



Disability Rights

WASHINGTON

Washington's protection and advocacy system

February 18, 2016

**VIA EMAIL AND FIRST CLASS MAIL**

Susie Parker  
Court Administrator  
Lewis County Superior Court  
Law & Justice Center, 4th Floor  
345 West Main Street  
Chehalis WA 98532  
[Susie.Parker@lewiscountywa.gov](mailto:Susie.Parker@lewiscountywa.gov)

**Guardian ad litem Complaint: Thomas Deutsch's failure of evaluate the fitness of the proposed guardian, provide necessary information to the court, and maintain records supporting recommendations and conclusions in case number 09-4-00190-7**

Dear Ms. Parker:

Jessy Hamilton died. He was found floating dead in the Chehalis River on May 30, 2015. His death was covered by local newspaper and television.<sup>1</sup> Jessy had a developmental disability and he died after several people with legal and moral duties to protect him failed to ensure he received the help he needed. The first person to fail Jessy was the guardian *ad litem* appointed several years ago to assess whether he needed a guardian and whether the proposed guardian was suitable. Nothing done now can bring Jessy back, but ensuring those who failed him are properly sanctioned may help send a message to them and others with similar duties that it is not sufficient to merely go through the motions. Those with fiduciary duties must fully execute their duties with the highest of care lest the vulnerable among us continue to pay with their lives for the mistakes and shortcomings of the professionals charged with protecting them.

Thomas Deutsch was appointed by the court to act as guardian *ad litem* for Jessy Hamilton in case number 09-4-00190-7. Mr. Deutsch's duties, among others, were to assess Jessy Hamilton's mental state to advise whether a guardian was necessary, to evaluate the proposed guardian, and to advise the court on what was best for Jessy Hamilton. Mr. Deutsch was then required to submit a report to the court detailing his findings and recommendations.

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<sup>1</sup> See e.g. Natalie Johnson, Jail and a Restraining Order: The Last Days of an Autistic Centralian, The Chronical (June 12, 2015) [http://www.chronline.com/crime/jail-and-a-restraining-order-the-last-days-of-an/article\\_927352ac-1199-11e5-acc6-c3b9a4868a61.html](http://www.chronline.com/crime/jail-and-a-restraining-order-the-last-days-of-an/article_927352ac-1199-11e5-acc6-c3b9a4868a61.html); Tracey Vedder, No Safe Haven; "The system couldn't have failed Jessy more," KOMO 4 TV (November 2, 2015) <http://komonews.com/news/komo-4-investigators/no-safe-haven-the-system-couldnt-have-failed-jessy-more>.

Jessy Hamilton had autism and intellectual disabilities. Prior to Mr. Deutsch's appointment as a guardian *ad litem* in 2009, Jessy's grandmother filed a nonparental custody petition for Jessy and was appointed his guardian in 1996. According to that petition, Jessy lived with his grandmother since the time he was three years old because his mother, Jackie Hamilton, could not care for him.<sup>2</sup> As Jessy grew older, so did his grandmother and his mother eventually petitioned for and was appointed guardian in 2009.<sup>3</sup> Thomas Deutsch was appointed as the guardian *ad litem* for this proceeding.<sup>4</sup> Jessy's grandmother passed away in late 2012.

On May 23, 2015, Jessy allegedly assaulted his mother with an ashtray. Despite a lack of evidence supporting the claim that Jessy assaulted his mother, the police officer who responded to the call hesitantly arrested him because there were no treatment oriented options available to Jessy.<sup>5</sup> On May 26, Jessy appeared for court.<sup>6</sup> The court entered a protective order prohibiting Jessy from contact with his guardian/mother, despite her protests that he could not care for himself. It appears that no back up guardian or alternative services were arranged. Jessy was released from jail that same day. He was found dead after drowning in a river four days later on May 30, 2015.

This complaint is made pursuant to the Lewis County Superior Court Local Guardian Ad Litem Grievance Rules and is based upon the investigation into Jessy's death conducted by Disability Rights Washington (DRW). DRW is a private non-profit advocacy agency designated by the governor of Washington serve as the federally mandated protection and advocacy system providing services to individuals with disabilities in the state of Washington pursuant to the Protection and Advocacy Acts, which include the Developmental Disabilities Assistance and Bill of Rights ("DD") Act, 42 U.S.C. § 15001, *et seq.*, the Protection and Advocacy for Individuals with Mental Illnesses ("PAIMI") Act, 42 U.S.C. § 10801, *et seq.*, the Protection and Advocacy for Individual Rights ("PAIR") Act, 42 U.S.C. § 15041, and the regulations promulgated thereto, and RCW 71A.10.080. DRW's mission is to advance the dignity, equality, and self-determination of people with disabilities. DRW works to pursue justice on matters related to human and legal rights.

