

Instructor Guide

Uniform Guardianship Act Training for Adults

Washington State Superior Courts,
Court Visitors and Training Providers



Department of Social and Health Services
Aging and Long-Term Support Administration

2024 DRAFT

This curriculum was developed from feedback and input gathered from a combination of historical resources, stakeholders, advisory members and subject matter experts listed below.

The materials and/or forms included within this publication are for use by Washington State Title 11 Court Visitors and Guardians ad Litem, Superior Courts, and Training Providers as a guide. DSHS nor any contributor(s) make express or implied warranties regarding the accuracy, timeliness or reliability of statements, forms, articles or other materials contained herein. Court visitors, guardians' ad litem, legal professionals and lay persons must depend on their own legal knowledge, research and expertise when referring to or utilizing any information contained herein. Any views or conclusions expressed herein are not necessarily those of DSHS, the Superior Court, or individuals listed below. Please note that all suggestions for improvement of this handbook are highly encouraged. If you have any comments, questions, or feedback for this curriculum, please contact DSHS\ALTS\HCS TCDU Training Developer at TCDUTrngDev1@dshs.wa.gov.

If you need legal advice, please seek a qualified attorney.

Please note that this training may be adapted to meet county specific procedures and requirements. Ask your trainer or local county courts for specific forms that are available, recommended or required. Each county in Washington may vary and have specific tools available to you. It is your responsibility to become familiar with these tools.

Credits

Special recognition to Miriam J. Ayoub and Sage Graves Slugić, in rewriting the KCBA GAL manual in 2023 to adapt it to the RCW 11.130. It is only building on their effort, that this work of the 2023-2024 advisory committee was possible.

Curriculum Development

Angie Lea Regensburg, MAEd
Program Manager
Training Unit Specialty Curriculum &
QA Department of Social and Health
Services Aging and Long-Term
Support Administration

Stakeholders

Jennifer Forbes
Dawn Marie-Rubio
Samuel Chung
Rachelle Anderson
Christopher Stanley

2023-2024 Advisory Committee

Daniel Smerken
Lisa Malpass
Jennifer Harley
Kay King
Dale Cuilla
Allison Lee Muller
Candace Abbott
Karen Nakagawa
Lisa Rasmussen
Rachel Brooks
Rachelle Anderson
Christopher Fast
David Lord
Fona Sugg
Stacey Johnson

Supports

Aime Fink
Amanda Williamson
Bob Schroeter
Caroline Wood
Derek Jenkins
Geene DeLaplaine
Sarah Tremblay
Susan Engels
William Nichol

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Introduction to This Guide

This is your Instructor Guide for Court Visitors and Guardians Ad Litem Uniform Guardianship Act Training for Adults. This model program is for Washington State Superior Courts, guardians ad litem and training providers.

It is available to individuals who facilitate education and learning experiences for potential and existing court visitors and guardians ad litem. This instructor's guide contains space for each instructor to create a lesson plan that works best for their learner population and county.

Instructors are encouraged to enhance the information in this guide to support the learners understanding and to prepare them to support minors and families in Washington state. Enhancements might include relevant county specific information, specific forms or guidance, stories, experiences and resources.

Your Training Tools

Electronic Slide Presentation

Instructors for this course may choose to use the developed PowerPoint presentation as a cue for the information in the learner manual. The slide presentation may be modified by individual trainers with additional details, resources, experiences, expectations, video/media, etc. that would benefit the learner for their specific county. PowerPoint should only be used to enhance the learning experience and should not be the focal point. Always come prepared that technology sometimes does not work and be prepared to present without it if necessary.

Learner Manual

A manual has been developed from feedback and input gathered from a combination of historical resources, stakeholders, advisory members, and subject matter experts. Each learner should receive a copy of the learner manual in electronic or print format at the start of each class.

Manuals are available electronically online at <https://www.dshs.wa.gov/os/publications-library>.

Handouts

No separate handouts come with this curriculum package. The instructor is encouraged to provide additional handouts, links, or website resources relevant to their specific county.

Evaluation

A sample evaluation is available on page 7 of this guide. You may use this evaluation or create your own.

Evaluations help you to gather information from the learners to measure training effectiveness. The most difficult part of an evaluation may include graciously accepting valuable criticism. Evaluations should be given with encouragement to be honest and provide constructive feedback.

Competency Exam

Currently, there is no competency exam for this course. Each lesson has checkpoints included. Instructors may use the checkpoints to evaluate the learning objectives.

Facilitating the Course

Objective

Each lesson has learning objectives. Learning objectives state what the learner will be able to do after the lesson. Communicating objectives at the start of each lesson gives learners a clear expectation of what you expect from them in each section.

Presentation

The learner manual contains a lot of information. Avoid reading directly from the manual. Learn the material in advance of your first class and practice, practice, practice! Practice with the flow and making the presentation as natural and fluid as possible. Your comfort with the materials will increase with use. Use your own words while following the teaching sequence. The PowerPoint is a great tool to keep you on sequence. Presentation can be done by the learners themselves, by the instructor, or by prepared materials. Presentation should only account for 1/3 of your class time.

Application/Activities

Instructors are encouraged to create activities throughout the course to engage their learners and give them an opportunity to apply what they are learning. Instructors may create relevant scenarios for the learners to consider, and encourage discussions and problem solving. Have relevant county specific forms and tools available for learners to complete for practice.

Application and feedback should account for 2/3 of your time. We remember 90% of what we see, hear, say AND do.

Feedback

This is your opportunity to highlight and reinforce correct responses and to provide additional information as needed to achieve understanding. Feedback can be given before an activity, during an activity and after an activity. Application and feedback should account for 2/3 of your time.

County Specific



Instructors should be aware of county specific requirements for their learners, introduce these requirements and provide guidance on where to find relevant resources. The county specific slides within the presentation can be modified for your learner population.

Checkpoint



Each lesson ends with a checkpoint. Checkpoints should assess the learner on the learning objectives. Use each checkpoint to check for understanding from the learners. Checkpoints can be done individually, as a class or in small groups.

Schedule

Each instructor will determine length of each lesson based on learners attending class, additional information, resources and handouts covered during class time. Instructors may use this page to note their time in the column provided.

Topic	Time	Objectives
Course Introduction and Housekeeping		
Lesson 1		<ul style="list-style-type: none"> Define new terms under the Uniform Guardianship Act and Recognize roles, process and rights of the court visitor and respondent..
Lesson 2		<ul style="list-style-type: none"> Recognize the contents for statement of qualifications. Identify upon whom the CV must serve the statement of qualifications.
Lesson 3		<ul style="list-style-type: none"> Differentiate between what must and should be shared with the respondent. List common causes of impaired capacity when working with respondents.
Lesson 4		<ul style="list-style-type: none"> Identify key topics and issues that a professional evaluation must address. Recognize appropriate responsibilities of the CV in response to the evaluation.
Lesson 5		<ul style="list-style-type: none"> Recall requirements and responsibilities of CVs when conducting interviews and investigations. Recognize the importance of assessing the appropriateness of legal arrangements based on clear criteria.
Lesson 6		<ul style="list-style-type: none"> Identify the purpose and definitions within RCW 74.34 for vulnerable adults. Recognize the CV's role in protecting vulnerable adults.
Lesson 7		<ul style="list-style-type: none"> List alternatives to guardianship and conservatorship outlined within regulation. Identify power of attorney language and requirements.
Lesson 8		<ul style="list-style-type: none"> Recognize the actions required for the protection of sensitive information within reports. Compare considerations and deadlines for writing and filing reports.
Lesson 9		<ul style="list-style-type: none"> Identify a respondent's rights and the circumstances to counsel in guardianship, conservatorship or protective arrangement proceedings. Recognize the CVs duty regarding a respondent's rights for choice and refusal to counsel.
Lesson 10		<ul style="list-style-type: none"> Recall the requirements for respondent's attendance in a guardianship/ conservatorship proceeding. Identify communication criteria for CV cases.
Evaluation	10 min	

Course Evaluation Form

Workshop Information

Course Title: _____

Date: _____

Location: _____

Instructor: _____

Please respond honestly to each of the following questions, all feedback provided will be carefully considered in order to improve the quality of this training.

