

# How to become a Legal Guardian

## *(of an adult who needs special help because of a physical or mental disability)*

These instructions explain how to ask the Court to make you Guardian of an adult to handle that person's personal or financial matters.

There are some situations, such as a minor receiving a life-insurance payment, which require the appointment of a Guardian of a minor. This instruction is for these situations as well.

The instructions are **not** for certified professional guardians.

### **Talk to a lawyer, if you can.**

These instructions are legal *information*, not legal *advice*. It's a good idea to talk to a lawyer before you file any forms. You can contact the Pierce County Bar Association to ask for a referral (253-383-3432). If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court, and confirming this is the best legal action for your case. This will cost less than hiring a lawyer for your whole case.

## Step 1: Fill out these forms

**Download forms at:** <https://linxonline.co.pierce.wa.us/linxweb/Forms.cfm>

Form Name	Notes	Completed
Case Cover Sheet, Domestic/Probate	Filing A New Case; second form	<input type="checkbox"/>

## Step 2: Fill out these forms

**Download forms at:** <https://www.co.pierce.wa.us/index.aspx?NID=1036>

Petition for Guardianship of Person and/or Estate	Pattern Forms; right column; fourth from the top	<input type="checkbox"/>
Order Appointing Guardian ad Litem and Notice of Hearing	Guardianship Forms; left column; fourth from the bottom	<input type="checkbox"/>
Notice of Guardianship Petition	Guardianship Forms; left column; sixth from the top	<input type="checkbox"/>

## Step 3: Take the required Guardianship training.

LayGuardianTraining@courts.wa.gov

## Step 4A: If the person you want to be Guardian of has less than \$3,000 in assets...

You may ask the Court to waive the filing fee and to appoint a Guardian ad Litem at public expense. Follow these steps:

- Go to the Clerk's Office. Let the Clerk know that you are asking for the fees to be waived.
- The Clerk will then send you to the Ex Parte Commissioner Courtroom. You will present your completed & signed *Order Appointing a Guardian Ad Litem*. The Commissioner will then either sign the order or not.
- Once you appear before the Commissioner, bring all original documents back to the Clerk to file.



### **Why so many copies?**

The original forms are for the Clerk, and...

- Copy 1 is for your records.
- Copy 2 is to serve the Guardian ad Litem.
- Copy 3 is to serve the person you want to be guardian for.

## Step 4B: If the person has more than \$3,000 in assets...

- Go to the Clerk's Office. Pay the filing fee and give your original, completed forms (except for the *Order Appointing Guardian ad Litem and Notice of Hearing*) to the Clerk for filing. You will be issued a case number which must be stamped or written on all your forms.
- Take your completed & signed *Order Appointing Guardian ad Litem and Notice of Hearing* into the Ex Parte Commissioner Courtroom and present your order.
- Once you appear before the Commissioner, bring the original order back to the Clerk to file.

## Step 5: The Guardian ad Litem and the person needing a guardian must be personally served.

You must have copies of your court forms served.

### How to Serve

Someone 18 years old or older – **not you** – must serve (give) the Guardian ad Litem and the person needing a guardian copies of your court papers.

After serving, the server fills out a *Declaration of Service* form for each person served, then gives it to you. Keep a copy for your own records and file the originals with the Clerk.

\*\* Call the Guardian ad Litem *before* serving and ask for the best address to serve him/her your court papers. \*\*

## Step 6: In some cases other people must be served, too.

If the person needing a guardian has any of the following people in his/her life, they must be served, too:

- Spouse
- Adults living in the same home
- Adult children not living in the same home Parents, if the person is under 18 years of age Other Guardians, full or limited.

## Step 7: Guardian ad Litem's Report

Your *Order Appointing Guardian ad Litem and Notice of Hearing* details a report that needs to be written and filed with the Clerk's Office.

## Step 8: Schedule a Hearing

Once the Guardian ad Litem's report is completed, set a hearing on the Commissioner's Calendar to Appoint a Guardian.

A Standby Guardian is to be designated. A 90 day hearing may be required after the appointment to approve inventory and/or personal care plan.

## Step 9: Review Hearing

The initial review hearing is set by the Clerk's Office at the appointment of the Guardian.

An Annual/Triennial Reporting will occur before the Department that is assigned to your case. The reviews will continue before the same Department for the duration of the Guardianship.

### **Hours of Operation:**

*Clerk's Office:* (253) 798-7461  
Monday-Friday 8:30am-4:30pm

*Ex Parte Courtroom:*  
Monday-Friday 9:00am-11:30am; 1:30pm-3:30pm

\*The Courthouse is closed for all major holidays.\*