Under the Protection and Advocacy Acts, a primary component of DRW's mandate is to conduct a "full investigation" into allegations of abuse and/or neglect and to pursue such investigations where DRW receives a report of abuse or neglect or has probable cause to believe that an individual with a disability either has been, or is at risk of being, abused or neglected.<sup>7</sup> This authority explicitly extends to those who are deceased.<sup>8</sup>

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<sup>2</sup> Nonparental Custody Petition attached as Exhibit A.

<sup>3</sup> Order re: Appointment of Guardian of Person and Estate, Approval of Attorney Fees and Guardian Ad Litem Fees, and Issue Letters of Guardianship attached as Exhibit B.

<sup>4</sup> *Id.*

<sup>5</sup> Police report attached as Exhibit C.

<sup>6</sup> Video of May 26, 2015 court proceedings attached as Exhibit D.

<sup>7</sup> 42 U.S.C. § 15043; 45 C.F.R. § 1386.19.

<sup>8</sup> 42 U.S.C. § 15043(a)(2)(J)(ii); 45 C.F.R. § 1386.25(a)(5) (DD Act and regulation provisions relating to records of deceased constituents).

Pursuant to its federal authority, DRW requested and reviewed numerous documents maintained by the Lewis County Superior Court, the Washington Department of Social and Health Services, and Thomas Deutsch, the guardian *ad litem* assigned to Jessy Hamilton's guardianship case. DRW received a video of the court hearing in which Jessy appeared four days before his death. DRW received all notes and documents from DSHS relating to Jessy and his guardian, Jackie Hamilton. DRW received both the public and confidential guardian *ad litem* reports prepared by Thomas Deutsch. In response to DRW's request citing the above referenced federal law which requires he produce all records DRW deems necessary, Mr. Deutsch reported that he had no other documents or notes relating to Jessy Hamilton beyond the two reports and the minimal documentation he provided to DRW.<sup>9</sup> DRW also reviewed factual material available online and conducted legal research on the duties of guardians *ad litem*.

The law lays out a process by which anyone may petition a court to consider appointing a guardian for someone else. Courts use investigators called guardians *ad litem* to provide them additional information to aid in the court's consideration of the guardianship petition. Guardians *ad litem* provide a court with recommendations about whether a person who is the subject of a guardianship petition actually needs a guardian and advise on whether the person proposed in the petition to serve as the guardian is suitable. To this end, the guardian *ad litem* must produce a written report for the court which "shall" include "[a]n evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought...."<sup>10</sup>

Washington Code further clarifies the qualifications necessary to serve as a guardian.

No person is qualified to serve as a guardian who is

- (a) under eighteen years of age except as otherwise provided herein;
- (b) of unsound mind;
- (c) convicted of a felony or of a misdemeanor involving moral turpitude;**
- (d) a nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court;
- (e) a corporation not authorized to act as a fiduciary, guardian, or limited guardian in the state;
- (f) a person whom the court finds unsuitable.<sup>11</sup>

The "Title 11.88 RCW Guardianship Guardian Ad Litem Handbook" contains a section recommending procedures for interviewing the proposed guardian. This guidance

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<sup>9</sup> These documents included the letter appointing Mr. Deutsch guardian *ad litem*, one page of handwritten notes that do not substantiate any conclusions regarding Jackie Hamilton's suitability as a guardian or Jessy Hamilton's need for a guardian, a copy of Jessy's Washington State Identification card, a copy of Jessy's birth certificate, and a Planned Action Notice from the Division of Developmental Disabilities (DDD) regarding Jessy's eligibility to be a DDD client.

<sup>10</sup> RCW 11.88.090 (5)(f)(iii).

