



Adult guardianship, conservatorship & other protective arrangements

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- ❖ Read this *only* if you live in the state of Washington.
 - ❖ You can find most of the resources we link to here at WashingtonLawHelp.org.
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What is a guardian?

A person a court appoints to help you make decisions about your health, safety, and self-care.

What is a conservator?

A person a court appoints to make decisions about your money and property.

What is a protective arrangement?

This court order appoints a person to help you with specific tasks, like approving a medical treatment or limiting visits by someone who might harm you. It is a less restrictive alternative to guardianship or conservatorship. Nevertheless, the court process is mostly the same.

What is a supported decision-making agreement?

It is a written agreement between you and a “supporter” who will help and support you in making decisions about your health care and/or finances. The court is not involved in these agreements. Read [Alternatives to Guardianship: Supported Decision Making Agreements \(SDM\)](#) to learn more.

Who is the “respondent”?

The person for whom a guardianship, conservatorship, or protective arrangement is sought. If someone has filed a court action (a petition) for a guardian or conservator for you, you are the “respondent.”

How are guardians and conservators appointed?

Guardians and conservators are appointed by a court. Any interested person can file a petition with the Superior Court asking the judge to decide these things:

1. Can you meet your essential needs for physical health, safety, or self-care?
2. Is a guardian or conservator needed to prevent harm to you?
3. Can your needs be met by a protective arrangement or other alternative to guardianship or conservatorship?

Who is the “court visitor”?

The judge appoints this person to investigate and make a recommendation about guardianship or conservatorship.

The court visitor will interview you and anyone with information about you, including the proposed guardian or conservator and medical providers.

The court will also order a professional evaluation of you by a physician, psychologist, physician’s assistant, or nurse practitioner. The court visitor files a written report and recommendation with the court.

What if I don’t want a guardian or conservator?

You can fight (oppose) the petition. You have the right to have a lawyer help you. If you cannot afford a lawyer, the court will appoint one for you at public expense.

You can ask the court visitor about getting a lawyer, or you can write the judge over your case a letter asking for a lawyer.

If I already have a power of attorney, do I need a guardian or conservator?

Maybe. You usually don’t need a guardianship if you have a power of attorney form.

However, if your power of attorney form does not cover certain decisions, or some other problem comes up, you might need to have a guardian or conservator appointed for you.

Who is allowed to be a guardian or conservator?

A guardian or conservator of an adult must be at least 21 years old. They must not have been convicted of a crime involving dishonesty, neglect, or abuse. There might be other reasons the court finds a person cannot be a guardian or conservator.

Can one person be guardian *and* conservator?

Yes. Your guardian and conservator can be the same person or different people.

What are guardians' and conservators' general duties?

They must act in your best interest and make decisions that benefit you. They must also file plans and reports with the court regularly to keep the court informed about how they are doing their job.

Are there decisions a guardian or conservator cannot make?

Yes. A guardian may not decide to place you in a nursing home against your will.

A guardian has to get a court order to have you committed to a psychiatric hospital or consent to certain mental health treatments involving restraint or electric shock.

Can a guardianship or conservatorship be changed or terminated?

Yes. You can ask the court to change the guardianship or conservatorship (for example, replace the guardian with someone else, or change the kinds of decisions they can make) or to end the guardianship or conservatorship because you don't need it anymore.

You can write a letter to the clerk of the court that ordered the guardianship or conservatorship to ask to change or end (terminate) it. Read [How to Modify or Terminate a Guardianship](#) by Disability Rights Washington at tinyurl.com/jmhjz5fx to learn more.

I don't like what my professional guardian or conservator is doing. What can I do about it?

You can file a complaint (a "grievance") with the [Certified Professional Guardianship and Conservatorship Board](#) at tinyurl.com/yu2xjhwu.

Are there different rules for guardianships for children under age 18?

Yes. Read [Non-Parent Custody is changing to Minor Guardianship](#) to learn more.

Where can I learn more about guardianships, conservatorships and protective arrangements?

Washington's State law is [The Uniform Guardianship, Conservatorship, and Other Protective Arrangement Acts](#). You can read it at [RCW 11.130](#).

You can also visit the Guardianship Portal on the [Washington State Administrative Office of the Courts website](#): [ourts.wa.gov/guardianportal](https://courts.wa.gov/guardianportal).

What are some alternatives to conservatorship?

- **Durable Power of Attorney for Finances:** This form lets you choose a trusted person to help you manage your finances and property. Visit [Durable Power of Attorney Documents](#) to learn more.
- **Living Trust:** This legal arrangement lets you put your money or property in a trust to be managed by a "trustee".
- **Representative Payee:** A trusted person or organization selected by a government agency (such as Social Security Administration or Veterans Administration) to receive and manage your benefits for you.
- **Individual Indian Money (IIM) Accounts:** Accounts managed by the federal government for Native American people. If an IIM account is restricted, the Bureau of Indian Affairs (BIA) will work with you, a guardian, or your agent appointed under your power of attorney to develop a distribution plan for the funds. If there is no guardian or power of attorney, BIA can supervise the account as a trustee.
- **Joint Banking or Authorized Signor:** A joint banking account lets you hold your money in an account with another person who can help you manage your finances. You should be aware that either joint account holder can take money out without permission of the other. In addition, if one joint account holder has debts, the creditors can come after all the money in the account. An authorized signor is not a joint account holder, but rather someone permitted to manage money in the account.

- **Joint Property Arrangements:** This arrangement lets you own property with someone you trust who can help you manage the property.
- **Supported Decision-Making Agreements** Read [Alternatives to Guardianship: Supported Decision Making Agreements \(SDM\)](#) to learn more.

What are some alternatives to guardianship?

- **Durable Power of Attorney for Health Care Decisions:** This form lets you choose a trusted friend or relative to help you with your health care. Visit [Durable Power of Attorney Documents](#) to learn more.
- **Health Care Directive (or Living Will):** A form that lets you say what kind of medical treatments you do or do not want if you are terminally ill or permanently unconscious and you cannot make decisions for yourself. It also lets you write down your health care values. Visit [Health Care Directives \(or Living Will\)](#) to learn more.
- **Mental Health Advance Directives:** A form that lets you say what kind of mental health treatment you do or do not want if you cannot make decisions for yourself. Read [Mental Health Advance Directive](#) and [Living with Dementia Mental Health Advance Directive](#) to learn more.
- **Consent to Health Care Law:** Washington's informed consent law for adults lists specific people who can make health care decisions for you if you can't do it yourself, including your power of attorney, spouse, domestic partner, adult children, parents, siblings, and so on. Read the [Honoring Choices hierarchy](#) at bit.ly/3M9huWY.
- **Supported Decision-Making:** Read [Alternatives to Guardianship: Supported Decision Making Agreements \(SDM\)](#) to learn more.

Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

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