(Copy Receipt) (Clerk's Date Stamp)

SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE	
In the Guardianship of: _____ An Alleged Incapacitated Person	CASE NO. _____ ORDER APPOINTING GUARDIAN AD LITEM AND NOTICE OF HEARING RCW 11.88.090 Clerks Action Required

I. FINDINGS OF FACT

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

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

3. ☐ The Guardian ad Litem should be the person whose name next appears on the Spokane County Guardian ad Litem registry; or

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:_____

_____

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 _____

_____.

II.

ORDER

The Court orders:

☐ The Clerk's filing fee is waived.

☐ The Guardian ad Litem shall be appointed at public expense, to be paid by Spokane County at a rate not to exceed $60.00 per hour up to a maximum of $900.00 without further, prior Court approval. Should evidence hereafter be submitted showing that hardship did not exist or no longer exists, the Court shall be reimbursed the filing fee and all other fees and costs.

☐ The Guardian ad Litem shall be appointed at private expense. The Guardian ad Litem shall be paid at a rate of $_____ per hour.

The hearing on the Guardianship petition shall occur:

☐ Date to be set by separate notice; OR

☐ Date: _____ Hour: _____

Department: _____

Address: _____

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

The Guardian ad Litem shall have the following duties as mandated by statute:

(a) To file within five days of receipt of Notice of Appointment, and serve all parties personally or by certified mail with return receipt requested, his or her written statement required by RCW 11.88.090(3)(b), which shall include: his or her history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if appointed at private expense; whether the Guardian ad Litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest.

(b) To meet and consult with the Alleged Incapacitated Person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's

right to contest the petition, the identification of the proposed Guardian or Limited Guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(c) To obtain a written report according to RCW 11.88.045; and such other written or oral 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 care professional selected by Alleged Incapacitated Person , but may obtain a supplemental examination by a different physician or psychologist;

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

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

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

(iii) Ensure the proposed professional guardian's Statement of Fees is filed.

(e) To consult as necessary to complete the investigation and report by this section with those known relatives, friends, or other persons the Guardian ad Litem determines to have had a significant, continuing interest in the welfare of Alleged Incapacitated Person:

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

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

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

(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 intends to take to identify and meet current and emerging needs of the Incapacitated Person;

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

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

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

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

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

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

(h) Within forty-five days after notice of commencement of the Guardianship proceeding has been served upon the Guardian ad Litem, and at least fifteen days before the hearing on 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 (g)(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 to finalize his or her report, then the Guardian ad Litem shall petition the Court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the Guardian ad Litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred.

(i) 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.

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

(k) The Guardian ad Litem shall have access to <u>all</u> information regarding the Alleged Incapacitated Person. Such information may contain, but is not limited to the following: medical, psychiatric/psychological, financial records or documentation, matters of legal representation of the Alleged Incapacitated Person, and trust accounts for or on behalf of the

Alleged Incapacitated Person. By this Order, copies of information regarding the Alleged Incapacitated Person shall be released to the Guardian ad Litem.

The Guardian ad Litem shall maintain any information as confidential and shall not disclose said information except in oral or written reports to the court, the parties and their counsel.

The Guardian Ad Litem shall simultaneously file, with the clerk of court, a written report with a Sealed Confidential Reports (Cover Sheet) attached and Public Document Summary pursuant to GR 22(e)(2)(A) and (B). The sealed Guardian Ad Litem report may not be placed in the court file or used as an attachment or exhibit to any other document except under seal. GR 22(e)(3).

(l) The Guardian ad Litem shall have access to the APS and CPS file and social report, provided that APS shall not be required to release the identities of persons making reports under RCW 74.34 et.seq., and shall have the right to reserve other privileged or confidential information as it deems appropriate to protect the Alleged Incapacitated Person. Any APS records released to the Guardian ad Litem are provided for the purpose of assisting the Guardian ad Litem in his/her investigation and report to the Court. The records released to the Guardian ad Litem shall be used in the guardianship proceedings, and shall not be further disseminated without a court order and prior notice to the Attorney General's Office.

The Court also ORDERS:

_____

_____

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

_____
Judge/Court Commissioner

Presented by:

Signature of Petitioner/Attorney	Printed Name of Petitioner/Attorney, WSBA/CPG#
Address	City, State, Zip Code
*Telephone/Fax Number	Email Address

<u>*Under GR 22 (b) (6), parties' personal telephone number(s) are confidential information. If you do not want your personal phone number(s) on this public form, complete form #S2-Sealed Confidential Information and file in the confidential file.</u>