

Guardianships are normally continuous so long as the client remains legally incapacitated and so long as the guardian remains competent and meets the statutory requirements. An order of the court that initially established the guardianship can terminate a guardian if the reporting requirements are not followed. Additionally, a guardianship can become delinquent if a guardian does not report regularly to the court. Reports occur on a one, two or three-year basis and allow the court to ensure the guardian is making appropriate decisions and managing the client's money properly.

Once the guardian is appointed, he or she will receive "Letters of Guardianship". Oftentimes, the Letters will sunset, or terminate, on a given date, which frequently coincides with the due date of the guardian's next report to the court. If the guardian fails to report to the court and the previous letters expire, the guardian will no longer have Court authority to act on behalf of the incapacitated person (although he or she remains legally liable for their actions).

Guardians are subject to the jurisdiction of the court that originally appoints them. They can be removed for not acting in a client's best interests or not following the court's reporting procedures. Guardians can also be removed or limited in their duties if they become incapacitated in some way themselves.

Guardianships can be modified for a number of reasons, including a change in the client's medical status or financial circumstances.

## Federal Way Office/Store

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**\*\*Appointments are available before  
and after hours, and Saturday/Sunday\*\***

# Guardianship

## DO IT YOURSELF DOCUMENTS

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### Service Fee:

- Guardianship of Person/Estate - \$319.00



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## GUARDIANSHIP

This Service includes all the basic forms for filing to become a guardian for an incapacitated individual. Some of those forms are:

- Petition for Guardianship of Person and/or Estate
- Case Assignment Designation and Case Information Cover Sheet
- Order Appointing Guardian ad Litem and Notice of Hearing
- Notice of Guardianship Petition
- Declaration of Service
- Declaration of Proposed Guardian-Non-Certified or Certified (as appropriate)
- Order Appointing Guardian of Person and/or Estate
- Oath of Guardian
- Designation of Standby Guardian
- Initial Personal Care Plan (if seeking a guardianship of the person)
- Guardianship Inventory (if seeking a guardianship of the estate)
- Notice of Loss of Voting Rights
- and much more...

A guardian is a person appointed by a court to manage the affairs of a person who is incapacitated. A guardian may be appointed to manage the financial affairs of a person at significant risk of harm because of a "demonstrated inability to adequately manage property or financial affairs." A guardian may also be appointed to make health care and other non-financial decisions for a person at significant risk of harm because of a "demonstrated inability to adequately provide for nutrition, health, housing or physical safety."

A guardian's responsibilities depend on whether or not (and how) the guardian's role has been limited by the court. Though it is common to talk about two broad categories of responsibility - "estate" and "person" - a limited guardianship can contain elements from one or both categories.

A guardian of the estate of an incapacitated person is responsible for management of the person's property and finances. He or she must file an inventory with the court within three months of appointment, as well as an annual accounting. Some management decisions will require court approval.

A guardian of the person is responsible for assessing the person's physical, mental and emotional needs, and any need for assistance in activities of daily living. He or she will be responsible for implementing a plan to meet these needs, and must file a care plan (identifying needs and explaining how they will be met) with the court within three months of appointment, as well as an annual status report.

A guardian of the person may also be responsible for giving or withholding consent to medical treatment.

## OUR GUARANTEE

Do It Yourself Documents prepares every document you'll need to obtain guardianship over your family member or loved one. To get started just fill out a questionnaire, which can be found online at [www.doityourselfdocuments.com](http://www.doityourselfdocuments.com) or at one of our offices in Federal Way or Tacoma.

## Definitions

**Estate:** The aggregate of all property and interests in property owned by an individual.

**Guardianship:** A guardianship is a legal mechanism by which one individual or entity (a guardian) is appointed by a court to exercise certain decision making functions on behalf of, and in the place of, an individual that is legally "incapacitated." When a guardianship is established, the incapacitated person's legal right to make certain decisions with respect to his or her personal and/or financial affairs is removed and responsibility for making such decisions is placed in the court-appointed guardian.

**Guardian of the Estate:** Responsible for financial and estate matters only.

**Guardian of the Person:** Responsible for non-financial decision making.

**Guardian of the Person and Estate:** A full guardianship of person and estate.

**Incapacitated:** When "the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety." A person is deemed incapacitated in regards to his/her estate when "the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs."



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