

ISSUED
NOV 28 2018

FILED

2018 NOV 28 AM 11:33

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

**CERTIFIED
COPY**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXP01

Ex_GuardianshipSettlement

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE GUARDIANSHIP OF:

NO. 18-4-05231-6 SEA

OMANA THANKAMMA

ORDER APPOINTING
FULL GUARDIAN OF PERSON
FULL GUARDIAN OF ESTATE

An Incapacitated Person.

(Clerk's Action Required)

GUARDIANSHIP SUMMARY

Date Guardian Appointed:	November 28, 2018
Due Date for Report and Accounting:	January 28, 2020
Date of Next Review:	
Letters Expire On:	
Bond Amount:	N/A
Restricted Account	
Agreements Required:	
Due Date for Inventory:	January 28, 2019
Due Date for Care Plan:	January 28, 2019

Incapacitated Person

Guardian of: Estate and Person

Name: Omana Thankamma

Name: Channa Copeland, CPG

<u>Interested Parties</u>	<u>Address</u>	<u>Relation to IP</u>
Jayakrishnan Nair (Jay Nair)	<i>See Confidential Information Form</i>	Son

THIS MATTER came on regularly for hearing on a Petition for Appointment of Guardian or Limited Guardian of Omana Thankamma, the Alleged Incapacitated Person.

ORDER APPOINTING FULL GUARDIAN
OF PERSON/FULL GUARDIAN OF
ESTATE
Rev. 6-11-12

ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744

ORIGINAL

1 Omana Thankamma's presence was waived for good cause shown other than mere
2 inconvenience, as set forth in the file and reports in this matter; the Guardian ad Litem,
3 Laura K. Sealey, was present. The following other persons were also present at the hearing:
4 Jennifer A. Boharski, Assistant Attorney General, attorney for petitioner; Randy Wilson,
5 APS Investigator; A. Colby Parks, attorney for Ms. Thankamma, Gregory McBroom,
6 attorney for Jay Nair, son, ~~and Jay Nair, son~~ ^{AKS} Channa Copeland, CPG, has submitted
7 Declaration of Proposed Guardian and Oath of Guardian.
8

9 The Court considered the written report of the Guardian ad Litem and the Medical/
10 Psychological/ARNP Reports, the testimony of witnesses, remarks of counsel, and the
11 documents filed herein. Based on the above, the Court makes the following:
12

13 I. FINDINGS OF FACT

14 1. **Notices:** All notices required by law have been given and proof of service as
15 required by statute is on file.

16 2. **Jurisdiction:** The jurisdictional facts set forth in the petition are true and correct,
17 and the Court has jurisdiction over the person and/or estate of the Alleged Incapacitated
18 Person.

19 3. **Petition Filed in Good Faith; Burden of Proof Met:** Based on the evidence
20 presented to the court, the Court finds that the petition was filed in good faith and was not
21 frivolous. The Court further finds that Petitioner has met its burden of establishing the
22 statutory bases for imposition of guardianship by clear, cogent and convincing evidence.
23

24 4. **Guardian ad Litem:** The Guardian ad Litem appointed by the Court has filed a

1 report with the Court. The report is complete and complies with all requirements of RCW
2 11.88.090.

3 5. **Alternative Arrangements Made By Omana Thankamma:** An attorney for Jay
4 Nair, Ms. Thankamma's son, faxed a 2016 Durable Power of Attorney for Health Care for
5 Ms. Thankamma to Ms. Sealey the Guardian ad Litem on October 24, 2018. This is not an
6 effective less restrictive alternative to guardianship, because the court issued a 5-year
7 Vulnerable Adult Protection Order against Mr. Nair on August 26, 2018, King County
8 Cause #18-2-20186-1 SEA. Additionally, the Medical Report of Dr. Janice Edwards
9 recommends that Jay Nair, "should not be involved in the physical care of his mother in any
10 way."
11 way."

12 6. **Capacity:** The Alleged Incapacitated Person, Omana Thankamma, is incapable of
13 managing her personal affairs and incapable of managing her financial affairs and Omana
14 Thankamma is in need of a full guardianship over her person and estate.
15 Thankamma is in need of a full guardianship over her person and estate.

16 7. **Guardian:** Channa Copeland is qualified to act as Guardian of the Person and
17 Estate of Omana Thankamma.

