

EXP01

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

In the Guardianship of:

Gloria Procaccio

An Alleged Incapacitated Person.

Case No.: 86-4-02118-1SEA

ORDER APPOINTING GUARDIAN  
AD LITEM AND NOTICE OF  
HEARING  
RCW 11.88.090

(ORAPGL)

(CLERK'S ACTION REQUIRED  
Paragraph 2.1,2.2,2.3)

FINDINGS OF FACT

The Court finds:

1.1 The facts set forth in the Petition include those necessary to give the Court jurisdiction over this matter.

1.2 Pursuant to RCW 11.88.090, a Guardian ad Litem should be appointed.

☒ 1.3 ] The Guardian ad Litem should be the person whose name next appears on the King County Guardian ad Litem registry; or

1.4[ ] The Guardian ad Litem should not be the person whose name next appears on the registry because the Court finds extraordinary circumstances exist as follows:

1.5[ ] Payment of the filing fee, and the fees-costs of the Guardian ad Litem by Alleged Incapacitated Person would result in a substantial hardship upon such person because

JP has less than \$3000 cash

ORDER

The Court orders:

2.1 ☐ The Clerk's filing fee is waived

The hearing on the Guardianship petition shall occur (within 60 days of this hearing):

2.2 ☒ Date to be set by separate notice; OR

☒ Date: 8-11-14 Hour: 10:30

Department: W325 Ex Parte

Address: 514 3rd Ave Seattle WA

2.3 Guardian ad Litem:

Selene Becker is found or known by the Court to be a suitable disinterested person with the requisite knowledge, training or expertise, who is hereby appointed as Guardian ad Litem for the above-named person. The address and/or phone/fax or the Guardian ad Litem are: 425-464-3837.

☐ The Guardian ad Litem shall be appointed at public expense, to be paid at a rate not to exceed \$ 45.00 per hour up to a maximum of \$ 300.00 without further, prior Court approval. Should evidence hereafter be submitted showing that hardship did not exist or no longer exists, the Court shall reimburse the filing fee and all other fees and costs.

☐ The Guardian ad Litem shall be appointed at private expense. The Guardian ad Litem shall be paid at a rate of \$ \_\_\_\_\_ per hour up to \_\_\_\_\_ (hours/dollars) without further order from the court. These amounts may be increased or modified only upon application to the court in advance of the Guardian ad Litem providing further services. An application to increase the fee limits shall be presented upon notice to all parties.

2.4 The Guardian ad Litem shall have the following duties as mandated by statute: (A) To file within five days of receipt of Notice of Appointment, and serve all parties personally or by certified mail with return receipt requested, his or her written statement of qualifications required by RCW 11.88.090(3)(b), which shall include all information required by RCW 11.88.090(3)(b).

(B) To meet and consult with the Alleged Incapacitated Person as soon as practicable following appointment and explain, in language which such person can reasonably be

1 expected to understand, the substance of the petition, the nature of the resultant proceedings,  
2 the person's right to contest the petition, the identification of the proposed Guardian or  
3 Limited Guardian, the right to a jury trial on the issue of his or her alleged incapacity, the  
4 right to independent legal counsel as provided by RCW 11.88.045, and the right to be  
5 present in court at the hearing on the petition;

6 (C) To determine whether mediation may be appropriate in the matter and if so, to bring a  
7 motion before the court.

8 (D) To obtain a written report according to RCW 11.88.045 and such other written or oral  
9 reports from other qualified professionals as are necessary to permit the Guardian ad Litem  
10 to complete the report required by RCW 11.88.090 and to advise Alleged Incapacitated  
11 Person of the identity of the health care professional selected by the Guardian ad Litem to  
12 prepare the medical report. If Alleged Incapacitated Person opposes said health care  
13 professional selected by the Guardian ad Litem, the Guardian ad Litem shall use the health  
14 care professional selected by Alleged Incapacitated Person, but may obtain a supplemental  
15 examination by a different physician or psychologist or advanced certified nurse practitioner;

16 (E) Pursuant to 45 C.F.R. 164.514, all providers who are covered entities under HIPAA and  
17 their business associates and upon verification of the authority of the Guardian ad Litem to  
18 receive the required information, shall release to the Guardian ad Litem a copy of the  
19 medical report required by RCW 11.88.045.

20 (F) To meet with the person whose appointment is sought as Guardian or Limited Guardian  
21 and ascertain:

22 (i) The proposed Guardian's knowledge of the duties, requirements, and limitations  
23 of a Guardian;

24 (ii) The steps the proposed Guardian intends to take or has taken to identify and meet  
25 the needs of Alleged Incapacitated Person.