Your Comments

What was the most helpful part of the class?

What skills will you use/implement and how will you do that?

The trainer could improve the training by:

Workshop Feedback

Circle the number below that best describes the statement provided.

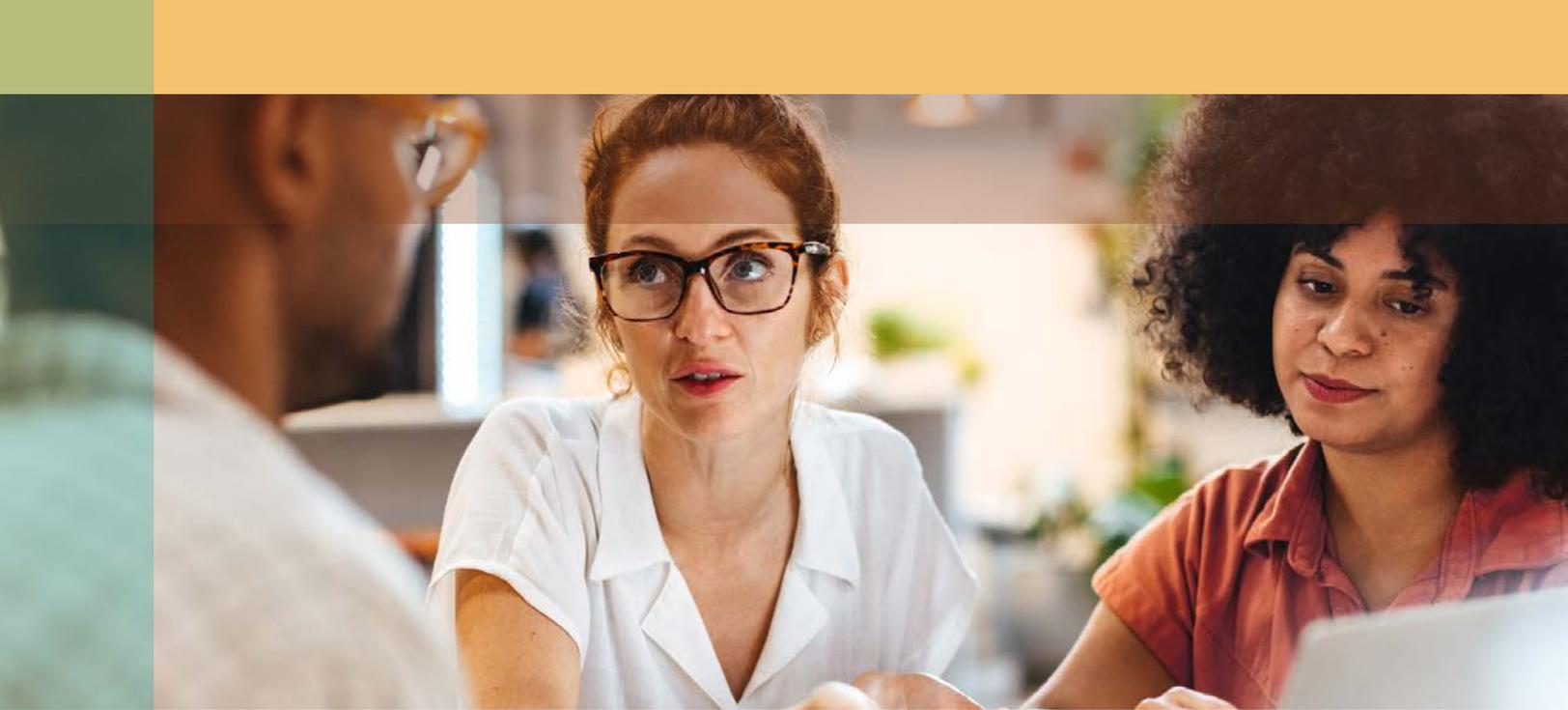
5 = Strongly Agree | 4 = Agree | 3 = Neutral | 2 = Disagree | 1 = Strongly Disagree

1. The training addressed the learning objectives.	5	4	3	2	1
2. The information presented was easy to understand.	5	4	3	2	1
3. The training taught me skills I need for my job or family interaction.	5	4	3	2	1
4. The training provided me with new tools (handouts, procedures, etc.) to improve my work.	5	4	3	2	1
5. The training materials and visual aids were helpful.	5	4	3	2	1
6. The activities were useful.	5	4	3	2	1
7. The setting was appropriate for the session.	5	4	3	2	1
8. The trainer was professional.	5	4	3	2	1
9. The trainer communicated skillfully and effectively.	5	4	3	2	1
10. The trainer was competent and able to answer questions.	5	4	3	2	1
11. The trainer was respectful.	5	4	3	2	1
12. The trainer was responsive to participants' needs and followed up on requests and concerns.	5	4	3	2	1
13. I would recommend this training to others.	5	4	3	2	1



Instructor Guide

Uniform Guardianship Act Training for Adults



CHAPTER 1: Overview and Due Process

Timing	Manual Pages	Slide Numbers
	7-17	4-16

Learning Objectives:

The learner will

- Define new terms under the Uniform Guardianship Act and
- Recognize roles, process and rights of the court visitor and respondent.

Lesson Content



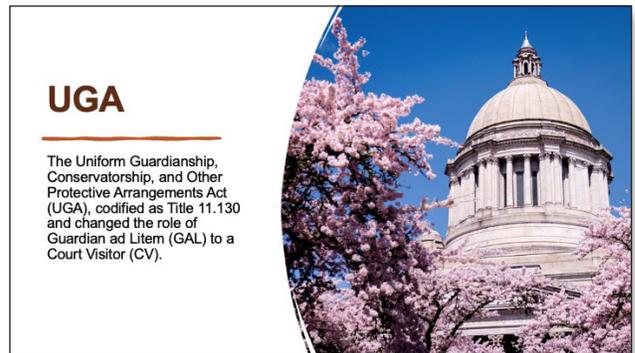
Slide 4



Slide 6



Slide 5



Slide 7

New Terms Under the UGA

Guardian

Conservator

Respondent

Adult Subject to Conservatorship

Adult Subject to Guardianship

Court Visitor

Slide 8



What is a Court Visitor?

Person appointed by the court to act as a neutral investigator and to report to the court on relevant matters.

Slide 9

Statutory Process

The intent of the UGA is to "protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person." (RCW 11.130.001)



Slide 10



CV's Role

- RCW 11.130.280 necessitates the appointment of a CV for a guardianship.
- RCW 11.120.380(2) also requires the appointment of a CV for a conservatorship of an adult.
- The role of the CV is governed by court rules.

Slide 11

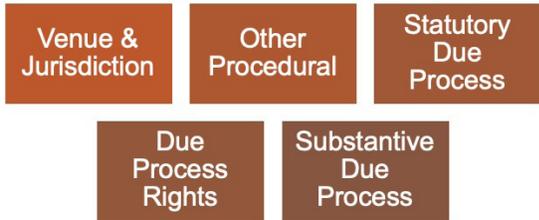
Role of the Attorney for Respondent

The attorney shall make reasonable efforts to ascertain the Respondent's wishes; advocate for the Respondent's wishes to the extent the attorney can ascertain them; and, if the attorney cannot ascertain the Respondent's wishes, advocate for the result that is the least restrictive consistent with the Respondent's interests.



