



## Guardianships

### Guardianships

Guardianship is a legal process under the jurisdiction of the Superior Court which establishes the responsibility for the care and management of the healthcare or property of a person who has been deemed unable to manage his or her own affairs. In general, parents are *defacto* guardians of their children until they reach 18 years of age. All adults are presumed to be competent to make their own decisions unless a Court has deemed they are incapacitated. A person who has a guardian loses some, if not all, legal rights. Only the Superior Court in the State of Washington can make the decision that a person needs a guardian, determine the scope of the rights that will be lost and designate whom will serve as the guardian.

A guardian's responsibilities depend on whether and how the guardian's role has been limited by the court. It is common to talk about two broad categories of responsibility: "estate" and "person" – but limited guardianship could contain elements from one or both categories. A **guardian of the estate** of an incapacitated person is responsible for management of the person's property and finances. He or she must file an inventory with the court within three months of appointment, as well as an annual or triennial accounting. Some management decisions will require court approval. A **guardian of the person** is responsible for assessing the person's physical, mental and emotional needs, and any need for assistance in activities of daily living. He or she will be responsible for implementing a plan to meet these needs, and must file a care plan (identifying needs and explaining how they will be met) with the court within three months of appointment, as well as an annual or triennial status report. A guardian of the person may also be responsible for giving or withholding consent to medical treatment.

### Confidential Consultation

Establishing Guardianship is a serious and often times complex decision. You can trust Tarutis | Legal Solutions to carefully listen and examine your case to determine whether establishing legal guardianship is recommended in your situation and to help you determine the best course of action. We also advise and represent individuals who object to the appointment of a guardian.

Call us today at (206) 223-1515 to schedule a confidential consultation.