

RN#091113-000022
Updated Request

Date: 7/9/2015

The docket code ORGDNOW and the connection code TSC were implemented on January 19, 2010, after approval of the JIS Codes Committee on December 8, 2009. ORGDNOW echoed the description "Order of Guardianship Other Government – Use Connection Code TSC."

Subsequently, forms have been created to facilitate consistency in case processing, tracking, and reporting. No new codes are needed.

The instant request asks the JIS Codes Committee to:

1. Approve the docket codes associated to each of the new forms, or recommend and approve alternative codes. (Attachments #1 through #8)
2. Approve a description change to ORGDNOW to "Final Order Confirming Accepting/Transfer Guardianship–Use Conn Cd TSC" (long title) and echo Final Ord Accept/Trans Gdns-Use Conn TSC (short title).
3. Approve a change to allow the Guardianship Case Type (Case Type 4) to accept the Resolution Code TRJU (Transfer of Jurisdiction). (See page 3 on Attachment #9).
4. Approve the guardianship transfer process flowchart for inclusion in an eService Answer as a reference for consistent and accurate data entry, tracking, and reporting. (Attachment #9)

Superior Court of Washington
County of _____

In the Guardianship of:

_____,
Incapacitated Person

No. _____

**Petition to Transfer Guardianship
from Washington State to the
Receiving State
(PT)
RCW 11.90.400**

I am the guardian for the incapacitated person. I am petitioning the Washington court to transfer the guardianship to _____ (county and state) under RCW 11.90.400.

1. Information about the Guardianship:

Name of Guardian(s): _____

Date of Appointment: _____

Letters of Guardianship expire on: _____

Scope of Guardianship: full limited guardianship of person

full limited guardianship of estate

2. Reasons to Transfer the Guardianship (RCW 11.90.400)

A. Connections to the other state. (check one)

The incapacitated person is physically present in or is reasonably expected to move to the other state:

Address: _____

Date of move: _____

Explain: _____

_____.

OR

I am only asking to transfer the guardianship of the estate and the incapacitated person has a significant connection to the other state, considering the following factors in RCW 11.90.200(2):

(a) The location of the respondent's family and other persons required to be notified of the guardianship or protective proceeding;

(b) The length of time the respondent at any time was physically present in the state and the duration of any absence;

(c) The location of the respondent's property; and

(d) The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship, and receipt of services.

Explain:

_____.

B. There are reasonable and sufficient plans for care, services, and/or management of the incapacitated person's property in the other state. Explain:

_____.

3. Proper notice was sent to all persons entitled to notice.

(Submit a separate declaration of service to show this.)

4. This court should be satisfied that the guardian ship will be accepted by the court in the other state.

5. Request for Relief. I ask the court to:

- A. Issue a provisional order granting this petition to transfer guardianship; and
- B. After the other state has ruled to accept the transfer, issue a final order confirming the transfer and terminating the Washington State guardianship.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at _____ (City and State) on _____ (Date).

_____ Signature of Guardian/Attorney	_____ Printed Name of Guardian/Attorney, WSBA/CPG#
_____ Address	_____ City State, Zip Code
_____ *Telephone/Fax Number	_____ Email Address

* **Privacy notice:** If you do not want your personal phone number on this public form, you may list your telephone number on a separate form which may be available to parties and the court, as well as its staff and volunteers, but will not be made available to the public. Use Form WPF GDN 03.0100, Guardianship Confidential Information form (Telephone Numbers), for this purpose.

#2

Superior Court of Washington
County of _____

In the Guardianship of:

_____,
Incapacitated Person

No. _____

Provisional Order

Granting (ORGMT)

Denying (ORDYMT)

**Petition to Transfer Guardianship
to the Receiving State
RCW 11.90.400**

I. Findings

- 1.1 A petition has been filed seeking transfer of this guardianship from Washington to:
_____ (county and state).
- 1.2 A hearing was held on _____ (date).
- 1.3 Notice of this petition was given to those persons who would be entitled to notice of a petition in this state for the appointment of a guardian. RCW 11.90.400(2).
- 1.4 There has not been an objection to the transfer.
- There has been an objection to the transfer. The objector:
- has not established that the transfer would be contrary to the interests of the incapacitated or protected person.
 - has established that the transfer would be contrary to the interests of the incapacitated or protected person.
- 1.5 The court is or is not satisfied that the court of the other state is likely to accept jurisdiction.

