

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.

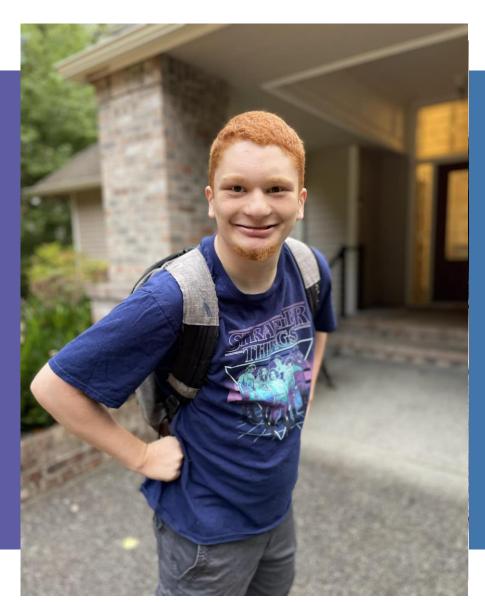


Is guardianship appropriate?

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 estrictive

Independent Decision Making

Supported Decision Making

Power of Attorney

Durable Power of Attorney

Limited Guardianship

Full Guardianship



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?



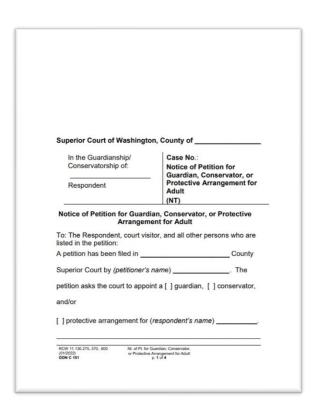
Conservatorship

- 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)

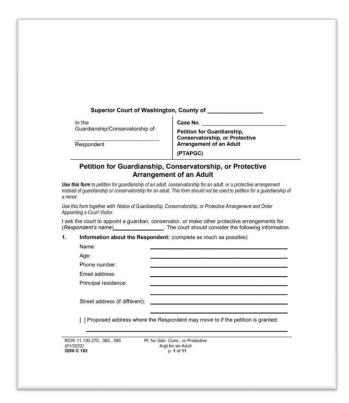


How to File for Guardianship and/or Conservatorship

The Forms You'll Definitely Need (make sure to keep copies for your records)



Notice of Petition for Guardianship and/or Conservatorship

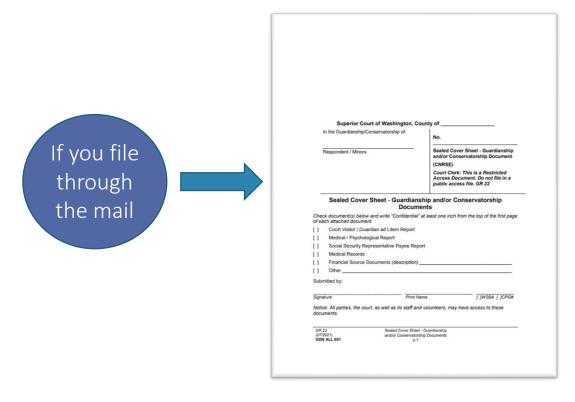


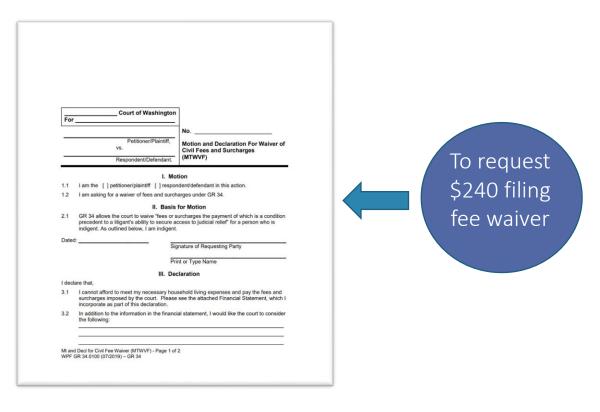
Petition for Guardianship and/or Conservatorship

	Superior Court of W	ashington
	County of K	ing
In	Re the Matter Of:	I .
		No.
		Party Information Form
		Guardianship /
		Conservatorship
	Respondent	(PIF)
		Clerk's Action Required
	Confidential Personal In	formation Form
Importar	nt! Only court staff and some state ager	cies may see this form. The other
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Confidential Personal Information Form

The Forms You Might Need (make sure to keep copies for your records)





Cover Sheet

Court 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 <u>filing</u> <u>fees</u> apply and paid with an internet check or credit card.
- To learn more, go to the Clerk's <u>e-filing</u> <u>information page</u>.
- 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 <u>required to e-file</u>, you may mail documents to the <u>Clerk's Office</u> to be filed. If a <u>filing fee</u> is required, include the appropriate payment and address your envelope ATTN: Cashiers.
- For a "received" stamped copy of your filed document, include a selfaddressed stamped envelope and an extra copy of the document.
- For assistance, call 206-296-9300 or email Customer Services.