18 8. **Guardian ad Litem Fees and Costs:** The Guardian ad Litem was appointed at
19 public expense.
20 public expense.

21 9. **Attorney for Ms. Thankamma Fees and Costs:** The attorney for Ms.
22 Thankamma was appointed at public expense.

23 10. **Bond:** Assets of Omana Thankamma are less than \$3,000, therefore no bond is
24 required.

1 11. Notification regarding Voting Rights:

2 The Court has found sufficient facts that Omana Thankamma is unable to rationally
3 exercise the right to vote; the Clerk of the Court shall notify the County Auditor.
4

5 II. CONCLUSIONS OF LAW

6 1. That Omana Thankamma is an incapacitated person within the meaning of RCW
7 Chapter 11.88, and a Guardian of the Person and Guardian of the Estate should be
8 appointed; and that Channa Copeland is a fit and proper person as required by RCW
9 11.88.020 to be appointed.

10 2. That the limitations and restrictions placed on Omana Thankamma should be as
11 follows:
12

13 SHALL NOT HAVE THE RIGHT TO MARRY, DIVORCE, OR
14 ENTER INTO A DOMESTIC PARTNERSHIP AGREEMENT;

15 SHALL NOT HAVE THE RIGHT TO ENTER INTO A
16 CONTRACT OR MAKE OR REVOKE A WILL;

17 SHALL NOT HAVE THE RIGHT TO APPOINT SOMEONE TO
18 ACT ON HER BEHALF;

19 SHALL NOT HAVE THE RIGHT TO SUE AND BE SUED
20 OTHER THAN THROUGH A GUARDIAN;

21 SHALL NOT HAVE THE RIGHT TO POSSESS A LICENSE TO
22 DRIVE;

23 SHALL NOT HAVE THE RIGHT TO BUY, SELL, OWN,
24 MORTGAGE, OR LEASE PROPERTY;

25 SHALL NOT HAVE THE RIGHT TO CONSENT TO OR
26 REFUSE MEDICAL TREATMENT;

1 SHALL NOT HAVE THE RIGHT TO DECIDE WHO SHALL
2 PROVIDE CARE AND ASSISTANCE;

3 SHALL NOT HAVE THE RIGHT TO VOTE OR HOLD AN
4 ELECTED OFFICE.

5 3. That the Guardian of the Person, upon the issuance of letters, shall have the
6 following authority and responsibilities:

7 All of the powers and responsibilities of a Guardian of the Person pursuant to the
8 provisions of Chapter 11.92 RCW.

9 To review, release, consent to the release of and use as appropriate all medical,
10 dental, mental health, psychological, psychiatric, medication, laboratory and social
11 services work records, charts, evaluations and reports concerning the incapacitated person;

12 To monitor the conditions and needs of the incapacitated person, including
13 discharge planning from Harborview Hospital, where Ms. Thankamma has been since July,
14 2018. The guardian will arrange for placement of Ms. Thankamma within 25 miles of Jay
15 Nair's home located at 11031 Elliston Way NE, Redmond, Washington 98053.

16 To consent to and arrange for, or refuse to consent to, medical, dental,
17 psychological or psychiatric treatment and care, including any and all medications,
18 diagnostic testing, evaluation, examination, placement and/or transfer to an appropriate
19 health care facility such as, but not limited to, an adult family home, hospital, assisted
20 living facility or nursing home;
21

22 To select or discharge any health care or medical provider;

23 To decide code status of Omana Thankamma, including the use of life sustaining
24

1 measures, including intravenous therapy, tube feedings, hydration, antibiotics, pain
2 medications and comfort care;

3 To provide substitute informed consent (RCW 7.70.065) to medical or dental
4 treatment, medications for Omana Thankamma, including surgery, except where contrary
5 to law;

6 To provide for or contract for case care or management services on behalf of Omana
7 Thankamma;

8 To provide for such other personal assistance as Omana Thankamma requires;

9 To establish a pre-need burial or cremation plan for Omana Thankamma;

10 Pursuant to 45 CFR 164.514, all providers who are covered entities under the
11 Health Insurance Portability and Accountability Act (HIPAA), and/or their business
12 associates shall release any and all health information requested by the Guardian, to the
13 Guardian, upon receiving a copy of this document.

14 To apply for citizenship through Department of Immigration and make all
15 associated determinations and decisions regarding citizenship.

