

Predicate Questions – Interested person

Sample Questions for interested persons and contacts:

What is your relationship to the Respondent?

How long have you known the Respondent?

What is the Respondent like as a person; historically and in the present; have you noted any significant changes?

Describe the Respondent's interests, preferences, personality.

Are you familiar with the allegations in the petition?

Do you agree/disagree with the allegations in the petition?

What is your opinion as to the Respondent's mental capacity?

How does the alleged incapacity affect the Respondent's ability to manage personal and property decisions?

What level of assistance, if any, do you think the Respondent needs?

Are there any other contacts that the Court Visitor should make?

Are you familiar with the proposed guardian?

If so, do you have any concerns about that person's suitability to serve as the Respondent's guardian and act on behalf of the Respondent?

Questions for All

In which areas can the Respondent retain his or her autonomy?

Does the Respondent have the ability to participate in some or all decisions?

Will the Respondent be willing or able to cooperate with the guardian-nominee on residential placement, care, and medical issues?

If a prior relationship exists between the Respondent and guardian-nominee, how will their relationship change once the guardian has been appointed?

Questions for the petitioner:

What was the precipitating issue or issues that led to the filing of the guardianship petition?

Are there any alternatives to guardianship currently in place (durable powers of attorney, trusts, etc.)?

If there is an alternative in place, what is it and why was the guardianship nonetheless filed?

Did the petitioner consider any less restrictive alternatives before filing the petition?

If so, what happened, or if not, why not?

If petitioner has proposed themselves as guardian, why?

If petitioner has proposed someone other than themselves, why?

If an alternative is in place, and petitioner has proposed someone other than the already named individual, why?

Does the petitioner feel a full guardianship is necessary, or a limited one?

Is both a guardianship and conservator necessary?

If a limited guardianship is being proposed, what limitations on the guardianship are appropriate?

What rights, if any, does petitioner believe that the Respondent should retain.

Interviewing the Proposed Guardian

Does the proposed guardian seem to understand the role and duties of a guardian for this Respondent?

Is the proposed guardian aware of the statutory limitations of a guardian's authority and the particular limitations to the guardian's authority that may be imposed in this case?

Does the proposed guardian have the skills to address the complicated issues of this case?

Can the proposed guardian differentiate his or her values from those of the Respondent?

Is the proposed guardian willing to maximize the Respondent's autonomy?

Is the proposed guardian willing to be directed by the court and to meet the reporting requirements?

Does the proposed guardian meet the basic statutory qualifications under RCW 11.130?

If proposed as a Conservator, and where the estate is in excess of \$3,000, will the proposed guardian be able to secure a bond?

If the proposed guardian is a lay guardian, has he or she completed the required online lay guardianship training?