RCW 11.130.385 Appointment and role of attorney. (1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in conservatorship proceedings. Any attorney purporting to represent a respondent or person subject to conservatorship shall petition the court to be appointed to represent the respondent or person subject to conservatorship.

(b) The court must appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, when:

(i) The respondent objects to the petition or requests appointment of an attorney to the court visitor; or

(ii) In the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented.

(c) If an attorney is appointed for the respondent pursuant to (b) of this subsection, the attorney shall be appointed at public expense if:

(i) The respondent is unable to afford an attorney;

(ii) The expense of an attorney would result in substantial hardship to the respondent; or

(iii) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(d) If the respondent objects to the petition or requests appointment of an attorney, the court visitor, under the requirements of RCW 11.130.380(6), shall petition the court to have an attorney appointed within five days of meeting the respondent.

(e) An attorney must be provided under (b) of this subsection as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a conservator shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under RCW 11.130.365 if:

(a) The parent objects to appointment of a conservator;

(b) The court determines that counsel is needed to ensure that consent to appointment of a conservator is informed; or

(c) The court otherwise determines the parent needs representation. [2026 c 177 s 7; 2020 c 312 s 211; 2019 c 437 s 406.]

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