Hand Deliver

- If not <u>required to e-file</u>, you can file Superior Court case documents at any of the Clerk's three office locations (<u>directions</u>).
- If the document requires a <u>filing fee</u>, 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

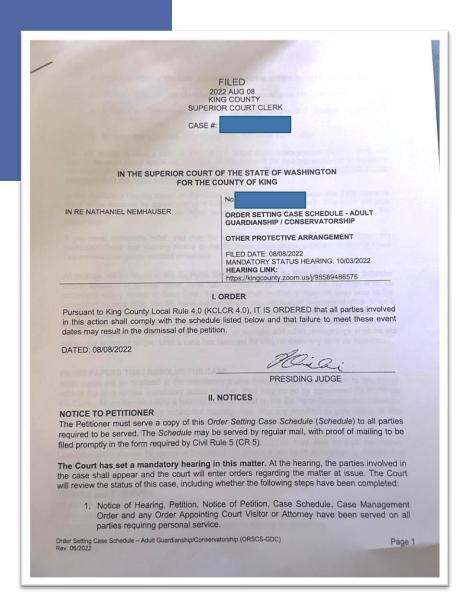
King County Court Locations (choose the one closest to your home)

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.

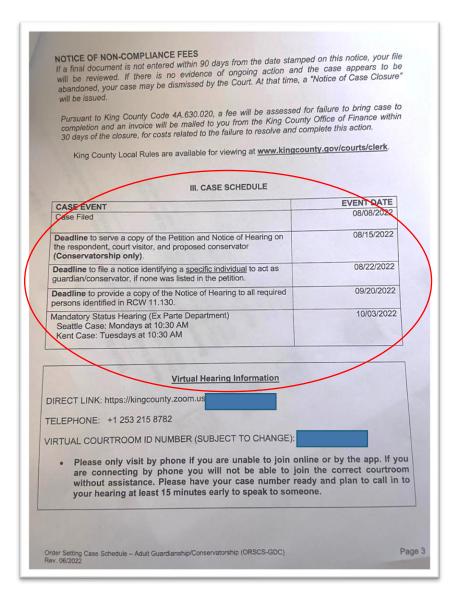
NORM MALENG REGIONAL JUSTICE CENTER (MRJC) - KENT LOCATION

- 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.



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

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



**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:

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



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.

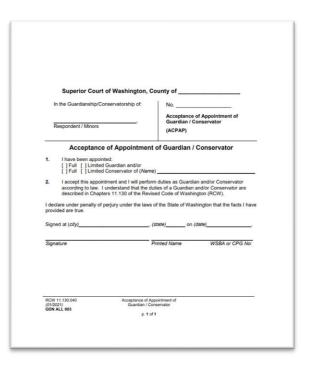


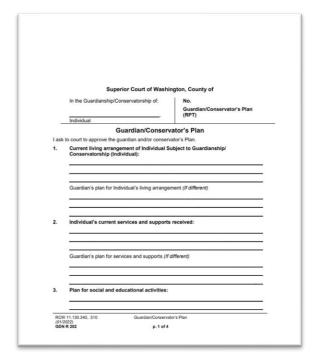
After the Court Hearing (That's right . . . more paperwork!)

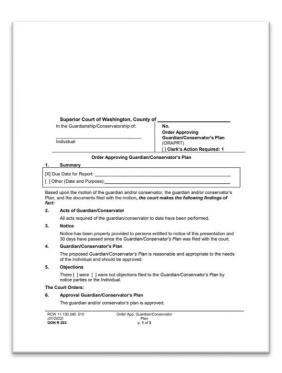
Final Paperwork

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)









2022-10-05 Page I of I

CERTIFIED COPY

FILED
2022 OCT 05
KING COUNTY
SUPERIOR COURT CLERK

CASE #:

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

IN RE NATHANIEL J. NEMHAUSER

LETTERS OF OFFICE (LTRO)

LETTERS EXPIRE N: Junuary 30, 2026

These Letters of Office provide official verification of the following
On October 4, 2022, the Court appointed RACHEL NEMHAL SER and BLAN NET

On October 4, 2022, the Court appointed RACHEL NEMHAUSER and BUAN NEMHAUSER to serve as Guardian for NATHANIEL J NEMHAUSER, the Prove eferenced matter.

The Guardian has fulfilled all legal requirements to save, including, but not limited to filling the acceptance of appointment. These Letters can only be innewed 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 see to said Co. rt: October 5, 2022

BARBARA MINER King County Superior Court Clerk

By: _____, Deputy Clerk

T.Brown



• NOT OFFICIAL WITHOUT SEAL •



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