



Becoming Nate's Legal Guardian

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Agenda

- Is guardianship appropriate?
- Is conservatorship appropriate?
- How to file for guardianship and/or conservatorship
- Before the court hearing
- The court hearing
- After the court hearing
- Reporting



Legal Note

I am not a lawyer and am unable to provide legal advice. Nothing I say today should be taken as legal advice, but rather just as a sharing of my own personal experiences. Please contact and defer to your own lawyer for legal advice and information.



Is guardianship appropriate?

Guardianship: a court order that appoints someone to take legal responsibility for the care of a person who is unable to manage their own affairs.

Do we need guardianship?

- Can Nate make safe choices?
 - Has he had the chance to try and fail?
- Can Nate plan ahead?
- Would Nate be easy to take advantage of?
- Would Power of Attorney or Supported Decision Making be options, and enough to keep him safe?



Legal Decision-Making Options

Less restrictive

Independent Decision Making

Supported Decision Making

Power of Attorney

Durable Power of Attorney

Limited Guardianship

Full Guardianship

More restrictive



Is conservatorship appropriate?

Conservatorship: a court order that appoints someone to oversee the financial affairs of a person who is incapacitated

Do we need a conservatorship?

- Does Nate have income and assets besides SSI that need to be managed?
- Can Nate manage a budget?
 - Has he had the opportunity to try?
- Can Nate pay his own bills?
- Can Nate protect his money and assets, so they are not misused by others?



Conservatorship

- has extensive reporting requirements
- Only required if the person with a disability has income and assets (not including SSI)
- Many adults with developmental disabilities don't need a conservator
- You can still become Rep Payee to manage Social Security (SSI)



How to File for Guardianship and/or Conservatorship

The Forms You'll Definitely Need

(make sure to keep copies for your records)

Superior Court of Washington, County of _____

In the Guardianship/
Conservatorship of: _____
Respondent

Case No.:
**Notice of Petition for
Guardian, Conservator, or
Protective Arrangement for
Adult
(NT)**

Notice of Petition for Guardian, Conservator, or Protective Arrangement for Adult

To: The Respondent, court visitor, and all other persons who are listed in the petition:
A petition has been filed in _____ County Superior Court by (*petitioner's name*) _____. The petition asks the court to appoint a [] guardian, [] conservator, and/or [] protective arrangement for (*respondent's name*) _____.

RCW 11.130.275, 370, 600 (01/2022)
GDN C 101 No. of Pt. for Guardian, Conservator, or Protective Arrangement for Adult p. 1 of 4

Superior Court of Washington, County of _____

In the Guardianship/Conservatorship of: _____
Respondent

Case No.:
Petition for Guardianship, Conservatorship, or Protective Arrangement of an Adult (PTAPGC)

Petition for Guardianship, Conservatorship, or Protective Arrangement of an Adult

Use this form to petition for guardianship of an adult, conservatorship for an adult, or a protective arrangement instead of guardianship or conservatorship for an adult. This form should not be used to petition for a guardianship of a minor.
Use this form together with: Notice of Guardianship, Conservatorship, or Protective Arrangement and Order Appointing a Court Visitor.
I ask the court to appoint a guardian, conservator, or make other protective arrangements for (*Respondent's name*) _____. The court should consider the following information.

1. **Information about the Respondent:** (complete as much as possible)

Name: _____
Age: _____
Phone number: _____
Email address: _____
Principal residence: _____
Street address (if different): _____
[] Proposed address where the Respondent may move to if the petition is granted: _____

RCW 11.130.270, 365, 595 (01/2022)
GDN C 102 Pt. for Gdn, Cons., or Protective Arrgt for an Adult p. 1 of 11

Superior Court of Washington
County of King

In Re the Matter Of: _____
Respondent

No. Party Information Form Guardianship / Conservatorship (PIF) Clerk's Action Required

Confidential Personal Information Form

Important! Only court staff and some state agencies may see this form. The other party and his/her lawyer may not see this form unless a court order allows it. State agencies may disclose the information in this form according to their own rules. Please fill this form out as completely as possible. You may attach additional sheets if there are other interested parties.