16 4. That the Guardian of the Estate shall have, upon the issuance of letters, the
17 following authority and responsibilities:

18 All of the powers of a Guardian of the Estate pursuant to the provisions of Chapter
19 11.92 RCW.

20 To undertake the management of the financial affairs of Omana Thankamma,
21 including but not limited to contracting for and incurring obligations on behalf of Omana
22

1 Thankamma, becoming representative payee of any income from Social Security, income
2 from employment of Omana Thankamma, and any other sources of revenue or income;

3 To locate and gather assets;

4 To enter any safe deposit box(es) held in the name of Omana Thankamma
5 (individually or with another), and inventory and/or remove any contents there from, and
6 to maintain and/or close said box(es) or to add items thereto, or to drill open the safe deposit
7 box(es) in the event the keys to the box(es) are misplaced or missing, as deemed by the
8 Guardian to be in Omana Thankamma's best interests;

9
10 To close any financial accounts, including bank accounts held individually or
11 jointly with another, and to make withdrawals, deposits or transfer of funds into or out of
12 any such accounts, without the necessity of obtaining the written authority of any other
13 person named on any such joint accounts;

14 To establish guardianship account(s);

15
16 To expend funds as necessary for the benefit of Omana Thankamma subject to
17 review by the Court;

18 To convert all holdings, including but not limited to savings accounts, money
19 market accounts, IRAs, mutual funds, stocks, bonds, cash, automobiles, mobile homes, and
20 any other personal property, including pensions, annuities, 401Ks, and any other income,
21 into the name of said Guardian for the purposes of the guardianship; and all other
22 reasonable duties required of a Guardian.

23
24 Any bank, savings and loan, credit union, stock brokerage, insurance company, or

1 other institution holding assets of the incapacitated person, including but not limited to
2 cash, investments, stocks, bonds, certificates, funds, safe deposit box or personal property,
3 shall release information or deliver the assets to the Guardian as directed by the Guardian.

4 The Guardian is further authorized to remove Omana Thankamma's name from any
5 joint bank account and/or financial account and change the mailing address of any bank
6 and/or financial statement to any address the Guardian may request. In the event that an
7 asset has signatories or co-owners in addition to Omana Thankamma, the Guardian shall
8 have the authority to block all access to such account, safe deposit box or property until
9 true ownership has been discovered.

11 The Guardian is authorized to enter any dwelling, residence or storage area rented
12 or owned by Omana Thankamma, or access the land or property owned or rented
13 (individually or with another) by Omana Thankamma without the necessity of obtaining
14 the written authority of any other person named on any such dwelling, land, property or
15 storage area.

17 If it appears that the sale of real estate will be necessary to pay for Omana
18 Thankamma's expenses, the Guardian shall have the authority to retain a real estate
19 appraiser to appraise said real estate, in order to petition the court for authority to sell the
20 real property.

22 The Guardian is authorized to make disbursements for nursing home care, medical
23 expenses and incidental expenses on behalf of Omana Thankamma.

24 The Guardian shall also have authority to arrange pre-need cremation or burial

1 arrangements as may be necessary.

2 The Guardian shall also have the authority to remove, change, and/or re-key any
3 lock to Omana Thankamma's home, apartment, storage unit, rental property, vehicles or
4 any other locked property that is owned by the incapacitated person.
5

6 III. ORDER

7 **All of the Findings of Fact and Conclusions of Law are hereby ordered by the Court;**
8 **and the Court also orders as follows:**

9 1. **Prior Power of Attorney:** Any Power of Attorney of any kind previously executed
10 by Omana Thankamma is canceled in its entirety.

11 2. **Appointment of Guardian:** Channa Copeland is appointed as Full Guardian of
12 the Person and Full Guardian of the Estate of Omana Thankamma, and the powers of the
13 guardian and the limitations and restrictions placed on Omana Thankamma shall be as set
14 forth in Conclusions of Law.
15

16 3. **Letters of Guardianship:** The Clerk of the Court shall issue two certified copies
17 of this order and the Letters of Full Guardianship of the Person and Letters of Full
18 Guardianship of the Estate to Channa Copeland or Jennifer Boharski, AAG, upon filing
19 of an oath, at no charge to the guardian. Assets of Omana Thankamma are less than
20 \$3,000, therefore no bond is required.
21

22 4. **Notification regarding Voting Rights:**

23 The Court has found sufficient facts that Omana Thankamma is unable to rationally
24 exercise the right to vote; the Clerk of the Court shall notify the County Auditor.

