

RCW 11.130.415 Who may be conservator—Order of priority. (1)

Except as otherwise provided in subsection (3) of this section, the court in appointing a conservator shall consider persons qualified to be a conservator in the following order of priority:

- (a) A conservator, other than a temporary or emergency conservator, currently acting for the respondent in another jurisdiction;
- (b) A person nominated as conservator by the respondent, including the respondent's most recent nomination made in a power of attorney for finances;
- (c) An agent appointed by the respondent to manage the respondent's property under a power of attorney for finances;
- (d) A spouse or domestic partner of the respondent;
- (e) A relative or other individual who has shown special care and concern for the respondent; and
- (f) A certified professional guardian or conservator or other entity the court determines is suitable.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a conservator successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as conservator unless:

- (a) The individual is related to the respondent by blood or law; or
- (b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as conservator unless the owner, operator, or employee is related to the respondent by blood or law. [2020 c 312 § 214; 2019 c 437 § 410.]

Effective dates—2020 c 312: See note following RCW 11.130.915.