Slide 12

Due Process Rights of Respondent



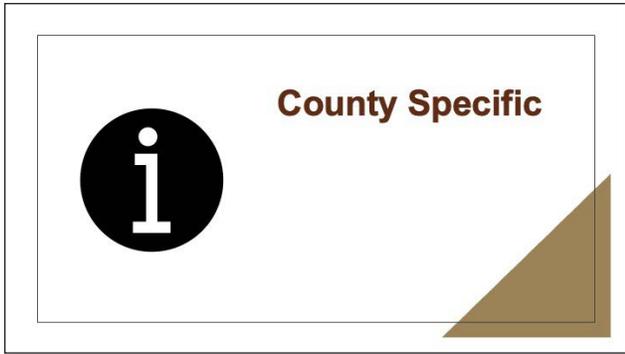
Slide 14

Alternatives

Recognize and appropriately deal with risks to the Respondent, but which least restricts that individual's liberty and autonomy.



Slide 13



Slide 15

County Specific



Slide 16

Checkpoint Answers

Chapter 1:

a, b, c, b, d, a, a, b

Lesson Resources

Washington State Legislature RCW Title 11, Chapter [11.130](#)
[GALR, General Responsibilities of Guardian Ad Litem](#)
[RCW 9.94A.030](#)



CHAPTER 2: Court Visitor / GAL and Statement of Qualifications

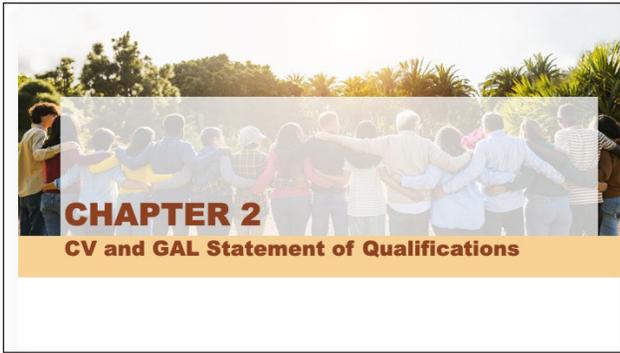
Timing	Manual Pages	Slide Numbers
	18-21	17-25

Learning Objectives:

The learner will

- Recognize the contents for statement of qualifications.
- Identify upon whom the CV must serve the statement of qualifications.

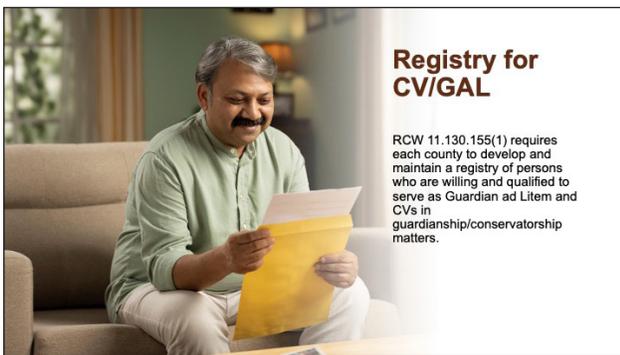
Lesson Content



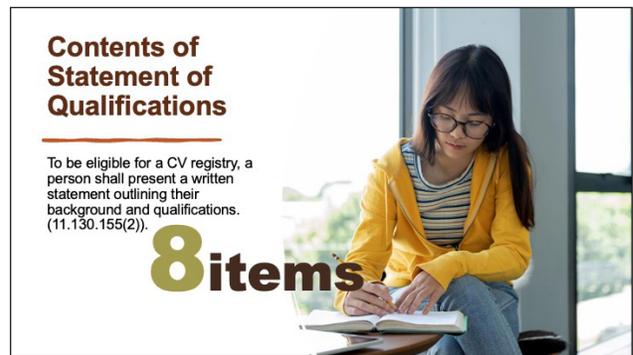
Slide 17



Slide 18



Slide 19



Slide 20

Service of Statement of Qualifications

Many CVs supplement their Statement of Qualifications with their resume or curriculum vitae, or a modified version thereof, when meeting the service requirement of RCW 11.130.260(3)(a) and RCW 11.130.360(4)(a).

Slide 21



Objection to CV after Service of Statement

Within three (3) days of CVs actual service or filing of Statement of Qualifications.

Slide 22



Local Court Rules

A CV should be familiar with local court rules.

Slide 23



Slide 24

County Specific



Slide 25

Checkpoint Answers

Chapter 2:

a, b, d

Lesson Resources

Washington State Legislature RCW Title 11, Chapter [11.130](#)

[RCW 9.94A.030](#)

[Washington State Court Rules](#)



CHAPTER 3: Interviewing the Respondent and Understanding Impairments

Timing	Manual Pages	Slide Numbers
	22-46	26-41

Learning Objectives:

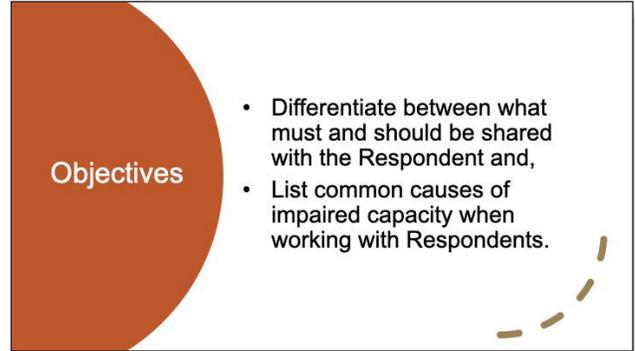
The learner will

- Differentiate between what must and should be shared with the respondent.
- List common causes of impaired capacity when working with respondents.

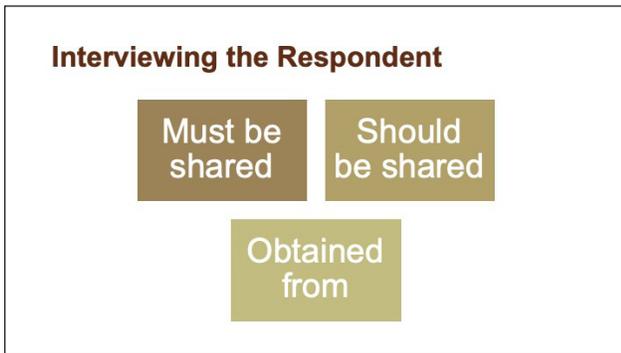
Lesson Content



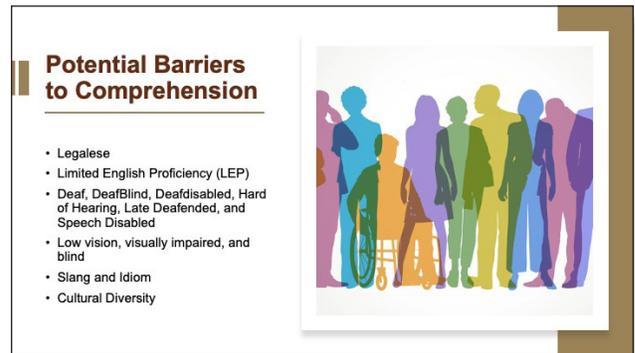
Slide 26



Slide 27



Slide 28



Slide 29

Ada



Age: 92
Gender: Female
Pronouns: She/her

Medical considerations:

- Severe hearing impairment
- Broken Hip
- Advanced dementia

Ada is the subject of a guardianship. She has gone from her home, where she lived alone, to a nursing home to recover from a broken hip. She is diagnosed with advanced dementia after a physician evaluated her and found her unresponsive and uncommunicative. She consistently ignored what she considered to be impertinent and insulting questions from someone she did not know.