<sup>11</sup> RCW 11.88.020 (emphasis added).

reminds guardians *ad litem* of their statutory duty, stating that they “shall” determine whether “the proposed guardian meet[s] the basic statutory qualifications under RCW 11.88.” *Id.* The Guardian Ad Litem Handbook also outlines a “checklist of questions to ask potential guardians.”<sup>12</sup> One of the questions listed is, “Have you ever been convicted of a crime.”<sup>13</sup> Assuredly, this question is listed so that the guardian *ad litem* can determine whether the proposed guardian has been “convicted of a felony or of a misdemeanor involving moral turpitude,” within the meaning of RCW 11.88.020.

Additionally, state court rules require that guardians *ad litem* keep documentation of information used to substantiate their recommendations and conclusions by requiring the following:

(p) Maintain documentation. A guardian ad litem shall maintain documentation to substantiate recommendations and conclusions and shall keep records of actions taken by the guardian ad litem. Except as prohibited or protected by law, and consistent with rule 2(n), this information shall be made available for review on written request of a party or the court on request. Costs may be imposed for such requests.<sup>14</sup>

In response to DRW’s request for information, Mr. Deutsch insists that he gave DRW all of the documents he has related to Jessy and Jackie Hamilton. The documents he provided reflect no inquiry into the statutory factors pertaining to fitness of the proposed guardian. There is no record of a formal criminal background check or even a single question of Jackie Hamilton about a possible criminal background. In fact, the guardian *ad litem* report submitted to the court simply includes a conclusory statement that Mr. Deutsch believes she is fit, but provides no analysis or support for that conclusion.<sup>15</sup>

Had Thomas Deutsch examined the proposed guardian’s background, he would have found that Jackie Hamilton had been convicted of several felonies including forgery, residential burglary, second degree arson, bail jumping, and attempting to elude a police officer as well as numerous misdemeanors, several of which involved moral turpitude including four convictions for theft. Any one of these convictions statutorily excludes her from being appointed as a guardian. Mr. Deutsch was specifically charged with protecting Jessy Hamilton from an unfit person being given authority to access all his money and control many aspects of his life. Mr. Deutsch failed to protect Jessy by failing to do his job and investigate the fitness of the proposed guardian.

In addition to the automatic disqualification that should have accompanied Jackie Hamilton’s extensive criminal record, the original guardianship petition for Jessy Hamilton made by his grandmother in 1996 explained all the reasons she believed his mother was, at that time, unfit to serve as his legal parent.<sup>16</sup> Among the reasons was

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<sup>12</sup> *Id.* at 49-50.

<sup>13</sup> *Id.*

<sup>14</sup> Washington Court Rules, Rules for Superior Court, Guardian Ad Litem Rule 2.

<sup>15</sup> Public Guardian Ad Litem Report, Section 10.0 Evaluation of Proposed Guardian, attached as Exhibit E.

<sup>16</sup> Nonparental Custody Petition attached as Exhibit A.

that Jessy's grandmother served as the representative payee for his mother Jackie Hamilton.<sup>17</sup> Which, if true, means Jackie Hamilton was unable to handle the money she received from the Social Security Administration (SSA) and needed someone else to help her with her finances. Had the court been aware of the allegation that Jackie Hamilton was at some point unfit to handle her own SSA benefits, the court may very well have determined she did not meet the statutory requirement to serve as a guardian under the reasoning that she may be mentally unfit or otherwise determined by the court as unfit.<sup>18</sup>

The Lewis County Guardian Ad Litem Grievance Rules, applicable in Jessy Hamilton's case, include the process for filing a grievance as well as the factors considered in evaluation of the grievance. Two of the factors are applicable to Mr. Deutsch in this case:

In considering whether the complaint has merit, the Committee shall consider whether the complaint alleges the guardian *ad litem* has:

1. Violated the Rules of Professional Conduct;
2. Misrepresented his or her qualifications to serve as a guardian ad litem;
3. Not met the annual training requirements set forth in the Registry requirements;
4. Breached the confidentiality of the parties;
5. Falsified information in a report to the Court or in testimony before the Court;
6. Failed to report abuse of a child;
7. Communicated with the a judge/commissioner ex-parte, except as allowed by (such as an emergency restraining order);
8. Purported to represent the Court in a public form without prior approval of the Presiding Judge;
- 9. Violated state or local laws, rules, or this policy in the person's capacity as guardian ad litem;**
- 10. Taken or failed to take any other action which would reasonably place the suitability of the person to serve as guardian ad litem in question;**
11. Failed to keep information confidential from non-parties or disclosed protected information to a party;
12. Intentionally lied or presented information in a false light to the Court, another party or a third party;
13. Failed to report abuse of a child as required by RCW 26.44;
14. Talked about a case for which the guardian ad litem was appointed to the media or public without the permission of all parties and/or the Court.<sup>19</sup>

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<sup>17</sup> *Id.*

<sup>18</sup> RCW 11.88.020 (b), (f).