- 1.6 The incapacitated person does or does not have sufficient ties to the other state to allow transfer:
- The incapacitated person is physically present in the other state; or
 - The incapacitate person is reasonably expected to move permanently to the other state; or.
 - The request is to transfer *only* the guardianship of the estate and the Incapacitated person had a significant connection to the other state, considering the factors in RCW 11.90.200(2).
- 1.7 Plans for care and services for the incapacitated person in the other state are are not reasonable and sufficient.
- 1.8 If transferring guardianship of the estate: Proposed arrangements for management of the protected person's property are are not adequate.

II. Order

- 2.1 The Petition to Transfer Guardianship is provisionally granted. The guardian shall petition for guardianship in the other state.
- 2.2. The Petition to Transfer Guardianship is denied and dismissed.

Dated: _____

Judge/Court Commissioner

Presented by:

Signature of Petitioner/Attorney

Printed Name of Petitioner/Attorney, WSBA/CPG#

Address

City State, Zip Code

*Telephone/Fax Number

Email Address

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Superior Court of Washington
County of _____

In the Guardianship of:

_____,
Incapacitated Person

No. _____

Provisional Order

Granting (ORGMT)

Denying (ORDYMT)

**Transfer of Guardianship or
Conservatorship To Washington
(RCW 11.90.410)**

Clerk's action required: para 2.1

I. Findings

- 1.1 The guardian or conservator petitioned to transfer the guardianship or conservatorship from _____ (county and state) to Washington.
- 1.2 The petitioner filed a certified copy of the other state's provisional order of transfer.
- 1.3 This court held a hearing on _____ (date).
- 1.4 Notice of this petition was given to those persons who would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a protective order in both the transferring state and this state. The notice was given in a manner that complies with Washington requirements. RCW 11.90.410(2).
- 1.5 There has not been an objection to the transfer.
- There has been an objection to the transfer. The objector:
 - has not established that the transfer would be contrary to the interests of the incapacitated or protected person.
 - has established that the transfer would be contrary to the interests of the incapacitated or protected person.

- 1.6 The proposed guardian is is not eligible to be appointed guardian in Washington State.
- 1.7 The proposed guardian has has not filed proof of successful completion of Washington's lay guardian training program.
- 1.8 This court recognizes the guardianship or conservatorship order from the other state.
- 1.9 This court recognizes the determination of the incapacitated or protected person's incapacity and the appointment of the guardian or conservator. RCW 11.90.410.

II. Order

- 2.1 A. **Denied:** The petition to transfer the guardianship or conservatorship is **denied**. This order does not affect the ability of the guardian or conservator to seek appointment as guardian in this state if this court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.
- B. **Granted:** The petition to transfer the guardianship or conservatorship is **provisionally granted**. The petitioner shall seek a final order to transfer the guardianship or conservatorship from the other state. Not later than 90 days after issuance of a final order accepting transfer of a guardianship or conservatorship in Washington, the court shall determine whether the guardianship needs to be modified to conform to Washington law.

1. Provisional Letters:

The court clerk shall issue provisional letters of guardianship:

- Full Limited guardian of the person, and/or
- Full Limited guardian of the estate

valid until (date) _____ to (name of guardian)
 _____ upon the filing of an oath, any bond
 required in paragraph 2.4, and form GDN 04.0300, Designation of and
 Consent by In-State (Resident) Agent, if the guardian or limited guardian
 resides outside the state.

Letters of guardianship in Washington shall not issue until the Washington Court enters a final order appointing guardian in this State.

2 Guardian Bond and Security:

- Guardianship bond is set in the amount of \$_____.
- Bond is waived.
- Bond shall be reviewed at review of inventory.
- The guardian shall have access to all accounts.

The following accounts are blocked, and no funds may be withdrawn without court order:

All other accounts shall be blocked and the guardian shall file a receipt of funds into blocked account, form WPF GDN 04.0600, with the Court no later than 30 days from the date of this order: _____.

If bond is waived, the guardian is required to report to the court if the total assets of the incapacitated person reaches or exceeds three thousand dollars (\$3,000). Pursuant to RCW 11.88.100, the guardian of the estate shall file a yearly statement showing the monthly income of the incapacitated person if said monthly income, excluding moneys from state or federal benefits, is over the sum of five hundred dollars (\$500) per month for any three consecutive months.