The CV needs to be aware of the woman's hearing impairment and that the woman strongly values her privacy. The CV should be sensitive to the fact that effective communications will require formal introductions and loud, distinct communications or written communications. When the appropriate communication approach is achieved, it may be clear that her mental and intellectual capacities are intact.

Slide 30

Walter



Age: 80
Gender: Male
Pronouns: He/him

Medical considerations:

- Unknown

Walter is the subject of a guardianship/conservatorship petition. He keeps large piles of junk in and around his property. He has been cited by the city repeatedly. His neighbors are furious and believe the condition of his property lowers the value of all their properties.

The CV learns that the man understands and is unperturbed by the lowered property values, greatly prizes his lifelong collection of unusual objects and enjoys annoying his neighbors, whom he dislikes. He understands the consequences and potential fines and is prepared to pay them. Unless the CV understands this man's values and beliefs, the CV risks mistaking eccentricity for incapacity.

Slide 31

Ethan



Age: 25
Gender: Male
Pronouns: He/him
Status: Single

Medical considerations:

- Facial fractures
- Brain injury
- Broken femur
- Spinal cord injury

Ethan is severely injured in a motorcycle accident. Although young, he has signed a health care directive. A guardianship is sought because he has no relatives to make medical care decisions.

As a result of certain strong religious beliefs, the proposed guardian believes that the provisions of the health care directive are immoral and would not take steps to enforce them. In assessing the appropriateness of this guardian, the CV would find such a person unable to exercise ethical substitute decision making for this man.

Slide 32

Nell



Age: 75
Gender: Female
Pronouns: She/her

Medical considerations:

- Unknown

Nell, an elderly widow, begins a relationship with her younger caregiver. She gives him expensive gifts. Her children file a petition for conservatorship on the basis that she is no longer able to make sound financial decisions.

The CV learns that the woman can afford to pay all of her bills and to give the gifts to the caregiver. The CV learns that the woman's children have not been involved in her life and the caregiver has been her caregiver for five years.

The CV learns that the woman believes that "family" is not solely limited to someone who is biologically related and that she can create her own family. Unless the CV understands the woman's values and beliefs, the CV risks mistaking the woman's choice for incapacity.

Slide 33

Interview Notes

In the sealed CV report, the CV provides the court with a summary of the interview with the Respondent.

Slide 34

Common Causes of Impaired Capacity

Neurocognitive disorders

Reversible disorders

Irreversible disorders

Slide 35

Mental Health Disorders

Anxiety Disorders	PTSD	OCD
Bipolar Disorder	Depression	Schizophrenia/Schizoaffective Disorder
Developmental and Cognitive Disabilities	Substance Use Disorder	Other

Slide 36

David

Age: 20
Gender: Male
Pronouns: He/him

Medical considerations:

- Developmental disability
- Intellectual disability

David is the 20-year-old son of a close family living in Seattle, and lives at home. His father has passed away, he has a brother. He has a DDA case manager. His mother does not want to continue to manage his money and is concerned about his future.

He has a developmental disability and intellectual disabilities. He will graduate at 21 from high school. He knows how to read and write his name but has very limited literacy. He does not know how to manage his money. He has worked part time at Target for 6 months. The petition nominates his brother as full guardian.

The CV noted that he has a strong support system including his brother, teachers and his workplace. CV also noted that despite his significant intellectual disability, David has opportunities to continue to learn and grow and develop capacities.

While David does not know how to manage money, he is interested in learning. CV asked his mother about this, and she said she is willing to continue to be his payee until someone else can be identified. CV knows of a program at the local Arc that can act as payee. David also has the potential to learn skills that will enhance his capacity significantly through his special education program and the Arc payee program, which helps participants learn to manage money.

Slide 37

Cara



Age: 26
Gender: Female
Pronouns: They/them
Location: Homeless

Medical considerations:

- Developmental disability
- Intellectual disability

Cara is 26, homeless and has developmental disabilities that result in them having the same intellectual capacities as David

They have very different situation than David. They do not have any public benefits, SSI or DDA eligibility and they are staying at a shelter. A shelter case manager made a referral to the Office of Public Guardianship and filed a guardianship petition.

CV noted that Cara has little or no apparent and positive support system and currently no opportunities to develop their skills and capacity to manage their own affairs.

Slide 38

Ulysses



Age: 79
Gender: Male
Pronouns: He/him
Location: Assisted Living Facility

Medical considerations:

- Progressive dementia

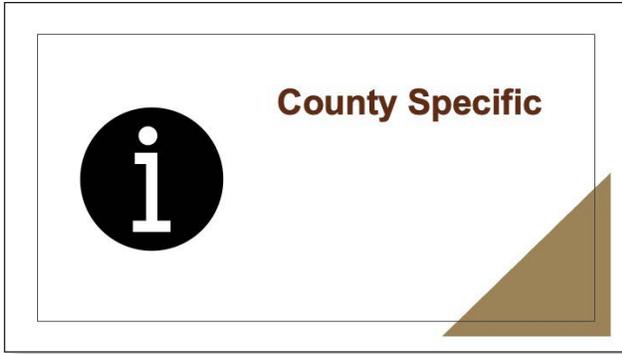
Ulysses lives in an assisted living facility. The manager filed a petition when she noticed that Ulysses' capacity to give consent is declining due to progressive dementia.

His physician says the dementia appears to be progressing and likely to result in much more serious loss of capacity within months.

CV noted that while he has lost some capacity, he retains capacity to understand what it means to appoint an agent, and that he has family in the area.

CV was told by two family members that they are willing to help in any way they can. They had been contacted by the manager when the petition was filed.

Slide 39



Slide 40

County Specific



Slide 41

Checkpoint Answers

Chapter 3:

a, b, a, a, b, b

Lesson Resources

Washington State Legislature RCW Title 11, Chapter [11.130](#)

[One Idea Per Line: A guide to Making Easy Read Resources](#)

[Washington State Court Interpreter Program](#)

[Certified Court Sign Language Interpreters](#)

[National Alliance on Mental Health, Mental Health Stats](#)

Definitions, [RCW 71A.10.020](#)

[Handbook for Older Adults, Northwest Regional Council](#)



CHAPTER 4: Professional Evaluation

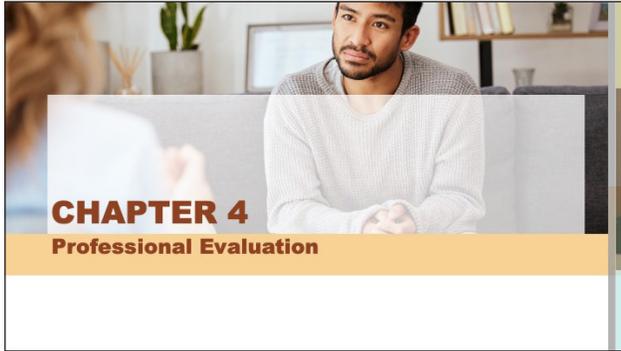
Timing	Manual Pages	Slide Numbers
	47-52	42-55

Learning Objectives:

The learner will

- Identify key topics and issues that a professional evaluation must address.
- Recognize appropriate responsibilities of the CV in response to the evaluation.

