



How to Identify a Guardian / Conservator Nominee

Background:

When a person is no longer able to make decisions for themselves or to self-consent to services and does not have a legally designated decision maker with appropriate authority, they will require a guardian and/or a conservator to assist them. Under the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act of 2022 (UGA), a guardian or conservator must be pre-identified and listed for nomination in the initial paperwork filed with the court by the petitioner. The petitioner in such UGA motions is the responsible party for filing the request for guardianship or conservatorship with the court on behalf of the individual person. A petitioner can be any person, facility, or entity with an “interest in the welfare of the person”. As such, it is the responsibility of the “interested party” or “petitioner”, to identify and nominate a person to serve in the capacity as a guardian and/or a conservator for the person in question.

There are limited resources and even fewer programs offered in the state of Washington to support the identification of guardian or conservator nominees. Such programs have limited capacity, specific and distinct eligibility requirements, caseload restrictions, and payor mechanisms based on the program selected. The two main programs are the Office of Public Guardians (OPG), herein referred to as “*OPG Public Guardian*”, and the Guardianship and Conservatorship Assistance Program (GCAP), herein referred to as “*GCAP Guardian*”.

Purpose:

Although the department is not responsible for identifying a nominee when UGA motions are needed to be filed with the court, the department acknowledges the need for a resource tool outlining the process. The purpose of this form is to provide a resource tool to community stakeholders for their use when navigating the guardian/conservator nominee identification process in preparation for a UGA court filing.

- 1. Complete a statewide search for guardian/conservator by accessing the Washington Courts Guardianship Portal website at: [Washington State Courts - Guardian Portal](#)**
- 2. Complete Step 1 on the website by completing and submitting the Guardian/Conservator Search Form. When clicking on the link, the form will auto populate and must be emailed directly to the email address listed on the form.**
 - This form is also referred to as the “Statewide ListServ”.
 - This step is required to be completed prior to making an official referral to the Office of Public Guardians (OPG) and/or to the HCS Guardianship and Conservatorship Assistance Program (GCAP).
 - While this search process is overseen by the Administrative Offices of the Courts (AOC) by the Office of Public Guardians (OPG), it is not the official referral for requesting a public guardian through OPG.

STEP 1

Begin by completing a [Guardian/Conservator Search Form](#). Upon receipt of the form, staff will email a brief case description to the certified professional guardian and conservator (CPGC) listserv. CPGCs interested in accepting the appointment will be instructed to contact you directly.

- 3. Allow the 14-day timeframe for the Guardian/Conservator Search process to close.**
 - If a guardian/conservator is interested during the search process, they will contact the representative listed on the search form to make arrangements to meet with the client in order to determine their willingness to accept nomination for court appointment.
 - If at the end of the 14-day period, no interested guardian/ conservator is identified, a case can be referred for consideration for either the appointment of a Public Guardian through the Office of Public Guardians (OPG) or the appointment of a contracted guardian through the HCS Guardianship and Conservatorship Assistance Program (GCAP).
- 4. Review case for program eligibility for OPG and/or GCAP consideration.**
 - **OPG Public Guardian:** OPG offers public guardianship, conservatorship, and alternative services as governed under [RCW 2.72](#). Review program eligibility criteria listed as Step 2 on the Washington Courts Guardianship Portal website at: [Washington State Courts - Guardian Portal](#).
 - **GCAP Guardian:** DSHS HCS offers contracted guardianship and conservatorship services for eligible Medicaid HCS clients under [WAC 388.106.2100-2165](#). Review program eligibility criteria on the Washington State Department of Social and Health Services Aging and Long-Term Support Administration Acute Care Hospitals website at: [Acute Care Hospitals | DSHS](#)
- 5. If client meets specific program criteria, submit referral(s) to the appropriate program(s). Referrals may be made to OPG and GCAP simultaneously.**
 - **OPG Public Guardian:** Access the OPG Referral Form link located in Step 3 on the Washington Courts Guardianship Portal website at: [Washington State Courts - Guardian Portal](#). Submit completed referral form using the online submission system generated from the link in Step 3.