2.2 **Other:** _____

_____.

Dated _____

Judge/Court Commissioner

Presented by:

Signature of Guardian/Attorney

Printed Name of Guardian/Attorney,
WSBA/CPG#

Address

City State, Zip Code

*Telephone/Fax Number

Email Address

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Superior Court of Washington
County of _____

In the Guardianship of:

Incapacitated Person

No. _____

**Final Order Confirming Transfer
and Terminating Washington
Guardianship
(ORGDNOW)
RCW 11.90.400(6)**

I. Findings

- 1.1 A *Petition to Transfer Guardianship from Washington to the Receiving State of _____* was filed.
- 1.2 The court signed a *Provisional Order Granting Petition to Transfer Guardianship to the Receiving State*.
- 1.3 The guardian petitioned for guardianship in the receiving state.
- 1.4 The receiving state issued a provisional order accepting transfer of guardianship under provisions similar to RCW 11.90.410.
- 1.5 The guardian filed a certified copy of the receiving state's provisional order.
- 1.6 The guardian has has not filed a final report and accounting.

II. Order

- 2.1 The guardianship is transferred to the Receiving State of _____.
- 2.2 The Washington guardianship of the person and/or estate is terminated.
- 2.3 The guardian will be discharged upon entry of an *Order Approving Guardian's Final Report*, form GDN 06.0700.

Dated: _____

Judge/Court Commissioner

Presented by:

Signature of Guardian/Attorney

Printed Name of Guardian/Attorney, WSBA/CPG#

Address

City State, Zip Code

*Telephone/Fax Number

Email Address

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Superior Court of Washington
County of _____

In re the Guardianship of:

_____,
Incapacitated Person.

No. _____

**Petition for Washington to
Accept a Guardianship or
Conservatorship from a
Transferring State
(RCW 11.90.410)
(PT)**

I am the guardian or conservator of an incapacitated person in another state. I am petitioning the Washington Court to enter a provisional order accepting the transfer of a guardianship or conservatorship from that other state under RCW 11.90.410.

1. Information about the Petitioner (the guardian or conservator in another state)

Name: _____

Relationship to Incapacitated Person: _____

(Instead of filling out the information on this form, you can complete and file a Confidential Information Form.)

Street Address: _____

Mailing Address: _____

Contact Phone Number/s: _____

2. Information about the Incapacitated Person

Name: _____

Age: _____

(Instead of filling out the information on this form, you can complete and file a Confidential Information Form:)

Street Address: _____

Mailing Address: _____

Contact Phone Number/s: _____

3. Information about the Case in the Transferring State

A. A guardianship or conservatorship is currently in: _____ (name of state). This state is called the "transferring state."

B. Name of the court the case is filed in: _____.
(Example: Mason County District Court.)

C. Case number: _____.

D. The guardianship or conservatorship is a:

- Full Limited Guardian of the Person and/or
 Full Limited Guardian/conservator of the Estate

4. Basis to Accept the Transfer

I have filed a **certified copy** of the transferring state's provisional order of transfer.

A certified copy of the Order Appointing Guardian/Conservator signed by the transferring state is:

- included in or attached to the provisional order of transfer.
 filed separately or attached to this petition.

I am eligible to be appointed as a guardian in Washington. I am over the age of eighteen, of sound mind, and I have not been convicted of a felony or misdemeanor involving moral turpitude, and I am otherwise suitable and eligible to be appointed guardian in the State of Washington.

I do not reside in Washington State. I have appointed a resident agent and filed the *Designation of and Consent by In-State (Resident) Agent* form.

There is other information I want the court to consider: _____

_____.

5. People Entitled to Notice

Name: _____

Address: _____

Relationship to Incapacitated Person: _____

Name: _____

Address: _____

Relationship to Incapacitated Person: _____

Name: _____

Address: _____

Relationship to Incapacitated Person: _____

(Attach more sheets if you need to.)