PETITIONER:
Relationship to Respondent: _____
First name: _____
Middle name: _____
Last name: _____
Date of Birth: _____
Address: Street: _____
City: _____
State: _____
Zip code: _____
Telephone number: _____
Email: _____
Sex: _____ Race: _____ Hair color: _____ Eye Color: _____

CO-PETITIONER:
Relationship to Respondent: _____
First name: _____
Middle name: _____
Last name: _____
Information Form for Guardianship / Conservatorship / Other Protective Arrangement Parties
Revised 01/2022
1

Notice of Petition for Guardianship and/or Conservatorship

Petition for Guardianship and/or Conservatorship

Confidential Personal Information Form

The Forms You Might Need

(make sure to keep copies for your records)

If you file through the mail



Superior Court of Washington, County of _____
In the Guardianship/Conservatorship of: _____
Respondent / Minors _____
No. _____
Sealed Cover Sheet - Guardianship and/or Conservatorship Document (CNRSE)
Court Clerk: This is a Restricted Access Document. Do not file in a public access file. GR 22

Sealed Cover Sheet - Guardianship and/or Conservatorship Documents
Check document(s) below and write "Confidential" at least one inch from the top of the first page of each attached document.
 Court Visitor / Guardian ad Litem Report
 Medical / Psychological Report
 Social Security Representative Payee Report
 Medical Records
 Financial Source Documents (description) _____
 Other _____

Submitted by: _____
Signature _____ Print Name _____ [JWSBA / JCPG# _____

Notice: All parties, the court, as well as its staff and volunteers, may have access to these documents.

GR 22 (07/2021)
COW AIL 001

Sealed Cover Sheet - Guardianship and/or Conservatorship Documents p.1

Cover Sheet

Court of Washington
For _____ No. _____
Petitioner/Plaintiff, vs. Respondent/Defendant. **Motion and Declaration For Waiver of Civil Fees and Surcharges (MTWVF)**

I. Motion
1.1 I am the petitioner/plaintiff respondent/defendant in this action.
1.2 I am asking for a waiver of fees and surcharges under GR 34.

II. Basis for Motion
2.1 GR 34 allows the court to waive "fees or surcharges the payment of which is a condition precedent to a litigant's ability to secure access to judicial relief" for a person who is indigent. As outlined below, I am indigent.

Dated: _____
Signature of Requesting Party _____
Print or Type Name _____

III. Declaration
I declare that,
3.1 I cannot afford to meet my necessary household living expenses and pay the fees and surcharges imposed by the court. Please see the attached Financial Statement, which I incorporate as part of this declaration.
3.2 In addition to the information in the financial statement, I would like the court to consider the following:

Mt and Ded for Civil Fee Waiver (MTWVF) - Page 1 of 2
WPF-GR 34.0100 (07/2019) - GR 34

Court Fee Waiver

To request \$240 filing fee waiver



Three Options for Filing your Petition with the Court

E-file

- According to the courts, E-filing documents online is quick and easy. Setting up an eFiling application user account is free. Regular [filing fees](#) apply and paid with an internet check or credit card.
- To learn more, go to the Clerk's [e-filing information page](#).
- For assistance, contact the eServices Clerk at 206-477-3000 or email: eservices@kingcounty.gov.
- Some have found this feature glitchy and difficult to use

Through the mail

- If not [required to e-file](#), you may mail documents to the [Clerk's Office](#) to be filed. If a [filing fee](#) is required, include the appropriate payment and address your envelope ATTN: Cashiers.
- For a "received" stamped copy of your filed document, include a self-addressed stamped envelope and an extra copy of the document.
- For assistance, call 206-296-9300 or [email Customer Services](#).

Hand Deliver

- If not [required to e-file](#), you can file Superior Court case documents at any of the Clerk's three office locations ([directions](#)).
- If the document requires a [filing fee](#), go directly to the cashier's counter.
- Documents that do not require a fee may be placed into the Clerk's filing drop box or given to the customer services clerk for filing.
- **Recommended to ensure you have everything you need**
- Took me a total of 15 minutes

King County Court Locations (choose the one closest to your home)

KING COUNTY COURTHOUSE (KCCH) - SEATTLE LOCATION

- 516 Third Avenue, Room E-609
Seattle, WA 98104
- Hours: 8:30 a.m. to 4:30 p.m.
Monday to Friday
(closed 12:15 p.m. to 1:15 p.m.)
- Customer service stations
providing certain services open
from 12:15 p.m. to 1:15 p.m.

NORM MALENG REGIONAL JUSTICE CENTER (MRJC) - KENT LOCATION

- 401 Fourth Avenue N, Room 2C,
Kent, WA 98032
- 9:00 a.m. to 4:30 p.m. Monday
to Friday (closed from 12:15 p.m.
to 1:15 p.m.)
- Customer service stations
providing certain services from
8:30 a.m. to 9:00 a.m., and 12:15
p.m. to 1:15 p.m.

...including a list of to-do items and a court date

FILED
2022 AUG 08
KING COUNTY
SUPERIOR COURT CLERK
CASE #: [REDACTED]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

IN RE NATHANIEL NEMHAUSER

No. [REDACTED]

**ORDER SETTING CASE SCHEDULE - ADULT
GUARDIANSHIP / CONSERVATORSHIP**

OTHER PROTECTIVE ARRANGEMENT

FILED DATE: 08/08/2022
MANDATORY STATUS HEARING: 10/03/2022
HEARING LINK:
<https://kingcounty.zoom.us/j/95589486575>

I. ORDER

Pursuant to King County Local Rule 4.0 (KCLCR 4.0), IT IS ORDERED that all parties involved in this action shall comply with the schedule listed below and that failure to meet these event dates may result in the dismissal of the petition.