<sup>19</sup> Lewis County LRGAL 1.3 (emphasis added).

Thomas Deutsch violated these rules by failing to collect and report meaningful and reliable information about the fitness of Jackie Hamilton as a proposed guardian in violation of Washington statute and guidance given in the Guardian Ad Litem Handbook. Mr. Deutsch further violated court rules governing guardians *ad litem* by failing to keep proper records, in fact, he kept no records supporting any of his recommendations and conclusions.

To file a complaint against a GAL in Lewis County, the rules state: "All complaints shall be in writing, signed by at least one individual with their address and phone number, and shall be submitted to the Superior Court Administrator."<sup>20</sup> In response to a complaint, the complaint review committee has, "the authority to issue a written admonishment, a written reprimand, refer the guardian *ad litem* to additional testing... or suspend or remove the guardian *ad litem* from the registry."<sup>21</sup>

Thomas Deutsch is not a new guardian *ad litem* who happened to make a minor mistake in filling out a form. He has established a business in which he regularly serves as a court appointed guardian *ad litem*, and receives many appointments. He should be very well versed in his obligations. DRW respectfully requests that the complaint review committee permanently removed Mr. Deutsch from the Lewis County guardian *ad litem* registry for:

- 1) completely ignoring one of his fiduciary duties by failing to make even the simplest of inquiries into the fitness of a proposed guardian;
- 2) submitting reports to the court with a mere conclusory statement of fitness without any actual analysis on the fitness of the proposed guardian; and
- 3) failing to maintain *any* records supporting any of his conclusions, from whether Jessy should even have a guardian to whether his mother with an extensive criminal record and questionable financial background should be given authority to make decisions on Jessy's behalf.

Respectfully submitted,



David Carlson  
Director of Legal Advocacy



Andrew Backlund  
Attorney

Disability Rights Washington  
315 5<sup>th</sup> Avenue South, Suite 850  
Seattle, WA 98104  
(206) 324-1521

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<sup>20</sup> Lewis County LRGAL 1.2.

<sup>21</sup> Lewis County LRGAL 1.7.

# Exhibit A

SUPERIOR COURT  
LEWIS COUNTY, WASH.  
REC'D & FILED

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DONNA KARY A. CLERK

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SUPERIOR COURT OF WASHINGTON  
COUNTY OF Lewis

In re the Custody of Jessy Hamilton  
Jack and Retha Hagler Petitioner  
and  
Jackie Hamilton Respondent(s)

NO.  
NONPARENTAL CUSTODY  
PETITION  
(PTCUS)

I. BASIS

1.1 PETITIONER'S NAME AND ADDRESS.

The petitioner's name and address are:

Jack and Retha Hagler  
161 Ribelin Road  
Chelanis, Washington 98532

1.2 CHILDREN FOR WHOM CUSTODY IS SOUGHT.

This is a petition seeking custody of the following child(ren):

Jessy Hamilton

1.3 COUNTY WHERE THE CHILDREN RESIDE. Lewis

The child(ren) named in paragraph 1.2 permanently reside(s) in this county or can be found in this county. YES

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1.4 JURISDICTION.

This court has jurisdiction over this proceeding for the reasons below.

This state is the home state of the child because

- the child lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
- the child is less than six months old and has lived in Washington with a parent or a person acting as parent since birth.
- any absences from Washington have been only temporary.
- Washington was the home state of the child within six months before the commencement of this proceeding and the child's absence from the state is because of removal or retention by a person claiming custody or for other reasons.

It is in the best interest of the child that this court assume jurisdiction because the child and the parents or the child and at least one contestant have significant connection with the state; there is substantial evidence concerning the child's present or future care, protection, training and personal relationships in the state; and

- The child has no home state elsewhere.
- The child's home state has declined to exercise jurisdiction.

The child is physically present in this state and has been abandoned or it is necessary in an emergency to protect the child because he or she has been subjected to or threatened with mistreatment or abuse.

