

Superior Court of Washington
County of _____

In the Guardianship of:

Incapacitated Person

No. _____

**Order on a Guardianship Complaint
or Motion under RCW 11.88.120
(ORGCMT, ORDYMT)**

- Order Terminating Guardianship –
Capacity Returns – (ORTGC)**
 **Order Terminating Guardianship –
IP Death – (ORTGD)**

Clerk’s Action Required: para 2.1, 2.4,
2.7, 2.8, 2.9

Basis

_____ (name), submitted a complaint or filed a motion to the court to:

- Modify the guardianship.
 Terminate the guardianship.
 Replace the guardian.
 Modify the guardian’s authority.
 Other: _____.

Findings

The court reviewed the complaint or motion and the relevant court records, and finds that:

1.1 Notice under RCW 11.88.120(1).

- Notice to the incapacitated person was not required under RCW 11.88.120(1).
 Notice to the incapacitated person was required because this was a hearing to modify or terminate a guardianship. The incapacitated person was was not given reasonable notice of the hearing and of the right to be represented at the hearing by counsel of his or her own choosing.

1.2 This order is being entered as a result of a guardianship complaint motion.

A. Findings for Guardianship Complaint. The court was presented with a complaint under RCW 11.88.120(2)(a) (complaints by self-represented parties or entity) or RCW 11.88.120(5) (grievances presented by certified professional guardianship board).

The court finds good cause to:

- Set a show cause hearing directing the guardian to appear and respond to the complaint.
- Appoint a guardian ad litem to:
 - Investigate the issues raised by the complaint.
 - Take emergency action the court deems necessary to protect the incapacitated person until a hearing may be held.
- Dismiss the complaint without a hearing, because it appears to the court that the complaint is:
 - Without merit on its face.
 - Is filed in other than good faith.
 - Is filed for an improper purpose.
 - Regards issues that have already been decided by the court.
 - Is frivolous.

Facts to support these findings:

- Direct the guardian to provide the court with a written report on the issues raised in the complaint.
- Defer consideration of the complaint until the next regularly scheduled hearing, which is within three months. There is no indication that the incapacitated person will suffer physical, emotional, financial or other harm if the court defers to the next hearing.
- Order other action in addition to one or more of the actions listed above:

- This complaint was made without justification, to harass or delay, or with malice or other bad faith.

B. Findings for Motion. This is a motion presented under RCW 11.88.120(1).

1. The court finds it is in the best interest of the incapacitated person to enter the orders below.
2. Factual basis for findings:

1.3 Emergency action is necessary based on the following facts:

Order

The court orders the following action:

2.1 The guardianship is terminated because the incapacitated person [] is no longer incapacitated [] is dead [] or _____.

The guardian shall file a final report within 90 days of this order. The guardian is not discharged until the court approves the final report.

The guardian has filed a final report, and this court has entered a separate Order Closing Guardianship and Discharging Guardian.

2.2. The guardianship is modified in the following manner:

2.3 The guardian's authority is modified in the following manner:

2.4 (Name of guardian) _____ shall file a written report on the issues raised in the complaint or motion by _____ (a date at least 14 days after this order is entered).

2.5 The court takes the following action in a **separate order/s**:

- Appointment of a successor guardian
- Scheduling a show cause hearing.
- Appointment of a guardian ad litem (GAL), to investigate the issues raised by the complaint or motion.

The GAL shall take the following emergency action:

2.6 The court dismisses the motion or complaint without a hearing.

2.7 _____ (name) is ordered to pay sanctions in the amount of \$_____ payable to _____ (name, or court registry). Proof of such payment shall be filed by _____ (date).

2.8 **Notice**

- Future hearings on modification or termination.** This motion or complaint involves modification or termination of a guardianship. Therefore, _____ (name) shall provide reasonable notice to the incapacitated person of future hearings and of the incapacitated person's right to be represented at the hearing by counsel of his or her own choosing.
- Certified Professional Guardianship Board.** The court clerk shall send a copy of this order to the Certified Professional Guardianship Board because this complaint involved a certified professional guardian.
- Service of this order.** _____ (name) shall mail a copy of this order to the complainant, and all persons entitled to receive notice of proceedings in this matter.

Dated: _____

Superior Court Judge / Commissioner

Presented by:

Signature of complainant, party or attorney

Signature of complainant, party or attorney

Print name WSBA

Print name WSBA