6. Financial Information

The approximate value and the description of the property owned by the alleged incapacitated person are:

A. Assets:

1. Real Property: \$ _____
(State/s where property is located _____)

2. Stocks, Mutual Funds, & Bonds: \$ _____

3. Mortgages and Notes: \$ _____

4. Bank Accounts: \$ _____

5. Other Property: \$ _____

Description of other property:

The total approximate value of assets is: \$ _____

The alleged incapacitated person receives compensation, pension, insurance, and allowances as follows:

B. Monthly Income:

1. Social Security Benefits: \$ _____

2. Veterans' Benefits: \$ _____

3. Washington State Assistance: \$ _____

4. Retirement Income: \$ _____

5. _____: \$ _____

6. _____: \$ _____

7. _____: \$ _____

The total approximate monthly income is: \$ _____

7. Lay Guardian Training

- The proposed guardian in Washington has already completed lay guardian training. Evidence that he or she successfully completed the training is attached to the petition or filed separately.
- I request an extension of up to 90 days after provisional appointment for the guardian to complete and file proof of completion of the training because:

(If the court grants your request, evidence of successful completion of the lay guardian training will not be required until later.)

- The proposed Washington guardian is not required to complete lay guardian training because he or she is:
 - a certified professional guardian,
 - a financial institution subject to the jurisdiction of the department of financial institutions and authorized to exercise trust powers, **or**
 - a federally chartered financial institution authorized to serve as a guardian of the estate.

8. Relief Requested:

I am asking the court to enter:

- an order provisionally granting this *Petition for Washington to Accept a Guardianship or Conservatorship from a Transferring State*.
- an order directing the guardian or conservator to request the transferring state to issue a final order confirming the transfer to Washington, and terminating the guardianship or conservatorship in the transferring state.
- an order directing the court clerk to issue provisional Letters of Guardianship, upon filing an oath, for:
 - Full Limited Guardianship of the Person and/or
 - Full Limited Guardianship of the Estate

which will expire 90 days after the date of the Provisional Order Granting Transfer of Guardianship or Conservatorship to Washington.

- an order establishing the amount of the bond to be posted or requiring restricted accounts. I propose a bond of \$_____.

an order directing the proposed Washington guardian to file proof of successful completion of Washington's lay guardian training before the court enters a final order accepting guardianship in Washington.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (City) _____ (State) _____ on (Date) _____.

Guardian's Signature

Printed Name

Presented by:

Signature of Guardian/Attorney

Printed Name of Guardian/Attorney,
WSBA or CPG no. _____

Address

*Telephone/Fax Number

E-mail Address

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Superior Court of Washington
County of _____

In the Guardianship of:

_____,
Incapacitated Person

No. _____

**Motion for Final Order
Accepting Transfer to
Washington
(MT)
RCW 11.90.410**

I am the guardian or conservator of an incapacitated person in another state. That other state has confirmed transfer to Washington State and terminated guardianship. I ask this court to enter a final order accepting transfer of the guardianship or conservatorship to Washington State and enter an order appointing _____ (name) as guardian of the incapacitated person in Washington.

1. Basis for Motion:

- A. I previously filed a petition for Washington to accept a guardianship or conservatorship from a transferring state. The court granted that petition, and entered a provisional order accepting transfer to Washington.
- B. The other state has entered a final order confirming transfer to Washington State and terminating the guardianship or conservatorship in the other state. **I have attached or filed a certified copy of that final order.**
- C. I filed an oath of guardian and am qualified to act as guardian under Washington law.
- D. I have notified all parties who would be entitled to notice of a guardianship petition. (Submit a separate declaration of service to show this.)

2. Relief Requested. I ask this court to:

- A. Grant the petition and appoint a guardian in this state.

B. Other:

I declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at _____ (City and State), on _____ (Date).

Guardian's Signature

Print Name

Presented by:

Signature of Guardian/Attorney

Printed Name of Guardian/Attorney, WSBA/CPG#

Address

City State, Zip Code

*Telephone/Fax Number

Email Address

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Superior Court of Washington
County of _____

In the Guardianship of:

_____,
Incapacitated Person

No. _____

**Motion for Final Order
Confirming Transfer and
Terminating Washington
Guardianship
(MT)
RCW 11.90.400(6)**

I am the guardian of an incapacitated person in Washington State. I ask this court to enter a final order confirming transfer to the receiving state and terminating the Washington guardianship.