STEP 3

If an adult subject to guardianship/conservatorship is eligible for services through the OPG, complete an [OPG referral form](#). Staff conduct periodic reviews of referrals and distribute acceptance announcements to public guardians and referrers for individuals that qualify for services and meet program priorities.

All appointments are contingent upon available funding and public guardian capacity. OPG staff maintain an active waitlist and conduct periodic review to ensure OPG services continue to fulfill program priorities.

- **GCAP Guardian:** Review program eligibility criteria on the Washington State Department of Social and Health Services Aging and Long-Term Support Administration Acute Care Hospitals website at: [Acute Care Hospitals | DSHS](#)

Guardianship and Conservatorship Assistance Program (GCAP) Information and Forms

- Guardian Conservator Search Form (PDF)
- Due Diligence Checklist
- GCAP Referral Form
- GCAP Referral Process Overview
- GCAP Eligibility Criteria, Referral Process, and Program Details (WAC 388-106-2100)
- HCS Guardianship Pilot Program – 1 Year Summary
- Meet the GCAP Team

6. Once a program referral is submitted, expect email notification of receipt of referral(s) as follows:

- **OPG Public Guardian:** Email notification auto-generated upon receipt of online referral submission.
- **GCAP Guardian:** Email notification sent by GCAP Program Manager within 72 business hours of receipt.

7. Once a program referral is received and processed in full, expect email notification of program eligibility determination and next steps:

- **OPG Public Guardian:** Email notification sent by OPG/AOC staff outlining program eligibility and inclusion determination and instructions for next steps. Timeframes vary based on committee review schedule.
- **GCAP Guardian:** Email notification sent by GCAP Program Manager within 72 business hours of processed referral outlining program eligibility, inclusion determination, and instructions for next steps.

8. If a case is determined eligible and accepted for a program inclusion, the program generates a case referral and disseminates it out to the contractors for the eligible program(s).

- **OPG Public Guardian:** Client referral sent by OPG/AOC staff to all OPG contracted guardians/conservators for consideration.
- **GCAP Guardian:** Client referral sent by GCAP Program Manager to all GCAP contracted guardians/conservators for consideration.

OPG and GCAP contracted guardians/conservators are independent contractors and as such cannot be mandated to accept a case on the basis that it was determined eligible for program(s) inclusion. This means that acceptance to a program does not guarantee the identification of a guardian/conservator for nomination with the court.



- 9. Once an interested guardian/conservator contractor is identified, the contractor is required to complete a visit with the client prior to accepting or denying nomination on the matter. This is a required step for both programs.**
- 10. If a contracted guardian/conservator has met with the client and has agreed to accept nomination for the case, expect email notification from:**
- OPG Public Guardian:** the OPG/AOC staff notifying the referring party of the contractor acceptance and need for referring party to initiate filing of court motion with identified contracted as nominated party.
- GCAP Guardian:** the GCAP Program Manager notifying the referring party of the contractor acceptance and need for referring party to initiate filing of court motion with identified contracted as nominated party.
- 11. As the petitioner, follow judicial process and procedures under the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA) as outlined in RCW 11.130 to initiate the petitioning process for the establishment of a guardianship and/or conservatorship for the client.**
- Department of Social and Health Services (DSHS) cannot provide legal advice on the filing or judicial requirements or process. Therefore, hospitals and facilities are encouraged to work with their legal counsel for filing and judicial process management for purposes of establishing and maintaining a UGA matter.
 - Office of Public Guardians (OPG) is unable to self-petition the court for establishment of a guardianship or conservatorship matter.
 - DSHS is a petitioner of last resort. This means that unless a motion is sought by Adult Protective Services (APS) or is approved for a GCAP Filing Exemption, the department may not serve as the petitioner for the UGA matter.

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Resources.**