No other state has jurisdiction or a state with jurisdiction has declined to exercise jurisdiction on the ground that this state is the more appropriate forum and it is in the best interest of the child for this court to assume jurisdiction.

This court has continuing jurisdiction because the court has previously made a child custody or parenting plan determination in this matter and Washington remains the residence of the children or any contestant.

Other:

1.5 UNIFORM CHILD CUSTODY JURISDICTION ACT INFORMATION.

Name of Child	Date of Birth	Mother's Name	Father's Name
Jessy Hamilton	05/12/89	Jackie Hamilton	Unknown

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The present address of each child:

161 Ribelin Road  
Chehalis, Washington 98532

During the last five years, the children have lived:

- In no place other than the State of Washington and with no person other than the petitioner or the respondent.
- In the following places with the following persons (list each place the children lived, including the State of Washington, the dates the children lived there and the names and present addresses of the persons with whom the children lived):

Claims to custody or visitation.

- The petitioner does not know of any person other than the respondent who has physical custody of, or claims to have custody or visitation rights to, the children.
- The following persons have physical custody of, or claim to have custody or visitation rights to, the following children (do not list the respondent):

Other legal proceedings concerning the children.

- The petitioner has not participated in, and is not aware of, any other legal proceedings concerning the children, including any paternity, dependency or custody proceedings.
- The petitioner has participated in, or is aware of, the following legal proceedings which concern the children (list the children concerned and the county, state and case number of the proceeding):

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1.6 VISITATION.

- Does not apply.
- Reasonable visitation rights should be given to: Jackie Hamilton  
(Names)
- Parental visitation should be limited because the  father  mother has engaged in the conduct which follows.
  - Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.
  - Physical, sexual or a pattern of emotional abuse of a child.
  - A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.
- Other:

1.7 CHILD SUPPORT.

Support for the dependent children should be set pursuant to the Washington State Child Support Schedule. NA

1.8 HEALTH INSURANCE COVERAGE. NA

Either or both parents should be required to maintain or provide health insurance coverage consistent with RCW 26.10.060. NA

1.9 CONTINUING RESTRAINING ORDER.

- Does not apply.
- \_\_\_\_\_ should be restrained from molesting or disturbing the peace of the other party or of any child.  
(Name)
- \_\_\_\_\_ should be restrained from entering the home of the petitioner.  
(Name)
- \_\_\_\_\_ should be restrained from removing any of the children from the State of Washington.  
(Name)
- \_\_\_\_\_ should be required to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court. Clear and convincing reasons for this request are set forth in paragraph 1.12 below. (See RCW 26.09.060 (2)(b).)
- Other:

2 1.10 STANDING TO FILE PETITION.

4 This petition is being filed because

- 6  the child(ren) (is) (are) not in the physical custody of one of the parents,  
8  neither parent is a suitable custodian for the child(ren).

10 1.11 BEST INTEREST OF THE CHILDREN.

12 The requests made in this petition are in the best interests of the children for the reasons below.

14 We have had physical custody of this  
16 child since age of three years old.

18 This child has special needs that are  
20 being taken care of in our custody.

22 We provide a stable and constant  
24 environment for this child.  
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50 1.12 OTHER:

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II. RELIEF REQUESTED

The petitioner REQUESTS that the Court enter an order giving petitioner custody of the child(ren) listed in paragraph 1.2 of this petition and requiring either or both parents to maintain or provide health insurance coverage for the child(ren) consistent with RCW 26.10.060. The petitioner also REQUESTS the relief described below.

- Determine support for the dependent child(ren) pursuant to the Washington State Child Support Schedule.
- Order reasonable visitation pursuant to paragraph 1.6.
- Award the tax exemptions for the dependent child(ren) as follows:

Jessy Hamilton

- Enter a continuing restraining order.
- Order payment of day care expenses for the child(ren).
- Order payment of attorney's fees, other professional fees and costs.
- Other:

Dated: 8-24-96

Rutha Hagler  
Signature of Lawyer or Petitioner

Jack and Rutha Hagler  
Print or Type Name

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Chehalis Washington on \_\_\_\_\_  
(City and State) (Date)

Jack Hagler & Rutha Hagler  
Signature

Jack and Rutha Hagler  
Print or Type Name

SUPERIOR COURT  
LEWIS COUNTY, WASH.  
FILED

96 SEP - 5 AM 10:41

DOUGLAS KAYVAL, CLERK

OK  
DEPUTY

SUPERIOR COURT OF WASHINGTON  
COUNTY OF Lewis

In re: Custody of Jessy Hamilton )