1. Basis for Motion

- A. The guardian filed a Petition to Transfer Guardianship from Washington to the Receiving State.
- B. This court entered a *Provisional Order Granting Petition to Transfer Guardianship to the Receiving State*.
- C. The guardian petitioned the receiving state’s court to transfer guardianship to the receiving state.
- D. The receiving state court entered a provisional order accepting transfer of guardianship under provisions similar to RCW 11.90.410.
- E. The guardian filed a certified copy of the receiving state’s provisional order with this Washington State court on _____ (date).
- F. The guardian has has not filed a final report and accounting.

2. Relief Requested. I ask this court to take the following action:

- A. Grant the petition and transfer guardianship to the receiving state.
- B. Terminate the Washington guardianship of the person and/or estate.

C. Discharge the guardian:

- At the hearing on this motion, after approving the guardian's final report and accounting, which has been filed with this court.
- When the court approves the guardian's final report. The guardian's final report should be due on _____ (date, no later than 90 days after guardianship is transferred).

I declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at _____ (City and State), on _____ (Date).

Guardian's Signature

Print Name

Presented by:

Signature of Guardian/Attorney

Printed Name of Guardian/Attorney, WSBA/CPG#

Address

City State, Zip Code

*Telephone/Fax Number

Email Address

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**Superior Court of Washington
County of _____**

In re the Guardianship of:

_____,
An Incapacitated Person

No. _____

**Final Order Accepting Transfer
to Washington
(ORGDNOW)
RCW 11.90.410**

Findings

1. The guardian or conservator has filed a *Petition for Washington State to Accept a Guardianship or Conservatorship from a Transferring State* and this court entered an order provisionally granting the transfer.
2. This court received a certified copy of the final order confirming transfer to Washington State and terminating the guardianship or conservatorship under a provision similar to RCW 11.90.410 in _____(State).
3. Notice has been provided to all necessary parties.

The court orders:

4. Transfer

This court grants the *Motion for a Final Order Accepting Transfer to Washington*. This court accepts transfer of the guardianship to this court’s jurisdiction under RCW 11.90.410.

5. Appointment of guardian

(Name)_____ is appointed guardian by separate *Order Appointing Guardian* that the court entered on this date.

Dated _____

Judge/Court Commissioner

Presented by:

Signature of Guardian/Attorney

Printed Name of Guardian/Attorney, WSBA/CPG #

Address

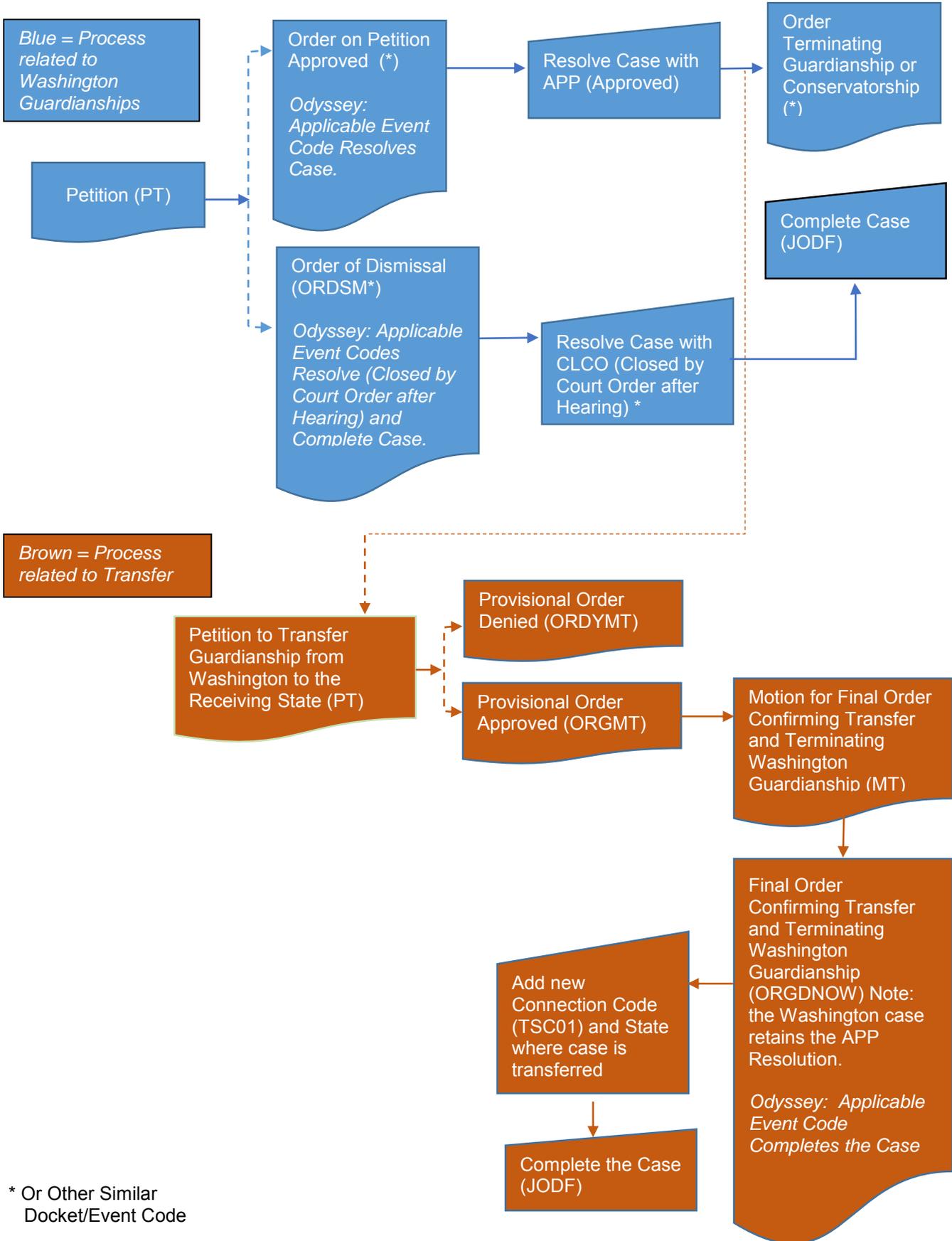
City, State Zip Code

*Telephone/Fax Number

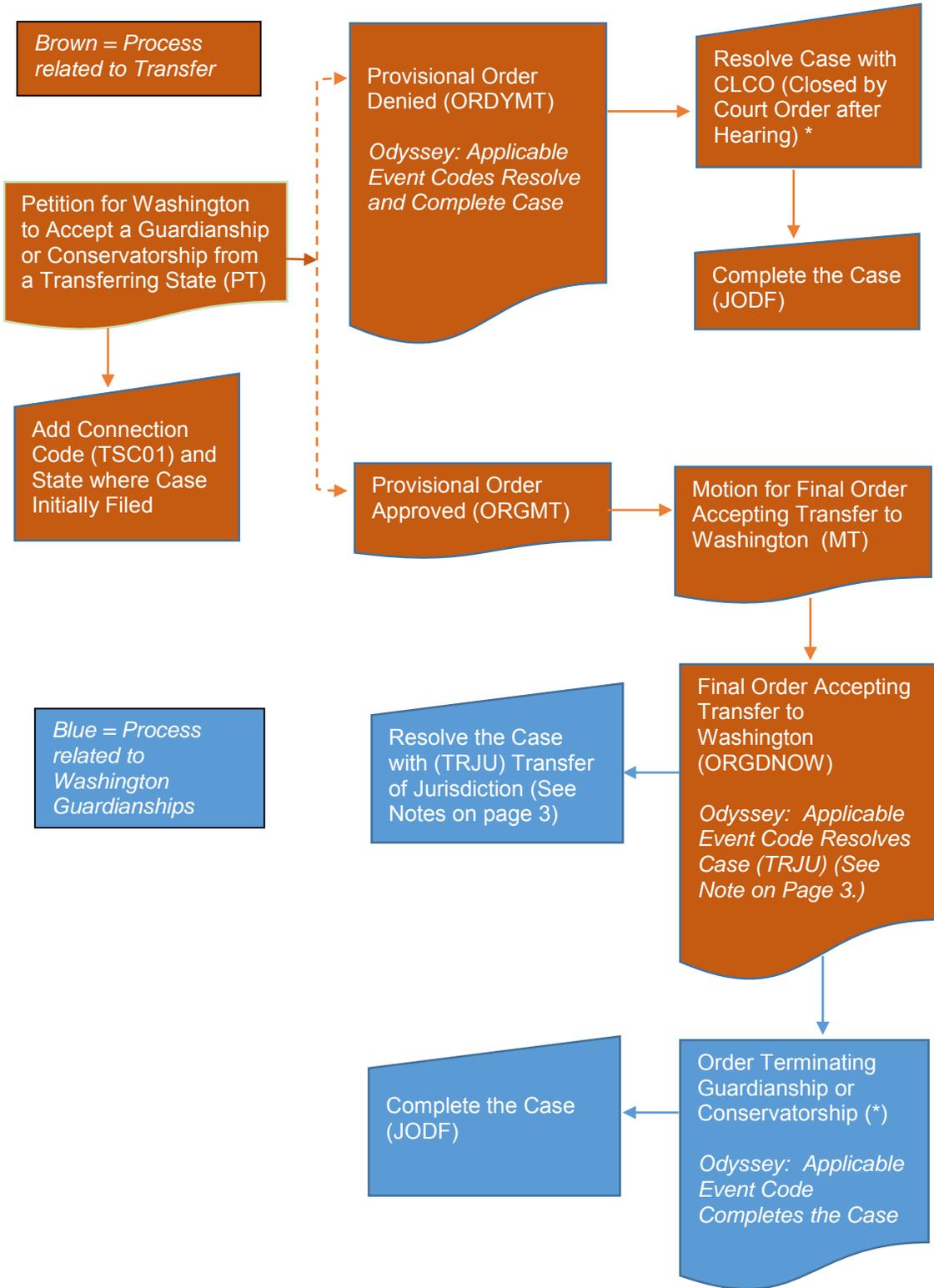
Email Address

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Guardianship/Conservatorship Case Initially Filed in Washington



Guardianship/Conservatorship Case Initially Filed in another State



* Or Other Similar Docket/Event Code

Issue: Should the current process used for transferring jurisdiction be applied to the Guardianship case type? If so, Transfer of Jurisdiction (TRJU) needs to be made available for use in the Guardianship Case Type (S4). This requires approval of the JIS Codes Committee.

Definitions

Change of Venue/Jurisdiction (CHV): Final resolution for an unadjudicated case transferred from the court of filing to another jurisdiction for all subsequent adjudication and/or proceedings, upon motion of a party or upon the court's own initiative.

Transfer of Jurisdiction (TRJU): Final resolution for a case which has previously been resolved (i.e., petition approved) in another jurisdiction, and has been transferred for ongoing review hearings.

Approved Petition: Final resolution by the court where a petition has been approved.

Change of Venue/Jurisdiction (CHV) is not a Resolution Code option for transferring a Washington guardianship case to another state since the petition to transfer anticipates a guardian or conservator filing the petition. A guardian or conservator on a case would be the result of an "Approved" petition, thus the case has already been resolved with APP (Approved). Using Change of Venue (CHV) in a Washington guardianship case would only be available only if the guardianship case is unadjudicated