Lesson Content



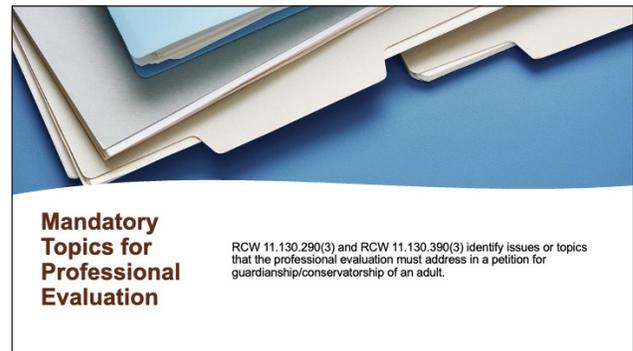
Slide 42



Slide 43



Slide 44



Slide 45

Patient/Client Privilege

- The order appointing the CV should provide some authority for the CV to obtain the Respondent's protected health care information.
- Alternatively, some counties may include a provision in the Order Appointing Court Visitor that explicitly authorizes the CV to information otherwise protected under HIPAA.
- If the Order appointing a CV does include such explicit authority, the CV should direct the evaluator to such provision as part of the request.



Slide 46

Time Frame

When the appointment of a guardian is being sought, the examiner who prepares the professional evaluation must provide the evaluation to the CV within thirty (30) days of the examination of the Respondent.



Slide 47

Including the Examiner's CV

The most efficient way to secure information about the examiner's background and experience is to request that the examiner include with the professional evaluation a curriculum vitae or resume.



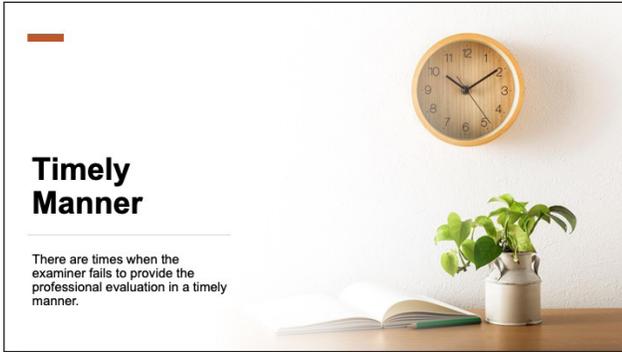
Slide 48

Level of Detail

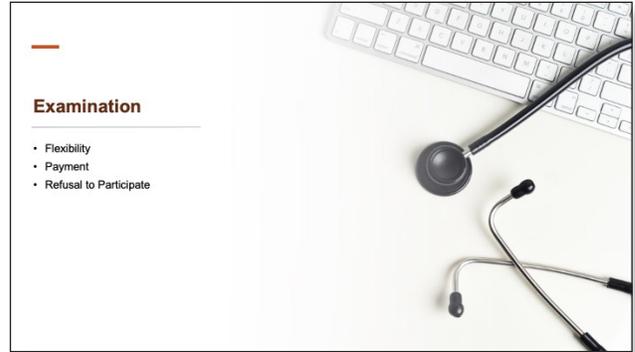
If the evaluation is not sufficiently detailed or informative, it is appropriate for the CV to ask the examiner to supplement the evaluation.



Slide 49



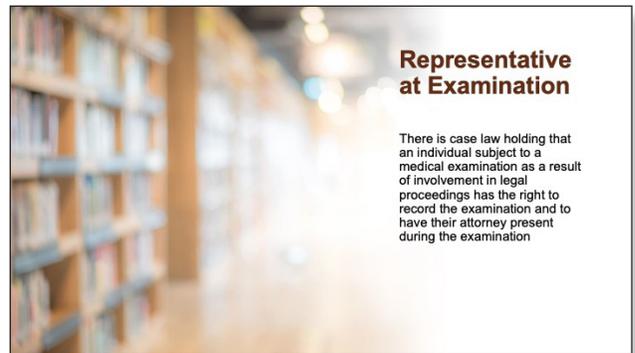
Slide 50



Slide 51



Slide 52



Slide 53



Slide 54

County Specific



Slide 55

Checkpoint Answers

Chapter 4:
a, a, b, c, c, d

Lesson Resources

Washington State Legislature RCW Title 11,
Chapter [11.130](#)
Health Insurance Portability and Accountability
Act, 45 CFR Part [160](#) and [164 \(HIPAA\)](#)



CHAPTER 5: Further Investigation

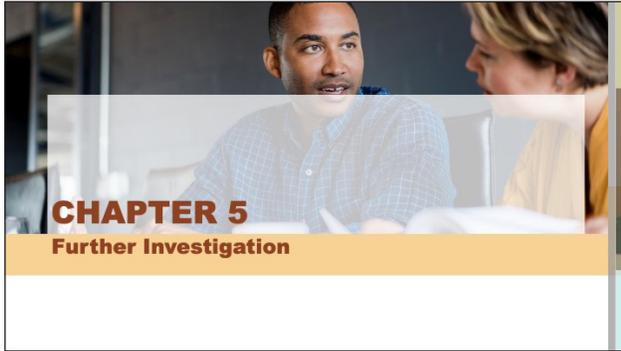
Timing	Manual Pages	Slide Numbers
	53-73	56-70

Learning Objectives:

The learner will

- Recall requirements and responsibilities of CVs when conducting interviews and investigations.
- Recognize the importance of assessing the appropriateness of legal arrangements based on clear criteria.

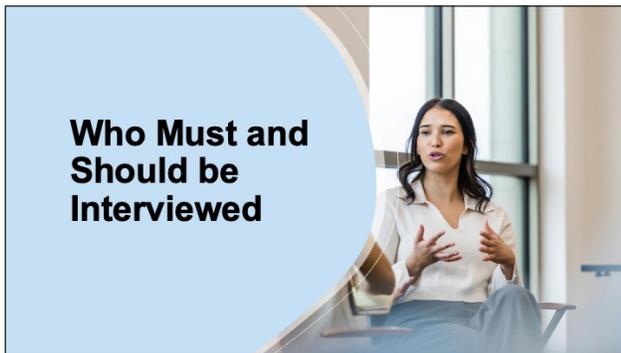
Lesson Content



Slide 56



Slide 57



Slide 58



Slide 59

Reviewing Records

The CV is required to "obtain information from any physician or other person known to have treated, advised, or assessed the Respondent's relevant physical or mental condition."



Slide 60

Self-care & Independent Living Tasks



Include in the CV report a "summary of self-care and independent living tasks that 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."

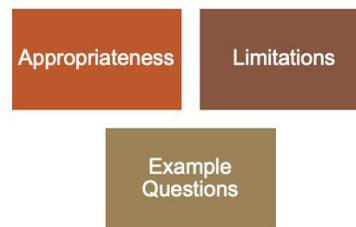
Slide 61

Guardianship



Slide 62

Conservatorship



Slide 63

Guardian/Conservator

Statutory qualifications

Priority and appropriateness

Fiduciary requirements

Slide 64



Visiting the Respondent's Dwelling

- Visiting the dwelling
- Example questions and observations

Slide 65



Existence of an Emergency

Does a true emergency exist?

Slide 66



• Co-guardian and co-conservators

• Guardians and conservators for spouses/domestic partners

Slide 67

Document and Checklist

- How to document the CVs investigation
- Checklist of questions for a potential guardian/conservator



Slide 68



County Specific

Slide 69

County Specific



Slide 70

Checkpoint Answers

Chapter 5:

b, a, a, d, c

Lesson Resources

Washington State Legislature RCW Title 11,
Chapter [11.130](#)



CHAPTER 6: Special Situations: Vulnerable Adults

Timing	Manual Pages	Slide Numbers
	74-79	71-80

Learning Objectives:

The learner will

- Identify the purpose and definitions within RCW 74.34 for vulnerable adults.
- Recognize the CV's role in protecting vulnerable adults.