25 ORDER APPOINTING FULL GUARDIAN
26 OF PERSON/FULL GUARDIAN OF
ESTATE

Rev. 6-11-12

1 5. **Report of Substantial Change in Income or Assets:** Within 30 days of any
2 substantial change in the Estate's income or assets, the Guardian of the Estate shall report
3 to the Court and schedule a hearing. The purpose of the hearing will be for the Court to
4 consider changing the bond or making other provision in accordance with RCW 11.88.100.

5
6 6. **Inventory:** Within three months of appointment, the Guardian of the Estate shall
7 file a verified Inventory of all the property of Omana Thankamma, which shall come into
8 the Guardian's possession or knowledge, including a statement of all encumbrances, liens
9 and other secured charges on any item. A review hearing upon filing of the inventory is
10 not required.

11 7. **Personal Care Plan:** The Guardian of the Person shall complete and file within
12 three months after appointment, a Personal Care Plan which shall comply with the
13 requirements of RCW 11.92.043(1).

14
15 8. **Status of Omana Thankamma:** Unless otherwise ordered, the Guardian of the
16 Person shall file an annual report on the status of the Incapacitated Person that shall comply
17 with the requirements of RCW 11.92.043(2).

18 9. **Substantial Change in Condition or Residence:** The Guardian of the Person shall
19 report to the Court within 30 days any substantial change in Omana Thankamma's
20 condition, or any change in residence of Omana Thankamma.

21
22 10. **Designation of Standby Guardian:** Within three months, the Guardian shall file
23 a written designation of a standby Guardian that complies with the requirements of RCW
24 11.88.125(1).

1 11. **Authority for Investment and Expenditure:** The Guardian of the Estate shall
2 make all necessary decisions regarding the financial needs of Omana Thankamma. The
3 Guardian of the Estate shall have full authority to receive the ward's income and to invest
4 and reinvest guardianship assets as provided in Chapter 11.100 RCW without further order
5 of the court for the remainder of the ward's lifetime, including but not limited to the
6 authority to open and close accounts; to do anything that a trustee can do under the
7 provisions of RCW 11.98.070 for periods not exceeding one (1) year from the date of this
8 Order or until the filing of the next annual report, whichever is longer; and to make such
9 expenditures from the ward's estate as the court may from time to time direct or
10 authorize. The authority of the Guardian of the Estate, if any, for investment and
11 expenditure of the ward's estate is as follows: The ward's estate shall be utilized for
12 personal needs and for payment of guardianship fees and costs as set out below.
13

14
15 12. **Duration of Guardianship:** This Guardianship shall continue in effect until
16 terminated pursuant to RCW 11.88.140.

17 13. **Discharge of Guardian ad Litem:** The Guardian ad Litem is discharged.

18 14. **Discharge of Attorney for Ms. Thankamma:** The attorney for Ms. Thankamma
19 is discharged, see separate order.

20
21 15. **Notice of Right to Receive Pleadings:** The following persons are described in
22 RCW 11.92.150, and the Guardian shall notify them of their right to file with the Court and
23 serve upon the Guardian, or the Guardian's attorney, a request to receive copies of
24 pleadings filed by the Guardian with respect to the Guardianship: Jayakrishnan Nair (Jay

1 Nair), son.

2 16. **Guardian Fees:** The Guardian may advance itself \$235.00 per month subject to
3 Court review and approval. If the incapacitated person is or becomes a Department of
4 Social and Health Services client residing in a nursing facility or in a residential or home
5 setting and is required by the Department of Social and Health Services to contribute a
6 portion of their income towards the cost of residential or supportive services then the
7 Department shall be entitled to notice of proceedings as described in RCW 11.92.150. If
8 the Incapacitated Person is a client of DSHS and no other assets are available, then guardian
9 fees and guardian administrative costs shall be paid from the Incapacitated Person's income
10 pursuant to current DSHS rules and regulations.

12 17. **Guardian ad Litem Fee and Costs:** The Guardian ad Litem was appointed at
13 public expense. The appointed Guardian is required to inform the Guardian ad Litem
14 directly if liquid assets over \$3,000 become available.

16 18. **Guardian's Report:** The Guardian's report shall cover the 12-month period
17 following the anniversary date of the appointment. The Guardian's report is due within 90
18 days of the end of the reporting period and shall comply with the requirements of RCW
19 11.92.040(2).