Allowing TRJU to be used in guardianship cases will further ensure data quality and tracking ability since the petition to transfer out of Washington or transfer into Washington does not have a unique docket code.

- The Washington guardianship case with an APP (Approved Petition) resolution code that subsequently receives a Petition to Transfer Guardianship from Washington State to the Receiving State (PT) would retain the APP resolution after entry of the Final Order Confirming Transfer and Terminating Washington Guardianship (ORGDNOW) from the receiving state.
 - Case Resolution = APP
 - Docket Code = ORGDNOW
 - Connection Code = TSC
 - Include Connection Code Name in the query report to identify the state the case has been transferred
- A Petition for Washington to Accept Guardianship or Conservatorship from a Transferring State requires approval by the Washington court. At filing of that petition, the Case Resolution field should remain blank. A provisional order is entered subsequently followed by entry of the Final Order Confirming Transfer to Washington (ORGDNOW) signed by a Washington Superior Court Judge. Once the guardianship case has received the final order, the County Clerk enters the resolution code TRJU (Transfer of Jurisdiction) since the case being transferred was previously resolved in another jurisdiction.
 - Case Resolution = Blank (Pending entry of Final Order Accepting Transfer) or TRJU (Final Order Accepting Transfer entered)
 - Connection Code = TSC
 - Include Connection Code Name in the query report to identify the transferring state
 - Include in the query report Docket Code = ORGDNOW

Notes: ORGDNOW validates TRJU resolution code

Absence of ORGDNOW + TSC Connection Code validates the Blank resolution (the transfer request is pending)