DATED: 08/08/2022

Mia
PRESIDING JUDGE

II. NOTICES

NOTICE TO PETITIONER
The Petitioner must serve a copy of this *Order Setting Case Schedule (Schedule)* to all parties required to be served. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

The Court has set a mandatory hearing in this matter. At the hearing, the parties involved in the case shall appear and the court will enter orders regarding the matter at issue. The Court will review the status of this case, including whether the following steps have been completed:

1. Notice of Hearing, Petition, Notice of Petition, Case Schedule, Case Management Order and any Order Appointing Court Visitor or Attorney have been served on all parties requiring personal service.

Order Setting Case Schedule – Adult Guardianship/Conservatorship (ORSCS-GDC)
Rev. 06/2022 Page 1

NOTICE OF NON-COMPLIANCE FEES
If a final document is not entered within 90 days from the date stamped on this notice, your file will be reviewed. If there is no evidence of ongoing action and the case appears to be abandoned, your case may be dismissed by the Court. At that time, a "Notice of Case Closure" will be issued.

Pursuant to King County Code 4A.630.020, a fee will be assessed for failure to bring case to completion and an invoice will be mailed to you from the King County Office of Finance within 30 days of the closure, for costs related to the failure to resolve and complete this action.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

III. CASE SCHEDULE

CASE EVENT	EVENT DATE
Case Filed	08/08/2022
Deadline to serve a copy of the Petition and Notice of Hearing on the respondent, court visitor, and proposed conservator (Conservatorship only).	08/15/2022
Deadline to file a notice identifying a <u>specific individual</u> to act as guardian/conservator, if none was listed in the petition.	08/22/2022
Deadline to provide a copy of the Notice of Hearing to all required persons identified in RCW 11.130.	09/20/2022
Mandatory Status Hearing (Ex Parte Department) Seattle Case: Mondays at 10:30 AM Kent Case: Tuesdays at 10:30 AM	10/03/2022

Virtual Hearing Information

DIRECT LINK: [https://kingcounty.zoom.us/\[REDACTED\]](https://kingcounty.zoom.us/j/[REDACTED])

TELEPHONE: +1 253 215 8782

VIRTUAL COURTROOM ID NUMBER (SUBJECT TO CHANGE): [REDACTED]

- Please only visit by phone if you are unable to join online or by the app. If you are connecting by phone you will not be able to join the correct courtroom without assistance. Please have your case number ready and plan to call in to your hearing at least 15 minutes early to speak to someone.

Order Setting Case Schedule – Adult Guardianship/Conservatorship (ORSCS-GDC)
Rev. 06/2022 Page 3

**Within a few weeks you will also be contacted by a Court Visitor and a court appointed attorney. They will interview you *and your loved one*, and ask you to complete additional forms, including a document to be completed by a doctor.

They are investigating two questions:

- 1) Is Guardianship/Conservatorship appropriate for your loved one?
- 2) Are you the right person for the job?

After filing, you will be given an Order Setting Case Schedule...



The Court Hearing

The Day of the Court Hearing

What to expect at your hearing

- All hearings are held online via zoom at this time
- Your “Order Setting Case Schedule” document will provide date, time, and instructions for participating
- The court appointed attorney will be there to represent your loved one’s interests
- This is not a private proceeding. There will be other people in the virtual courtroom – expect approximately 20 or more people.
- Leave your camera and microphone off until your case is called.
- When it is your turn, the judge will announce your case name or number. They will discuss your case with you and the attorney, asking you a few basic questions, and then they will make a ruling. The entire thing will take 5-10 minutes.
- Once your turn is over you can leave the virtual court room.
- BUT YOU’RE NOT DONE YET

Should your loved one attend?

- It is likely they will be required to be there, but the attorney could possibly waive his/her requirements to attend
- The hearing could be distressing to your loved one. They use words like “incapacitated” during the proceedings.
- My Visitor told us that Nate didn’t need to be there, but then the judge was unhappy he wasn’t there



***Heads up from one parent to another:** This process was surprisingly sad. Being awarded guardianship was both exactly what we did and didn’t want. Take care of yourself and expect you might feel emotional during and after the hearing.*



**After the Court Hearing
(That's right . . . more paperwork!)**

Final Paperwork

After the hearing, you are still not officially a guardian until you do all the things required of you, as detailed in the “Order Setting Initial Guardianship/Conservatorship Schedule”, including...

