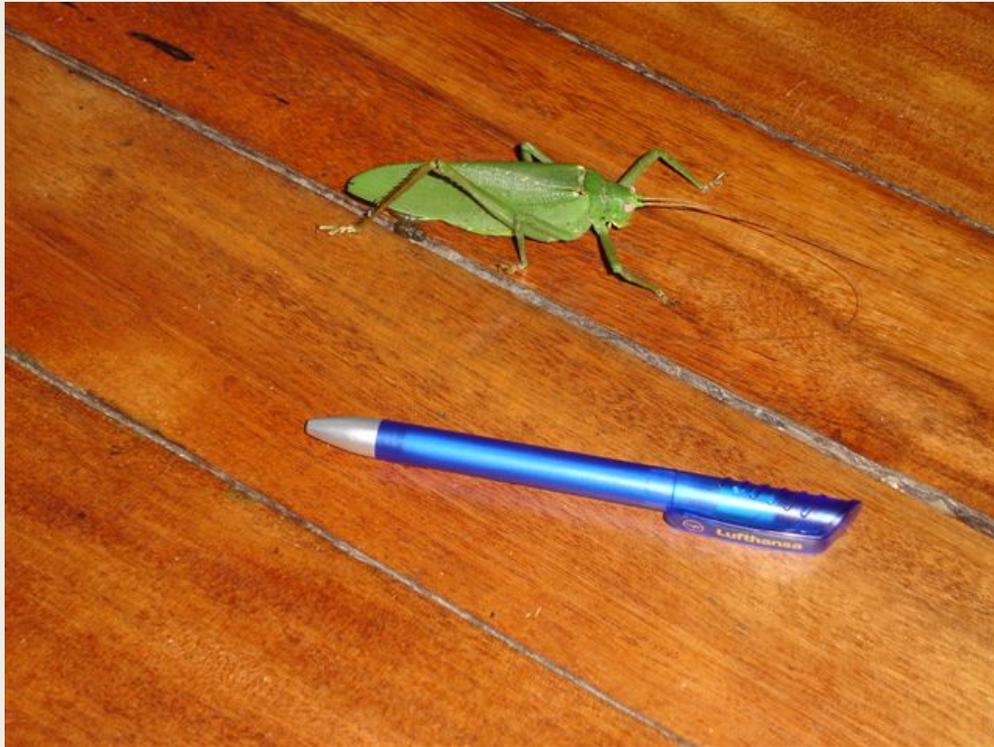
Filing a Report



(3) A report under RCW 11.130.280 of a visitor or a professional evaluation under RCW 11.130.290 is confidential and must be sealed on filing, but is available to:

- (a) The court;
- (b) The individual who is the subject of the report or evaluation, without limitation as to use;
- (c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;
- (d) Unless the court orders otherwise, an agent appointed under a power of attorney for health care or power of attorney for finances in which the respondent is the principal; and
- (e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

Court Visitor Reports in Conservatorship and Protective Arrangement Proceedings



Conservatorship -
RCW 11.130.410 (3)

Protective Arrangements -
RCW 11.130.630 (3)

Basis for Appointing a Conservator – Adult

RCW 11.130.360

- (i) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or
- (ii) The adult is missing, detained, or unable to return to the United States;
- (b) Appointment is necessary to:
 - (i) Avoid harm to the adult or significant dissipation of the property of the adult; or
 - (ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and
- (c) The adult's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives.