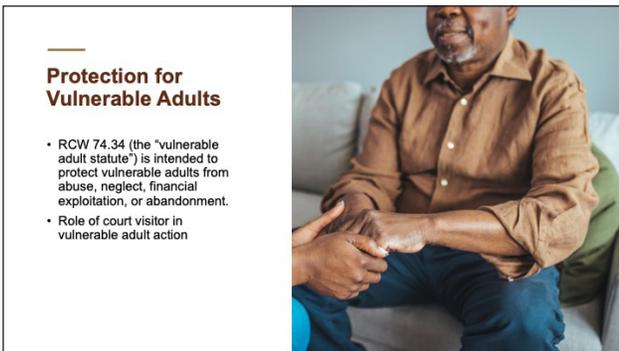
Lesson Content



Slide 71



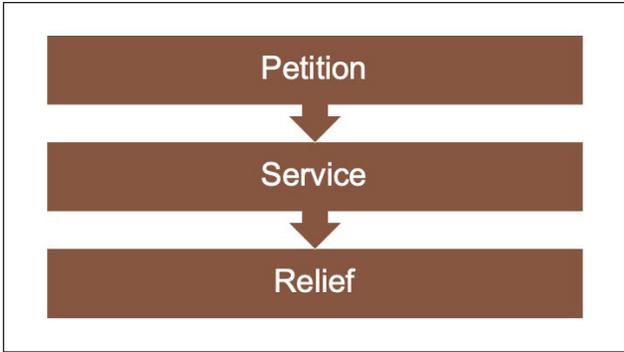
Slide 72



Slide 73



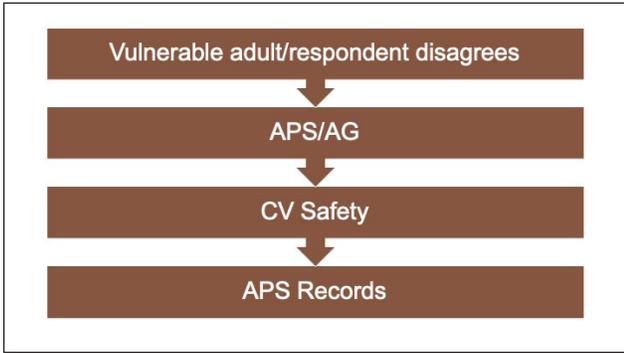
Slide 74



Slide 75

Procedure for Vulnerable Adult Action (Practice Tips)

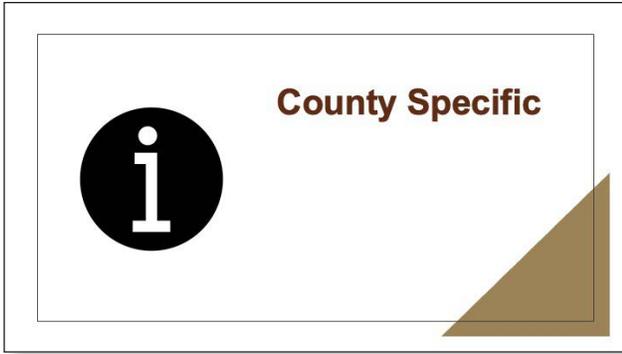
Slide 76



Slide 77

Procedure for Vulnerable Adult Action (Practice Tips)

Slide 78



Slide 79

County Specific



Slide 80

Checkpoint Answers

Chapter 6:

b, b, c, c, b, b, c, b

Lesson Resources

Washington State Legislature RCW Title 11,
Chapter [11.130](#)

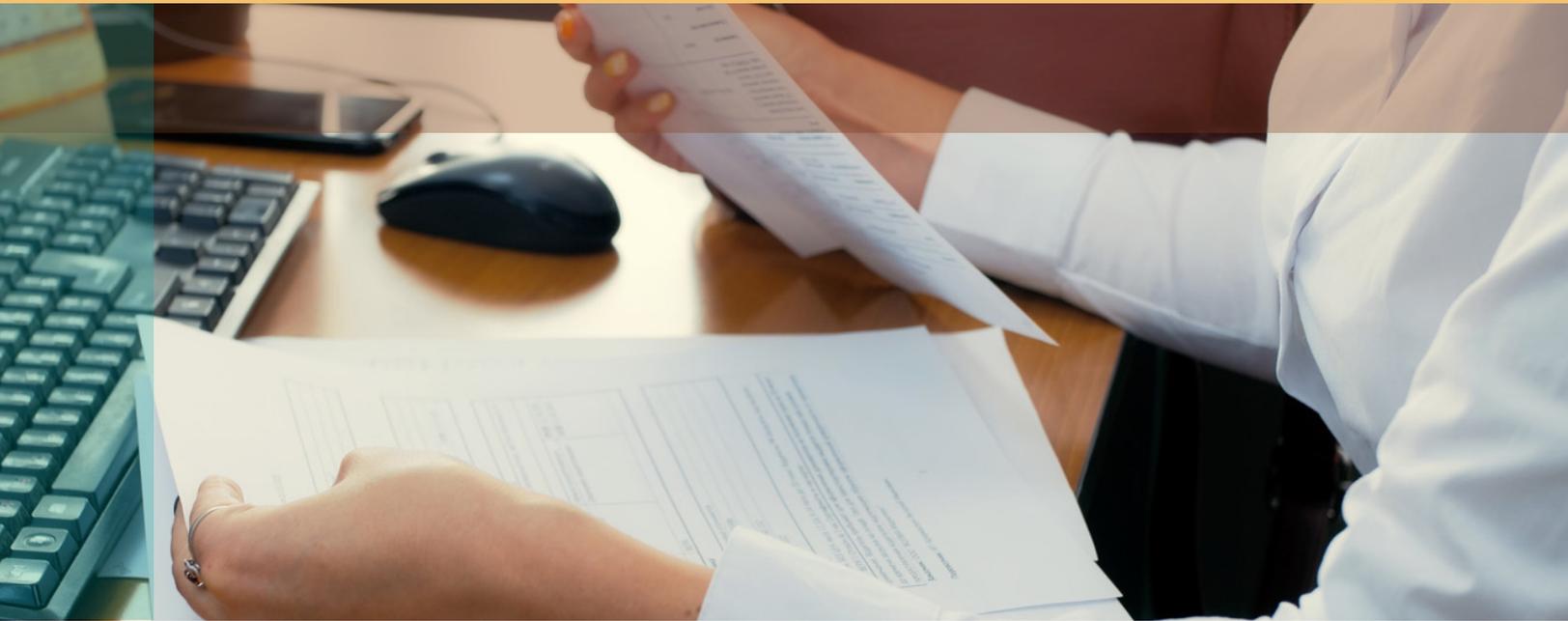
[RCW 74.34](#) Abuse of Vulnerable Adults

[Washington Court Forms](#)

[RCW 7.105](#) Civil Protection Orders

[RCW 30A.22.210](#) Authority to withhold payment
– Vulnerable adults

APS Records apspublicrecords@dshs.wa.gov



CHAPTER 7: Alternatives to Guardianship/ Conservatorship

Timing	Manual Pages	Slide Numbers
	80-93	81-98

Learning Objectives:

The learner will

- List alternatives to guardianship and conservatorship outlined within regulation.
- Identify power of attorney language and requirements.

Lesson Content



Slide 81

Less Restrictive Alternatives

- Legislative intent
- Need to inquire into and consider less restrictive alternatives

Slide 83

Objectives

- List alternatives to guardianship and conservatorship outlined within regulation, and
- Identify power of attorney language and requirements.

