



# Guardianship Process

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. The law will change in 2022. This information is current through 2021 only.

## Steps to Guardianship

### 1. Training for Non-Professional (Lay) Guardians

Before a family member or other non-professional can petition (file court papers to ask) the court to be a guardian, s/he must complete a free online training. It covers guardianship duties and responsibilities, forms and timelines. The training is easy. You can do it in one sitting (in about two hours) or in several sessions, moving at your own pace. If you choose to petition for guardianship after doing the training, keep the declaration of completion you got from the training to show the court.



### 2. Petitioning the Court

Anyone seeking guardianship must file a petition with the Superior Court. The petition asks the court to determine that the person identified in the petition is incapacitated, determine what type of guardianship is needed and appropriate, and appoint an appropriate guardian. You must give notice of the guardianship petition to the person identified in the petition and other interested parties. You can get the forms for petitioning for guardianship online at [https://www.courts.wa.gov/forms/?fa=forms\\_static&staticID=14](https://www.courts.wa.gov/forms/?fa=forms_static&staticID=14).

### 3. The Court Appoints a Guardian Ad Litem

Once a petition to court is made, the court appoints a guardian ad litem to investigate. The guardian ad litem must recommend to the court if guardianship is appropriate, who should be guardian, or if other less restrictive alternatives are available.

### 4. The Court Holds a Hearing

At this hearing, a family member or others may contest (fight) the request for guardianship. If the court appoints the petitioner as guardian, the petitioner gets letters of guardianship.

### 5. Letters of Guardianship

This is the formal document allowing the guardian to act on behalf of the person. It also details any restrictions placed on the guardianship.

## Reporting Requirements

Serving as a guardian of the person and/or the estate is a lot of work. You must keep thorough records to support everything you do on behalf of the person with receipts or other records. Reports are due at the following times:

- ▶ **Within 90 days of being appointed as guardian**
- ▶ **Each year at least one month before your Letters of Guardianship will expire**
- ▶ **Within 30 days of certain events happening**



It is important to file your reports on time. If you do not file your reports on time, you could face court fines, you might need to appear at a hearing, and the court may remove you as guardian. Reporting procedures vary by county. Some courts may require you to appear at a review hearing. Be sure you find out your county's specific reporting requirements.