- You provide a copy of your appointment notice to your loved one
- You file your “Acceptance of Appointment” form
- You file your “Guardian/Conservator’s Plan” form, along with an Order Approving the Plan
- You receive your Letters of Guardianship (see next slide)

Superior Court of Washington, County of _____

In the Guardianship/Conservatorship of: No. _____

Respondent / Minors _____

Acceptance of Appointment of Guardian / Conservator (ACPAP)

Acceptance of Appointment of Guardian / Conservator

1. I have been appointed:
 Full Limited Guardian and/or
 Full Limited Conservator of (Name) _____

2. I accept this appointment and I will perform duties as Guardian and/or Conservator according to law. I understand that the duties of a Guardian and/or Conservator are described in Chapters 11.130 of the Revised Code of Washington (RCW).

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided are true.

Signed at (city) _____, (state) _____ on (date) _____

Signature _____ Printed Name _____ WSBA or CPG No: _____

RCW 11.130.040 (01/2022) Acceptance of Appointment of Guardian / Conservator GDN ALL 003 p. 1 of 1

Superior Court of Washington, County of _____

In the Guardianship/Conservatorship of: No. _____

Individual _____

Guardian/Conservator's Plan (RPT)

I ask to court to approve the guardian and/or conservator's Plan.

1. Current living arrangement of Individual Subject to Guardianship/Conservatorship (Individual):

Guardian's plan for individual's living arrangement (if different)

2. Individual's current services and supports received:

Guardian's plan for services and supports (if different)

3. Plan for social and educational activities:

RCW 11.130.340, 510 (01/2022) Guardian/Conservator's Plan GDN R 202 p. 1 of 4

Superior Court of Washington, County of _____

In the Guardianship/Conservatorship of: No. _____

Individual _____

Order Approving Guardian/Conservator's Plan (ORAPRT)

Clerk's Action Required: 1

Order Approving Guardian/Conservator's Plan

1. **Summary**

[X] Due Date for Report: _____

[] Other (Date and Purpose): _____

Based upon the motion of the guardian and/or conservator, the guardian and/or conservator's Plan, and the documents filed with the motion, the court makes the following findings of fact:

2. **Acts of Guardian/Conservator**
All acts required of the guardian/conservator to date have been performed.

3. **Notice**
Notice has been properly provided to persons entitled to notice of this presentation and 30 days have passed since the Guardian/Conservator's Plan was filed with the court.

4. **Guardian/Conservator's Plan**
The proposed Guardian/Conservator's Plan is reasonable and appropriate to the needs of the individual and should be approved.

5. **Objections**
There [] were [] were not objections filed to the Guardian/Conservator's Plan by notice parties or the Individual.

The Court Orders:

6. **Approval Guardian/Conservator's Plan**
The guardian and/or conservator's plan is approved.

RCW 11.130.340, 510 (01/2022) Order App. Guardian/Conservator Plan GDN R 203 p. 1 of 3

TADA!

CERTIFIED COPY

FILED
2022 OCT 05
KING COUNTY
SUPERIOR COURT CLERK
CASE # [REDACTED]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

IN RE NATHANIEL J. NEMHAUSER	[REDACTED]
	LETTERS OF OFFICE (LTRO)
	LETTERS EXPIRE ON: January 30, 2026

These Letters of Office provide official verification of the following:
On October 4, 2022, the Court appointed **RACHEL NEMHAUSER** and **BRYAN NEMHAUSER**
to serve as **Guardian** for **NATHANIEL J NEMHAUSER**, in the above referenced matter.

The Guardian has fulfilled all legal requirements to serve, including, but not limited to filing the
acceptance of appointment. These Letters can only be renewed by a new court order. If the
court grants an extension, new Letters will be issued. **There are no limitations of the
Guardian .**

WITNESS my hand and seal of said Court: October 5, 2022

BARBARA MINER
King County Superior Court Clerk



By: [Signature] Deputy Clerk
T. Brown

BARBARA MINER, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it
appears in my office and the same entered. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle, Barbara Miner
By Deputy Clerk T. Brown





Reporting

Reporting Requirements

- The “Order Setting Initial Guardianship/ Conservatorship Schedule” will tell you the DUE DATE for your first periodic Guardian/Conservator Report.
- You will either be required to report every 12, 24 or 36 months.
- To assist with reporting, keep careful track of
 - Visits to your loved one
 - Visits with your loved one and friends/family
 - Medical, social and recreational updates
 - Money spent and earned

For assistance with your annual reporting:

- Contact The Arc of King County at Ask@arcofkingcounty.org or 206-829-7053
- Check out our webinar about Guardianship reporting here: <https://vimeo.com/636535417>





Questions?

Contact Information



English: 206-829-7053 OR Ask@arcofkingcounty.org

Spanish: 206-829-7030 OR Preguntas@arcofkingcounty.org

African American (Richard Mullen): 206-829-7036
OR RMullen@arcofkingcounty.org

Korean (email only): jkim@arcofkingcounty.org