Basis for Appointing a Conservator – Minor

RCW 11.130.360

.....appointment of a conservator is in the minor's best interest, and:

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

(b) Either:

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

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

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

Emergency Guardianship

RCW 11.130.320 - Basis

(4).....court may appoint an emergency guardian for the adult if the court makes specific findings based on clear and convincing evidence that:

- (a) **An emergency exists such that** appointment of an emergency guardian **is likely to prevent substantial and irreparable harm to the adult's physical health, safety, or welfare;**
- (b) The **respondent's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative** instead of emergency guardianship;
- (c) **No other person appears to have authority and willingness to act** to address the respondent's identified needs caused by the emergency circumstances; and
- (d) There is **reason to believe that a basis for appointment of a guardian** under RCW 11.130.265 **exists.**

Court Visitor in Emergency Guardianship RCW 11.130.320 (11)

(11) On receipt of a petition for appointment of emergency guardian for an adult, the court shall appoint a court visitor. Notice of appointment of the court visitor must be served upon the court visitor **within two days of appointment**. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the emergency petition. The court, in the order appointing a court visitor, shall specify the hourly rate the [court] visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval.

Court Visitor in Emergency Guardianship

RCW 11.130.320 (11)

- ✓ (a) The court visitor shall within two days of service of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or the respondent's legal counsel, the petitioner or the petitioner's legal counsel, and any notice party with a statement including the court visitor's
- ✓ (b) A court visitor appointed under this section shall use due diligence to attempt to interview the respondent in person and, in a manner the respondent is best able to understand:

Court Visitor in Emergency Guardianship

RCW 11.130.320 (11)

- ✓ (i) Explain to the respondent the substance of the emergency petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the proposed specific powers and duties of the proposed guardian as stated in the emergency petition;
- ✓ (ii) Determine the respondent's views about the emergency appointment sought by the petitioner, including views about a proposed emergency guardian, the emergency guardian's proposed powers and duties, and the scope and duration of the proposed emergency guardianship; and
- ✓ (iii) Inform the respondent that all costs and expenses of the proceeding, including but not limited to the respondent's attorneys' fees, the appointed guardian's fees, and the appointed guardian's attorneys' fees, will be paid from the respondent's assets upon approval by the court.

Court Visitor in Emergency Guardianship

RCW 11.130.320 (11)

- (c) The court visitor appointed under this section shall:
- (i) Interview the petitioner and proposed emergency guardian;
 - (ii) Use due diligence to attempt to visit the respondent's present dwelling;
 - (iii) Use due diligence to attempt to obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and
 - (iv) Investigate the allegations in the emergency petition and any other matter relating to the emergency petition the court directs.
- (d) A court visitor appointed under this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any notice party at least seven days prior to the hearing on the emergency petition, which must include:

Court Visitor Report in Emergency Guardianship

RCW 11.130.320 (11) (d) (i-xii)

Summary of self-care and independent living tasks the respondent can manage..

.appropriateness of emergency guardianship.. detailed summary of the alleged emergency and the substantial and irreparable harm to the respondent's health, safety, welfare, or rights that is likely to be prevented.. Is emergency likely to require an extension beyond sixty days. .

powers to be granted to the emergency guardian and how the specific powers will address the alleged emergency and the respondent's alleged need.. A recommendation regarding the appropriateness of an ongoing guardianship for an adult, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available; qualifications of the proposed emergency guardian and whether the respondent approves or disapproves of the proposed emergency guardian and the reasons.. recommendation whether a professional evaluation under RCW 11.130.290 is necessary.. is respondent able to attend a hearing and participate... If as needed when the petition seeks emergency authority to change the respondent's place of dwelling, whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence; and any other matter the court directs.

Emergency Guardianship
RCW 11.130.320 (9)

(9) Immediately on filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding.

Except as otherwise provided in subsection (10) of this section, an order appointing an emergency guardian for the respondent may not be entered unless the respondent, the respondent's attorney, and the court visitor appointed under subsection (11) of this section have received a minimum of fourteen days' notice of the date, time, and place of a hearing on the petition.

Emergency Conservatorship – RCW 11.130.430

- (4) (a) An emergency exists such that appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;
- (b) The individual's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative instead of emergency conservatorship;
- (c) No other person appears to have authority and willingness to act to address the individual's identified needs caused by the emergency circumstances; and
- (d) There is reason to believe that a basis for appointment of a conservator under RCW 11.130.360 exists.