Jack and Retha Hagler Petitioner )

and Jackie Hamilton Respondent. )

NOV 6 3 00339 7

DECLARATION OF

Retha Hagler

(Name)

(OPTIONAL USE)  
(DCLR)

This declaration is made by:

Name: Retha Hagler  
Address: 161 Rebel's Rd.  
Chehalis, WA 98532

Telephone: 360-748-3425

Age: 55

Occupation: housewife

Relationship to the parties in this action: Grandmother

I DECLARE that:

Jessy has been with us since the age of  
Three and his babysitter From the time he was  
born, we love him dearly, He has special needs  
which is taken care of, He is on SSI and has  
medical through them which pays for everything  
he goes to special Ed in Olympic school,  
he goes to a special Dentist in Tacoma  
and a mental Health counselor in Chehalis  
& Dr. Nelson is his doctor, Dr. Gregory Williams

2 is his counselor who he sees every 6 wks  
4 Jackie and I agreed I should take care of  
6 him and I need custody for taking him  
8 to everyone, we live on a farm he has his  
10 own chickens to care for we are teaching  
12 him about farm life, he has a speech  
14 problem, behavior problem, learning disability  
16 he has wonderful teachers in olympic  
18 school, everyone there loves him and he  
20 loves school, I take him to and from school  
22 every day and talk to his teachers twice  
24 a day and talk about how he did that day.  
26 Other members of the family are there  
28 for him as well, when I need a babysitter  
30 for him my daughter "Vickie Hagler" watches after  
32 him, I don't allow a babysitter outside of  
34 the family "For any of my grandchildren" I  
36 am the family babysitter for my grandchildren.

40 (Attach Additional Pages If Necessary and Number Them.)

42 I declare under penalty of perjury under the laws of the State of Washington that the foregoing  
44 is true and correct.

46 Signed at Retha Hagler, Chehalis, wa, on \_\_\_\_\_  
(City and State) (Date)

48 Retha Hagler  
Signature

50 Retha Hagler  
Print or Type Name

NA. ○

WASHINGTON STATE  
Child Support Schedule Worksheets

FORM #3B

Mother Jackie Hamilton

FATHER UNKNOWN

County Lewis

Superior Court Case Number  
98 3 00339 2

LEWIS SUPERIOR COURT

Children and Ages:		
Part I: Basic Child Support Obligation (See Instructions, Page 5)		
1. Gross Monthly Income	Father	Mother
a. Wages and Salaries		
b. Interest and Dividend Income	\$ <u>UNKNOWN</u>	\$ <u>476.86</u>
c. Business Income	\$	\$
d. Spousal Maintenance Received	\$	\$
e. Other Income	\$	\$
f. Total Gross Monthly Income (add lines 1a through 1e)	\$	\$
2. Monthly Deductions from Gross Income		\$ <u>476.86</u>
a. Income Taxes	<u>UNKNOWN</u>	
b. FICA/Self-Employment Taxes	\$	\$ <u>0</u>
c. State Industrial Insurance Deductions	\$	\$
d. Mandatory Union/Professional Dues	\$	\$
e. Pension Plan Payments	\$	\$
f. Spousal Maintenance Paid	\$	\$
g. Normal Business Expenses	\$	\$
h. Total Deductions from Gross Income (add lines 2a through 2g)	\$	\$
3. Monthly Net Income (line 1f minus line 2h)	\$	\$ <u>0</u>
4. Combined Monthly Net Income (add father's and mother's monthly net incomes from line 3)	\$	\$ <u>476.86</u>
5. Basic Child Support Obligation (enter total amount in box)	\$ <u>476.86</u>	
Child #1 <u>25.00 Revision</u> Child #2 _____ Child #3 _____ Child #4 _____	\$ <u>25.00</u>	
6. Proportional Share of Income (each parent's net income from line 3 divided by line 4)		
7. Each Parent's Basic Child Support Obligation (multiply each number on line 6 by line 5)		<u>100</u>
Part II: Health Care, Day Care, and Special Child Rearing Expenses (See Instructions, Page 7)		\$ <u>476.86</u>
8. Health Care Expenses		
a. Monthly Health Insurance Premiums Paid for Child(ren)	\$ <u>UNKNOWN</u>	\$ <u>0</u>
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	\$	\$ <u>0</u>
c. Total Monthly Health Care Expenses (line 8a plus line 8b)	\$	\$ <u>0</u>
d. Combined Monthly Health Care Expenses (Add father's and mother's totals from line 8c)	\$	\$ <u>0</u>
e. Maximum Ordinary Monthly Health Care	\$ <u>0</u>	
f. Extraordinary Monthly Health Care Expenses (line 8d minus line 8e, if "0" or negative, enter "0")	\$ <u>0</u>	