21 19. **Powers of Guardian of Estate:** Channa Copeland as Guardian of the Estate of
22 Omana Thankamma, shall have all of the powers of a Guardian of the Estate pursuant to
23 the provisions of Chapter 11.92 RCW, including but not limited to, the following duties,
24 responsibilities and powers:

- 1 a. To make all necessary decisions regarding Omana Thankamma's financial
- 2 needs until further order of the court, to make investments of Omana
- 3 Thankamma's estate in accordance with RCW Chs. 11.88 and 11.92 as they
- 4 apply to Guardians of the Estate, and to make such expenditures of Omana
- 5 Thankamma's estate as the court may from time to time direct or authorize.
- 6
- 7 b. To establish guardianship bank accounts in the name of Channa Copeland as
- 8 Guardian of the Estate of Omana Thankamma with funds belonging to Omana
- 9 Thankamma.
- 10
- 11 c. To withdraw, transfer, and deal in any manner with any and all funds and
- 12 securities held in the name of Omana Thankamma individually by any bank,
- 13 savings and loan association, credit union, brokerage or any other financial
- 14 institution.
- 15
- 16 d. To apply on behalf of Omana Thankamma for any pension, retirement, or other
- 17 benefit to which she may be entitled and to receive the payment of said pension,
- 18 retirement or other benefit to which Omana Thankamma may be entitled.

19 20. **Financial Institutions:** Any bank, savings and loan, credit union, stock brokerage,
20 stock company, partnership, corporation, union, pension company, insurance company, or
21 financial institution, holding assets of the incapacitated person, including but not limited
22 to, cash, investments, stocks, bonds certificate, funds, safe deposit box or personal
23 property, shall as directed by the guardian of the estate release information about the asset,
24 deliver the asset to the guardian or block access to the asset. Any government agency,

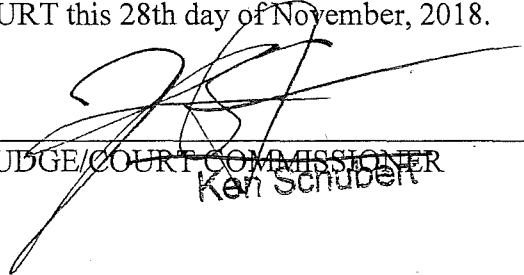
1 including Social Security Administration, the Internal Revenue Service, the State of
2 Washington Department of Retirement Systems, or any other state agency having
3 information about or assets of the incapacitated person shall provide such information or
4 assets to the guardian of the estate upon request.

5 Any holder of financial information, including tax information, about the
6 incapacitated person shall deliver records in holder's possession to the guardian of the
7 estate upon request. The guardian of the estate is authorized to obtain all confidential
8 financial information regarding the incapacitated person held by the credit reporting agency
9 of the Guardian's choosing, including Transunion, Equifax or Experian, and is authorized
10 to subpoena such records if necessary.

11
12 21. **Sealed Documents:** The Guardian and Guardian's Attorney are entitled to receive
13 copies of any sealed documents, including the Medical Report and the Confidential GAL
14 Report.

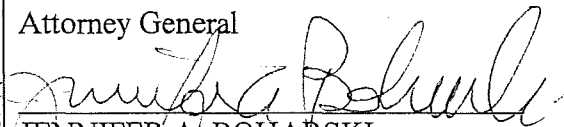
15
16 22. **APS Reports:** Release of the APS reports to the Certified Professional Guardian
17 is essential to the administration of justice and will not endanger the vulnerable adult or
18 the reporter.


19 DATED AND SIGNED IN OPEN COURT this 28th day of November, 2018.

20
21 
22 JUDGE/COURT COMMISSIONER
23 Ken Schubert


1 Presented by:

2 ROBERT W. FERGUSON
3 Attorney General

4 
5 JENNIFER A. BOHARSKI
6 Assistant Attorney General
7 WSBA #15527

8 
9 LAURA K. SEALEY
10 Guardian ad Litem
11 WSBA #13467

12 CHANNA COPELAND, CPG
13 Guardian

14 
15 A. COLBY PARKS
16 Attorney for Omana Thankamma
17 WSBA #22508

18 
19 GREGORY MCBROOM
20 Attorney for Jay Nair
21 WSBA #33133