



Ready, Set, KNOW...

Guardianship/Conservatorship Overview

This information is intended to give an overview of guardianship in Washington State. It is for educational purposes only and is not a substitute for legal advice. For advice on making legal decisions, please talk to an attorney.



Many people think that Guardianship is the only and best way to help and protect adults with intellectual and/or developmental disabilities. While guardianship may be appropriate for some individuals, it is often unnecessary for many. The truth is, Guardianship is often not needed. Washington law requires considering alternatives to guardianship/conservatorship first, such as Supported Decision-Making.

People may start to consider guardianship or conservatorship for a loved one in the following situations:

- A child with a disability turning 18;
- Fears that an adult with disabilities is being abused, neglected or exploited;
- An elder has dementia and can't live independently;
- An adult has trouble managing their money, and
- An adult has health issues they cannot manage alone.

Categories of Guardianship



Conservator Responsibilities

Keep detailed records of the person's property and finances. Record everything the person owns, pays for, and receives. The conservator must file an inventory with the court of all the person's possessions and assets within three months of appointment and periodic accounting (annually or every three years) of income and expenses. Records and receipts must support them. You will need to tell the court of an ABLE account and special needs trusts.



Guardianship Responsibilities

Ensure the person's physical, mental, and emotional needs, as well as any need for assistance in activities of daily living, are being assessed and addressed. A Guardian is responsible for putting a plan in place to meet these needs and must file that care plan (identifying needs and explaining how they will be met) with the court within three months of being appointed. Additional reports are required annually. Report any changes in circumstances such as a change in residence.

Scope of Guardianship/Conservatorship



Limited

Grants the authority to make specific decisions identified in a court order and may be time-limited. Guardianship/Conservatorship is supposed to be no broader than necessary.



Full

Grants the authority to make all decisions provided under the law. Full guardianship/conservatorship denies a person's significant rights, which may include the right to vote, marry, get a driver's license, enter contracts, or decide who will provide care. It should be entered into only if alternatives to guardianship, or limited guardianship, are not sufficient.