Slide 82

Powers of Attorney

- What is a power of attorney
- Advantages
- Disadvantages
- Resolution of problems

SIGNATURE OF AGENT I (your name) name the following person as my agent:
Name of Agent:
SIGNATURE OF SUCCESSOR AGENT(S) (OPTIONAL) If my agent is unable to act for me, I name the following person as my successor agent: Name of Successor Agent:
I am hereby authorizing the above named person or persons to act for me, I name as my agent:

Slide 84

Practice Tip



Slide 85

Informed Consent Statute

Occasionally, a guardianship is sought by health care providers or third parties who believe that the patient lacks the legal capacity to give informed consent to proposed health care procedures and therefore needs a guardian. A guardianship, however, is not always needed to give consent to health care.



Slide 86

Health Care Directive (Living Will)

When a petition for guardianship is filed, particularly when the Respondent has a critical or chronic illness, the willingness of a guardian-nominee to honor the wishes contained within a health care directive is vital information for the CV to have.



Slide 87

Practice Tip



Slide 88

Mental Health Advance Directive

- If a Respondent suffers from debilitating psychological or psychiatric disorders, a mental health advance directive (MHAD) may be a suitable alternative to a guardianship of the person. A MHAD describes what a person wants to happen if they become so incapacitated by mental illness that their judgment is impaired and/or they become unable to communicate effectively. See RCW 71.32.



Slide 89

Driver's License Re-Examinations

A guardianship/conservatorship proceeding may be started primarily to restrict a Respondent's right to drive a motor vehicle. The Washington Department of Licensing (DOL) form titled "Recommendation for Driver Re-examination" may be submitted by any person with personal knowledge of a driver who has physical or mental disabilities that could affect the driver's ability to safely operate a motor vehicle.



Slide 91

Trusts

- Definition
- Advantages
- Disadvantages
- Special needs trust

Slide 90

Practice Tip



Slide 92

Care/Case Management Services

Whether the recommendation by the CV calls for the appointment of a guardian/conservator, limited form thereof, or continuance of management of the Respondent's affairs under a durable power of attorney or trust, the CV may recommend that the family contract with a professional care manager to develop a plan of care to be followed by a health care agent who will then routinely report to the family.

Slide 93

Practice Tip



Slide 94

Other Protective Arrangements

- Who can petition?
- Protective arrangements instead of guardianship
- Protective arrangements instead of conservatorship
- Petition for protective arrangement
- Notice; hearing
- Appointment and role of court visitor
- Role of special agent

Slide 95

Supported Decision Making Agreements

- A "supported decision-making agreement" is a new concept under the UGA.
- Scope
 - Termination of SDMA
 - Presumption of Capacity
 - Form/Execution of SDMA

Slide 96



Slide 97

County Specific



Slide 98

Checkpoint Answers

Chapter 7:

c, b, a, c, b

Lesson Resources

Washington State Legislature RCW Title 11, Chapter [11.130](#)

[RCW 11.125.160](#) Court petition – who may file – reasons may file

[RCW 7.70.065](#) Informed consent – persons authorized to provide for patients who do not have capacity – priority – unaccompanied homeless minors

[RCW 11.96A.020](#) General power of courts—Intent—Plenary power of the court.

[RCW 70.122](#) Natural Death Act

[Washington Law Help, Mental Health Advance Directive](#)

[Washington Law Help, Living with Dementia Mental Health Advance Directive](#)

[RCW 46.20.031](#) Ineligibility

[Driver Evaluation Request](#)

[Washington Law Help, Guardianship of an adult](#)



CHAPTER 8: The Court Visitor Report

Timing	Manual Pages	Slide Numbers
	94-100	99-108

Learning Objectives:

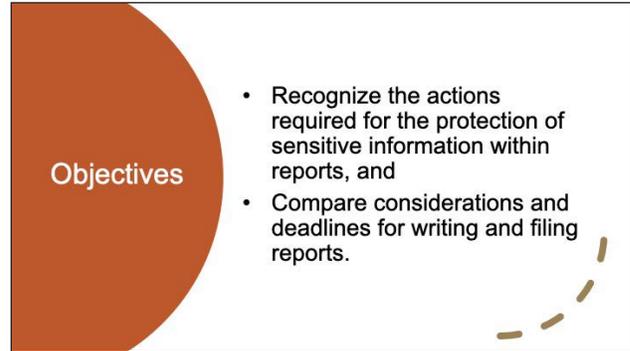
The learner will

- Recognize the actions required for the protection of sensitive information within reports.
- Compare considerations and deadlines for writing and filing reports.

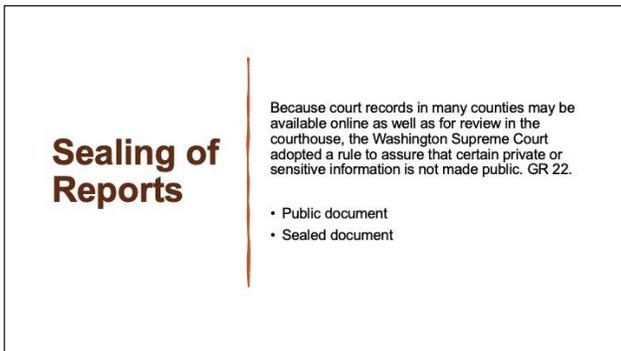
Lesson Content



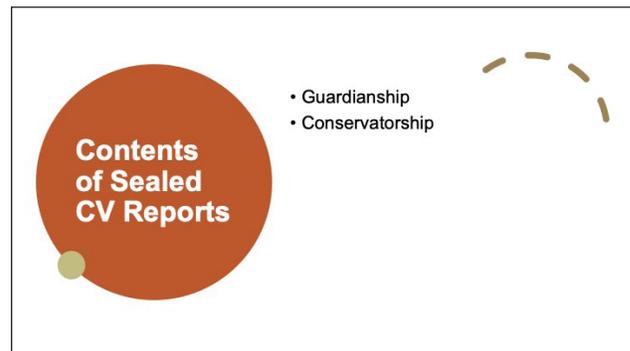
Slide 99



Slide 100



Slide 101



Slide 102

Practice Tip

11

10

Slide 103

Contents of Sealed CV Reports

- Other important information to include in the report
- Nomination of guardian or conservator
- Right to vote and marry
- Protective agreement reports

Slide 104

Suggestions for Reports

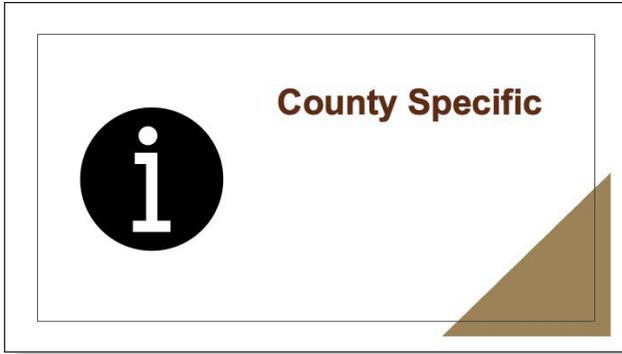
- Use topic sentences
- Write the report to show that the CV has made a complete investigation
- Be respectful
- Review work
- Be brief and to the point
- Serve the confidential report and public report
- File the report on time
- Provide working copies to the court

Slide 105

Practice Tip

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Slide 106



Slide 107

County Specific



Slide 108

Checkpoint Answers

Chapter 8:
c, b, a, b, c

Lesson Resources

Washington State Legislature RCW Title 11,
Chapter [11.130](#)
[General Rule 22, Washington State Courts –
Court Rules, Access to family law, protection
order, guardianship and therapeutic court
records](#)



