

Is guardianship necessary?

Questions you should ask yourself to help you answer this:

Can the individual in question read forms and understand them?

Would they be able to refuse to sign a form and understand why?

Could they be taken advantage of financially?

Types of guardianship:

Guardianship of the person: Makes all decisions about the individual's day to day life, like medical and financial issues. A guardian of the person has the same rights, powers and duties that a parent has toward their child.

Guardianship of the estate: The estate is everything the individual in question owns; including land, money, bank accounts, furniture, cars....etc. In general, the guardian must manage, and invest the estate.

Full guardianship: The court can only appoint a full guardian if it finds that an individual is totally without capacity to care for themselves. A full guardian has complete decision making authority over their ward.

Limited guardianship: A guardian granted less than full powers is a limited guardian. Limited guardianships only cover those areas specifically mention in the guardianship.

Terms:

Power of attorney: An authorization to act on someone else's behalf in a legal, medical or business matter. Sometimes doctors will not honor the power of attorney because they could argue that the individual was never competent enough to sign the power of attorney in the first place. One thing that can be done to avoid this is to have a doctor write a letter in support of the power of attorney.

Guardian Ad Litem: A neutral party appointed by the courts to investigate the guardianship appeal.

A few tips from our experts:

- Sometimes a guardianship isn't necessary and a durable power of attorney will work.
- Plan for the future by having co-guardians (you may have as many as you want).
- Guardians can live in any state, they must have an instate contact to whom court documents can be served to.
- The Family Law Facilitators Office will help you fill out forms; they will not offer legal advice.
- Suggested amount for lawyer's fees in Washington State is \$700 to establish a guardianship and \$600 to re-file. (These numbers are for all of Washington so they are a little low for King County).
- The ARC will recommend lawyers.

- Filing for guardianship is a little like doing your taxes, generally once a lawyer has filed the paperwork once it can be easily replicated from year to year until something changes.
- If the ward has more than \$80,000, their guardian must file for an extension every year.
- If the ward has less than \$80,000, their guardian must file for an extension every 3 years.
- Kitsap County is the only nearby county that will allow someone to put in place as a permanent guardian.