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# HOW TO FILE FOR EMERGENCY (TEMPORARY) ADULT GUARDIANSHIP/CONSERVATORSHIP

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## In King County

### **WARNING!**

**The information and instructions in this packet are for informational purposes only and do not constitute legal advice. If you do not understand the information discussed here, or if your specific situation is beyond the scope of this packet, please contact an attorney. This packet is intended for use in King County Superior Court. If you intend to use this packet in another Washington county, check that court's local rules, since there may be additional forms or procedures required which are not discussed here.**

## **General Overview of Guardianship and Conservatorship**

If an adult is not able to manage their health, safety, or finances, a court can appoint a **guardian** to make those decisions for them. A **guardian** is a person appointed by a court to make decisions about an adult's health, safety, and self-care. Whereas a **conservator** is a person appointed by a court to make decisions about an adult's money and property. The same person can be appointed as both guardian and conservator for an adult, if both are necessary.

An adult subject to guardianship or conservatorship may lose important legal rights, including their right to:

- Marry or divorce
- Vote
- Possess a driver's license
- Make or revoke a will
- Buy, sell, own, or lease property
- Consent to (or refuse) medical procedures

Because important rights are at stake, courts grant guardians and conservators only the minimum powers necessary to address the specific needs of the adult in need of help. If a less restrictive option would solve the problems that the adult is facing, then the court will not appoint a guardian or conservator. See **Step 1** of this packet for more information on less restrictive alternatives to guardianship and conservatorship.

## Why file for an Emergency Guardianship or Conservatorship?

It takes about 60 days to appoint a guardian/conservator in standard, non-emergency situations. This packet should **ONLY** be used to ask the court to appoint an emergency guardian/conservator because it could be harmful to wait 60 days for the court to appoint a regular guardian/conservator.

It is important to understand that an emergency guardianship or conservatorship is **temporary** and can **ONLY** be appointed for **up to 60 days** (or 120 days if the court grants an extension). However, you can file forms for both an emergency guardianship/conservatorship **AND** a standard guardianship/conservatorship at the same time. The emergency order can be in place while you wait for the court to decide on the more permanent, standard guardianship/conservatorship petition.

There is a separate process for petitioning for the more permanent, standard guardianship/conservatorship of an adult. Please contact the King County Law Library for the packet on this process.

## Definitions to Know

There are a few important terms that you will need to know when filing for guardianship or conservatorship of an adult.

<b>Guardian</b>	A person appointed by a court to make decisions about an adult’s health, safety, and self-care.
<b>Conservator</b>	A person appointed by a court to make decisions about an adult’s money and property.
<b>Protective Arrangement</b>	A court order appointing a person to help an adult with specific financial, health, safety, or self-care tasks. This is a less restrictive alternative to guardianship or conservatorship.
<b>Petitioner</b>	The person filing the petition for guardianship/conservatorship of an adult. If you fill out the forms and file the petition, then you will be referred to as the “petitioner” in the court documents.

<b>Respondent</b>	The adult for whom appointment of a guardian, conservator, or protective arrangement is needed. If you are seeking guardianship for an adult in need of help, that adult will be referred to as the “respondent” in the court documents.
<b>Court visitor</b>	A person appointed by the court to investigate and make recommendations about guardianship.

For additional definitions related to adult guardianship and conservatorship, see the Washington laws about adult guardianship and conservatorship: [RCW 11.130.010](https://leg.wa.gov/RCW/default.aspx?cite=11.130).

## Required Court Forms

The steps in this packet list a number of court forms that you must complete in order to file for emergency guardianship/conservatorship of an adult. All forms needed for this process are included in this packet. You can download additional copies of any form labeled with “(GDN)” at the bottom left corner from the Washington Court’s website at:

<https://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#Guardianship>.

The forms included in this packet are:

1. **Declaration of Completion of Guardian/Conservator Training**
2. **Petition for Emergency Guardianship of an Adult and/or Conservatorship of an Adult/Minor** (GDN E 301)
3. **King County Superior Court Case Assignment Area Designation and Case Information Cover Sheet**
4. **Party Information Form Guardianship / Conservatorship**
5. **Notice of Hearing and Declaration of Mailing** (GDN ALL 005)
6. **Notice of Petition for Guardian, Conservator, or Protective Arrangement for Adult** (GDN C 101)
7. **Order Appointing Immediate Emergency Limited Guardian** (GDN E 302)
8. **Order Appointing Emergency Guardian and/or Conservator** (GDN E 303)
9. **Proof of Personal Service** (GDN ALL 007)
10. **Acceptance of Appointment of Guardian / Conservator of Guardian / Conservator** (GDN ALL 003)
11. **Notification of Rights** (GDN C 105)
12. **Emergency Guardian/Conservator's Report and Motion to Close or Extend** (GDN E 304)
13. **Order Regarding Emergency Guardianship/Conservatorship** (GDN E 305)

**Note:** Depending on your situation, you may not need to use all of the forms listed above. Please read all instructions carefully to determine which forms you will need.