Duties and Powers of Guardians and Conservators

- **Guardians** – RCW 11.130.325 (Duties) and RCW 11.130.330 (Powers), RCW 11.130.335 (Special Limits on Powers)
- **Conservators** - RCW 11.130.505 (Duties) and RCW 11.130.435 (Powers requiring court approval) RCW 11.130.520 (Administrative powers not requiring court approval) and RCW 11.130.525 (Distribution from conservatorship estate)

-Emergency Guardianships and Conservatorships – only the authority granted

-Guardians may have limited financial powers and duties

-Residential placements

-Certain medical decisions

-Rights to association... notice of rights section and special limitations on guardian's power

Notice of Rights – Pattern Form Language 30 Day Notice Form

You have the right to:

- exercise any right the court has not given to your guardian or conservator;
- ask the court to end your guardianship, conservatorship, or both;
- ask the court to increase or decrease the powers granted to your guardian, conservator, or both;
- ask the court to make other changes that affect what your guardian and/or conservator can do or how they do it;
- ask the court to replace the person that was appointed with someone else; and
- hire an attorney to help you do any of these things.

Notice of Rights – Pattern Form Language 30 Day Notice Form

As an individual subject to guardianship, you have a right to:

- Be involved in decisions affecting you, including decisions about your care, where you live, your activities, and your social interactions, to the extent reasonably feasible;
- Be involved in decisions about your health care to the extent reasonably feasible, and to have other people help you understand the risks and benefits of health care options;
- Be notified at least fourteen days in advance of a change in where you live or a permanent move to a nursing home, mental health facility, or other facility that places restrictions on your ability to leave or have visitors, unless the guardian has proposed this change in the guardian's plan or the court has expressly authorized it;

Notice of Rights – Pattern Form Language 30 Day Notice Form

- Ask the court to prevent your guardian from changing where you live, selling, or surrendering your primary dwelling by following the appropriate process for objecting to such a move in compliance with RCW 11.130.330(5);
- Vote and get married unless the court order appointing your guardian states that you cannot do so;
- Receive a copy of your guardian's report and your guardian's plan; and
- Communicate, visit, or interact with other people (this includes the right to have visitors, to make and receive telephone calls, personal mail, or electronic communications) unless:

Notice of Rights – Pattern Form Language 30 Day Notice Form

- o Your guardian has been authorized by the court by specific order to restrict these communications, visits, or interactions;
- o A protective order is in effect that limits contact between you and other people;
or
- o Your guardian has good cause to believe the restriction is needed to protect you from significant physical, psychological, or financial harm and the restriction is for not more than seven business days if the person has a relative or preexisting social relationship with you or not more than sixty days if the person does not have that kind of relationship with you.

Notice of Rights – Pattern Form Language 30 Day Notice Form

As an individual subject to conservatorship, you have a right to:

- Participate in decisions about how your property is managed to the extent feasible; and
- Receive a copy of your conservator's inventory, report, and plan.

If your guardian/conservator is violating one of your rights; file a complaint in the case number listed at the top of this notice.

Grievances and Complaints

RCW 11.130.140

(1) An individual who is subject to guardianship or conservatorship, or person interested in the welfare of an individual subject to guardianship or conservatorship, that reasonably believes the guardian or conservator is breaching the guardian's or conservator's fiduciary duty or otherwise acting in a manner inconsistent with this chapter may file a grievance in a record with the court.

(2)(a) An unrepresented person or entity may submit a complaint to the court. Complaints must be addressed to one of the following designees of the court: The clerk of the court having jurisdiction in the guardianship, the court administrator, or the guardianship monitoring program, and must identify the complainant and the person who is the subject of the guardianship or conservatorship. The complaint must also provide the complainant's address, the case number (if available), and the address of the person subject to a guardianship or conservatorship (if available). The complaint must state facts to support the claim.

THANKS FOR YOUR TIME AND ATTENTION!