Continue to Next Page



17. Household Debt (List liens against household assets, extraordinary debt.)		Father's Household	Mother's Household
Rest		\$ unknown	\$ 200.00
Electric		\$	\$ 25.00
Fines		\$	\$ 50.00
Food		\$	\$ 150.00
		\$	\$
		\$	\$ 425.00
18. Other Household Income			
a. Income Of Current Spouse (if not the other parent of this action)			
Name		\$ 0	\$ 0
Name		\$	\$
b. Income Of Other Adults In Household			
Name		\$	\$
Name		\$	\$
c. Income Of Children (if considered extraordinary)			
Name		\$	\$
Name		\$	\$
d. Income From Child Support			
Name		\$	\$
Name		\$	\$
e. Income From Assistance Programs			
Program		\$	\$
Program		\$	\$
f. Other Income (describe)			
		\$	\$
		\$	\$
19. Non-Recurring Income (describe)			
		\$	\$
		\$	\$
20. Child Support Paid For Other Children			
Name/age:		\$	\$
Name/age:		\$	\$
21. Other Children Living In Each Household (First names and ages)			
		\$	\$
		\$	\$
		\$	\$

Continue to Next Page

22. Other Factors For Consideration

I don't want to ask for support because Jackie only draws \$476.86 from SSI and her bills come to \$425.00 leaving very little to live on the whole mo. I am her payee and take care of her bills for her. She can't afford to pay anything else. She has medical needs through SSI which pays all her medical needs

Signature and Dates

I declare, under penalty of perjury under the laws of the State of Washington, the information contained in these worksheets is complete, true, and correct.

Rutha Bagler  
Mother's Signature

D.W. K. Novak  
Father's Signature

8-24-96 Chelan's  
Date City

\_\_\_\_\_  
Date City

\_\_\_\_\_  
Judge/Reviewing Officer

\_\_\_\_\_  
Date

This worksheet has been certified by the State of Washington Office of the Administrator for the Court  
Photocopying of the worksheet is permitted.

# **Exhibit B**

1 Due Date for Inventory, Budget & Personal Care Plan: 1/14/10

2 Court Hearing for Review for Inventory, Budget & Care Plan  
1/14, 2010 at 11:00 a.m.

3 Reporting Period for Annual Report: 11/1, 2009 to 10/31, 2010

4 Due Date for First Annual Report: 12/31, 2010

5 Court Hearing for Annual Review: 12/31, 2010 at 11:00 a.m.

SUPERIOR COURT  
LEWIS COUNTY, WASH  
REC'D & FILED

2009 OCT 16 AM 9:48

KATHY BRACK, CLERK

BY JRS  
DEPUTY

7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 IN AND FOR THE COUNTY OF LEWIS

9 NO. 09-4-00190-7 15

10  
11 In the Guardianship of:

12 JESSY LEE HAMILTON,

13 An Incapacitated Person

ORDER RE: APPOINTMENT OF  
GUARDIAN OF PERSON AND ESTATE,  
APPROVAL OF ATTORNEY FEES AND  
GUARDIAN AD LITEM FEES, AND  
ISSUE OF LETTERS OF GUARDIANSHIP  
(with Bond Waived)

**Clerk's Action Required**

14  
15 CLERK'S INFORMATION SUMMARY

16 **The true and correct name of the Incapacitated Person is JESSY LEE HAMILTON**

17 Due Date for Initial Personal Care Plan: January 14, 2010

18 Due Date for Inventory: January 14, 2010

19 Due Date for Annual Reports and Accounting: Every three years after initial reports.

20 Name, Address and Telephone for Guardian: Jackie Hamilton (mother), 161 Riblien Road,  
21 Chehalis, WA 98532 (360) 996-4105

22 THIS MATTER having come before the court on the Petition of Jackie Hamilton,  
23 Chehalis, Washington, for appointment of a guardian in the above referenced proceeding;  
24 and

25 \_\_\_\_\_ The alleged incapacitated person was present in Court.