26 (G) To consult as necessary to complete the investigation and report required by RCW  
11.88.090 with those known relatives, friends, or other persons the Guardian ad Litem  
determines to have had a significant, continuing interest in the welfare of Alleged  
Incapacitated Person:

1 (H) To investigate alternate arrangements made or which might be created, by or on behalf of  
2 the Alleged Incapacitated Person, such revocable or irrevocable trusts, durable powers  
3 attorney or blocked account; whether good cause exists for any such arrangements to be  
4 discontinued; and why such arrangements should not be continued or created in lieu of a  
5 Guardianship;

6 (I) To provide the Court with a written report which shall include the following:

7 (i) A description of the nature, cause and degree of incapacity, and the basis upon  
8 which this judgment was made;

9 (ii) A description of the needs of the Incapacitated Person for care and treatment, the  
10 probable residential requirements of the Alleged Incapacitated Person and the basis upon  
11 which these findings were made;

12 (iii) An evaluation of the appropriateness of the Guardian or Limited Guardian whose  
13 appointment is sought and a description of the steps the proposed Guardian has taken or  
14 intends to take to identify and meet current and emerging needs of the Alleged  
15 Incapacitated Person;

16 (iv) A description of any alternative arrangements previously made by the Alleged  
17 Incapacitated Person or which could be made, and whether and to what extent such  
18 alternatives should be used in lieu of a Guardianship, and if the Guardian ad Litem is  
19 recommending discontinuation of any such arrangements, specific findings as to why  
20 such arrangements are contrary to the best interest of the Alleged Incapacitated Person;

21 (v) A description of the abilities of the Alleged Incapacitated Person and a  
22 recommendation as to whether a Guardian or Limited Guardian should be appointed. If  
23 appointment of a Limited Guardian is recommended, the Guardian ad Litem shall  
24 recommend the specific areas of authority the Limited Guardian should have and the  
25 limitations and disabilities to be placed on the Alleged Incapacitated Person;

26 (vi) An evaluation of the Alleged Incapacitated Person's mental ability to rationally  
exercise the right to vote and the basis upon which the evaluation is made;

1 (vii) Any expression of approval or disapproval made by the Alleged Incapacitated  
2 Person concerning the proposed Guardian or Limited Guardian or Guardianship or  
3 Limited Guardianship;

4 (viii) Identification of persons with significant interest in the welfare of the Alleged  
5 Incapacitated Person who should be advised of their right to request special notice of  
6 proceedings pursuant to RCW 11.92.150; and

7 (ix) Unless independent counsel has appeared for the Alleged Incapacitated Person,  
8 an explanation of how the Alleged Incapacitated Person responded to the advice of the  
9 right to jury trial, to independent counsel, and to present at the hearing on the petition.

10 (J) Within forty-five days after notice of commencement of the Guardianship proceeding  
11 has been served upon the Guardian ad Litem, and at least fifteen days before the hearing on  
12 the petition, unless an extension or reduction of time has been granted by the Court for good  
13 cause, the Guardian ad Litem shall file a report and send a copy to the Alleged Incapacitated  
14 Person and his or her counsel, spouse, all children not residing with a notified person, those  
15 persons described in (I)(viii) of this subsection, and persons who have filed a request for  
16 special notice pursuant to RCW 11.92.150. If the Guardian ad Litem needs additional time  
17 to finalize his or her report, then the Guardian ad Litem shall petition the Court for a  
18 postponement of the hearing or, with the consent of all other parties, an extension or  
19 reduction of time for filing the report. If the hearing does not occur within sixty days of  
20 filing the petition, then upon the two-month anniversary of filing the petition and on or  
21 before the same day of each following month until the hearing, the Guardian ad Litem shall  
22 file interim reports summarizing his or her activities on the proceeding during that time  
23 period as well as fees and costs incurred.

24 (K) To advise the Court of the need for appointment of counsel for the Alleged  
25 Incapacitated Person within five court days after the meeting described in (A) of this  
26 subsection unless (i) counsel has appeared, (ii) the Alleged Incapacitated Person  
affirmatively communicated a wish not to be represented by counsel after being advised of  
the right to representation and of the conditions under which court-provided counsel may be  
available, or (iii) the Alleged Incapacitated Person was unable to communicate at all on the

1 subject, and the Guardian ad Litem is satisfied that the Alleged Incapacitated Person does  
2 not affirmatively desire to be represented by counsel.

3 (L) The Guardian ad Litem shall provide the Court with a working copy of the Guardian ad  
4 Litem report pursuant to local rule or custom.

5 (M) The Guardian ad Litem shall have the authority, in the event that the Alleged  
6 Incapacitated Person is in need of emergency life-saving medical services and is unable to  
7 consent to such medical services due to incapacity pending the hearing on the Petition, to  
8 give consent for such emergency life saving medical services on behalf of the Alleged  
9 Incapacitated Person.

10 (N) At any time during the course of the Guardian ad Litem's appointment he/she may  
11 petition the Court for additional instruction and authorization to undertake specific duties,  
12 including but not limited to consent for medical treatment beyond which is provided in  
13 paragraph (M) above.

14 (O) The Court also ORDERS:

15 For citation of GAL is TO VET  
16 PROPOSED GUARDIAN

17 DATED AND SIGNED IN OPEN COURT THIS 6/24 DAY OF JULY, 2008.

18 [Signature]  
Judge/Court Commissioner

19 Presented by:

20 [Signature]  
Signature

21 Kristin Roeder  
Printed Name

22 2370 130th Ave  
Address

23 (425) 861-1109  
Telephone/Fax Number

24 Bellevue, WA 98005  
City, State, Zip Code

25 Kristina@KLRlaw.net  
Email Address