CHAPTER 9: Respondent's Right to Counsel

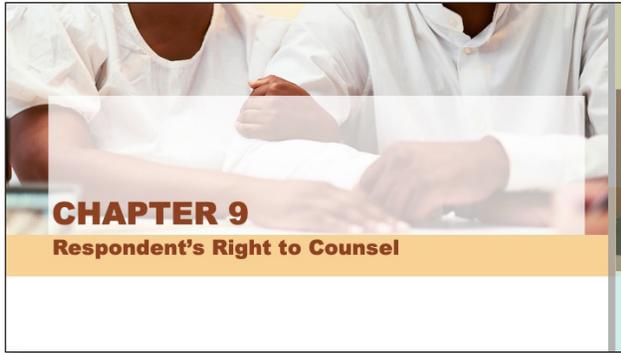
Timing	Manual Pages	Slide Numbers
	101-109	109-117

Learning Objectives:

The learner will

- Identify a respondent's rights and the circumstances to counsel in guardianship, conservatorship or protective arrangement proceedings.
- Recognize the CV's duty regarding a respondent's rights for choice and refusal to counsel.

Lesson Content



Slide 109

Questions and Answers

- What is the Respondent's right to counsel?
- When is an attorney appointed for the Respondent?
- How does the court select an attorney to appoint for the Respondent?
- Who can serve as attorney for the Respondent?
- What are the CV's duties regarding the respondent's right to counsel?
- What happens after an attorney is appointed for the respondent?
- What are the duties of appointed counsel for the respondent?
- What if the Respondent refuses or is unable to communicate with their court-appointed counsel?

Slide 111

Objectives

- Identify a Respondent's rights and the circumstances to counsel in guardianship, conservatorship, or protective arrangement proceedings, and
- Recognize the CV's duty regarding a Respondent's rights for choice and refusal to counsel.

Slide 110

Best Practice for Attorneys



RULE OF PROFESSIONAL CONDUCT 1.14



IN DETERMINING THE EXTENT OF THE CLIENT'S DIMINISHED CAPACITY



DISCLOSURE OF CLIENT'S CONDITION

Slide 112



How is Counsel for the Respondent Compensated?

An attorney for the Respondent is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the assets/property of the Respondent.

Slide 113

Summary of Statutory Authority

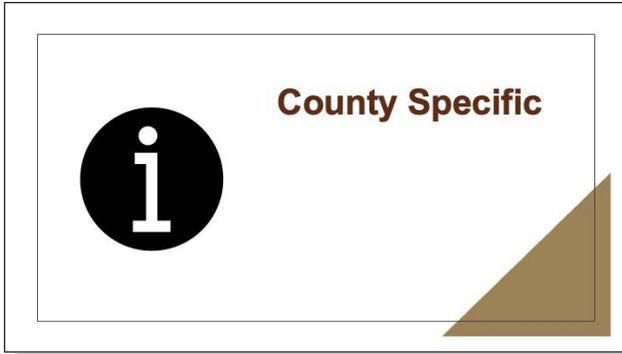
- RCW 11.130
- Right to counsel
- Adequate time for consultation and preparation
- Role (duties) of attorney
- Appointment of attorney: emergency conservator and guardian proceedings

Slide 114

Summary of Statutory Authority

- Temporary substitute proceedings – appointment of counsel
- Termination or modification – appointment of counsel
- Compensation and expenses
- Appointment at public expense
- Less restrictive alternatives

Slide 115



Slide 116

County Specific



Slide 117

Checkpoint Answers

Chapter 9:

b, c, b, c, b, b, b, d, c, d

Lesson Resources

Washington State Legislature RCW Title 11,
Chapter [11.130](#)

[Washington State Court Rules: Superior Court
Guardian ad Litem Rules](#)



CHAPTER 10: Final Words of Wisdom

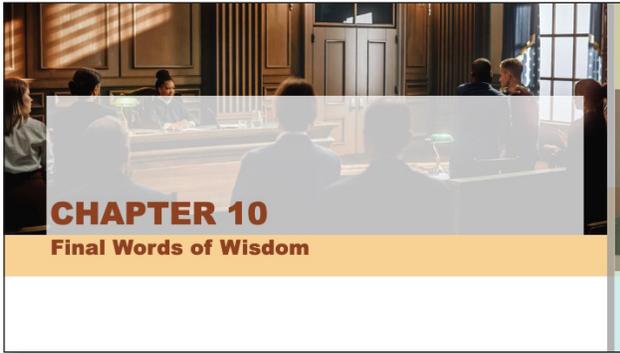
Timing	Manual Pages	Slide Numbers
	110-120	118-132

Learning Objectives:

The learner will

- Recall the requirements for respondent's attendance in a guardianship/ conservatorship proceeding.
- Identify communication criteria for CV cases.

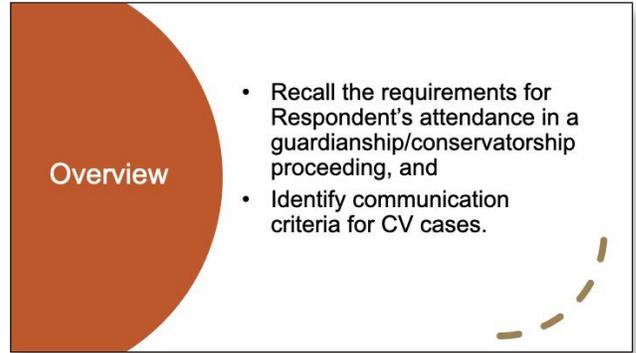
Lesson Content



Slide 118



Slide 120



Slide 119



Slide 121

Petition for Instructions

- The authority of a CV is limited by the guardianship/conservatorship statutes and the order appointing the CV. GALR 2(j).
- Occasionally, a CV may believe an action is necessary that is beyond the scope of RCW 11.130.280, RCW 11.130.380, RCW 11.130.605, or the order of appointment.
- Common areas for petitions for instructions include problems in getting a professional evaluation, emergency housing or financial needs, and medical issues.

Slide 122

Privacy Issues

Private vs.
public
information

GR 31

Slide 123

Fees

- Amount allowed
- To whom charged
- Petition or declaration for fees



Slide 124

CV Authority & Immunity

- The CV acts under the supervision and control of the court. So long as the CV acts as directed by the court, the CV will have "quasi-judicial immunity" from any claim for damages arising out of the performance of their duties.



Slide 125

Emergency Guardian/Conservator

- The CV should strongly consider whether the appointment of an emergency guardian under RCW 11.130.320 is appropriate.
- Expediting the guardianship/conservatorship matter
- Staying neutral

Slide 126

Trial on Petition

RCW 11.130.035(3) provides “[a]n adult Respondent may demand a jury trial ... on the issue of whether a basis exists for the appointment of a guardian ... or a conservator and on the rights to be retained or restricted if a guardian or conservator is appointed.” Consequently, the CV should conduct every investigation as if the CV will be called to testify at a trial.

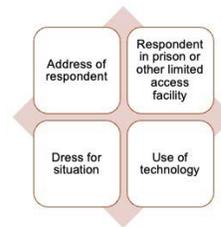
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Practice Tip

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Slide 127

Miscellaneous Practical Concerns



Slide 129



Slide 130

County Specific



Slide 131



Slide 132

Checkpoint Answers

Chapter 10:

a, c, b, c, c, c, b

Lesson Resources

Washington State Legislature RCW Title 11, Chapter [11.130](#)

[Washington State Court Rules: Superior Court Guardian ad Litem Rules](#)



Transforming lives

DSHS 22-1954 (12/23)