\_\_\_\_\_ The Court removed itself to the location of the alleged incapacitated person.

26 X The presence of the alleged incapacitated person was waived for good cause

ORDER RE: APPOINTMENT OF GUARDIAN OF  
PERSON AND ESTATE, APPROVAL OF  
ATTORNEY FEES AND GUARDIAN AD LITEM  
FEES, AND ISSUE LETTERS OF GUARDIANSHIP  
(with Bond Waived) - 1

LAW OFFICES  
VANDER STOEP, REMUND, BLINKS & JONES

OFFICE: 345 N.W. Pacific  
MAILING: P.O. Box 867  
CHEHALIS, WASHINGTON 98532  
PHONE: (360) 748-9281  
FAX: (360) 748-3104

1 other than mere convenience shown as set forth in file and reports herein, and  
2 the guardian ad litem was personally present.

3 The Court considered the written reports of the Guardian ad Litem and the  
4 Medical/Psychological Report, the testimony of witnesses, remarks of counsel, and the  
5 papers and pleadings filed herein. Based on the above, the Court makes the following:

6 **I. FINDINGS OF FACT**

7 **1. Notices:** All notices required by law have been given and proof of service as  
8 required by statute is on file. Notice, if required, was provided to the Regional Administrator  
9 of DSHS pursuant to RCW 11.92.150, but DSHS neither appeared at this hearing nor  
10 responded to the Petition.

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

14 **3. Guardian ad Litem:** The Guardian ad Litem appointed by the Court has filed a  
15 report with the Court. The report is complete and complies with all requirements of RCW  
16 11.88.090.

17 **4. Alternative Arrangements Made By The Alleged Incapacitated Person:**

18  The Alleged Incapacitated Person did not make alternative arrangements for assistance,  
19 such as a power of attorney, prior to becoming incapacitated.

20  The Alleged Incapacitated Person made alternative arrangements for assistance, but such  
21 arrangements are inadequate in the following respects:

22  \_\_\_\_\_ has been acting in a fiduciary capacity for the  
23 Alleged Incapacitated Person and should NOT continue to do so for the following reasons:

24 **5. Capacity:** The Alleged Incapacitated Person, , is:

25  incapable of managing his/her personal affairs

26  incapable of managing his/her financial affairs

the Alleged Incapacitated Person is in need of a full Guardianship over the

person

estate,

ORDER RE: APPOINTMENT OF GUARDIAN OF  
PERSON AND ESTATE, APPROVAL OF  
ATTORNEY FEES AND GUARDIAN AD LITEM  
FEES, AND ISSUE LETTERS OF GUARDIANSHIP  
(with Bond Waived) - 2

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1 in the areas as follows: The needs of the Alleged Incapacitated Person are full assistance  
2 including management of her finances; advocacy; assistance with medical and health  
3 decisions; activities of daily living; and housing assistance of the least restrictive nature.

4 Medical issues necessitated this action.

5 **6. Guardian:** The proposed Guardian is qualified to act as Guardian of the Person  
6 and/or Estate of the Incapacitated Person. Proposed Guardian's address is: Jackie Hamilton  
7 (mother), 161 Riblien Road, Chehalis, WA 98532 (360) 996-4105.

8 **7. Guardian ad Litem Fees and Costs:**

9  The Guardian ad Litem, Thomas Deutsch, was appointed at  County  estate  
10 expense and shall submit a motion for payment of fees and costs pursuant to the local rules.  
11 The Guardian ad Litem has requested a fee of \$550.00 for services rendered and  
12 reimbursement of \$\_\_\_\_\_ for costs incurred while acting as Guardian ad Litem. Fees in  
13 the amount of \$550.00 and costs in the amount of \$\_\_\_\_\_ are reasonable and should be  
14 paid as follows:

15  \$\_\_\_\_\_ by the Guardian from the guardianship estate and/or  
16  \$550.00 shall be paid to Thomas Deutsch by Lewis County, Washington for the  
17 following reason(s): This is a DSHS case. It is necessitated by medical needs/requirements.  
18 There was no alternative to address emergency care needs of the AIP.

19 **8. Bond:** The assets of the Alleged Incapacitated Person:

20  Total less than three thousand dollars (\$3,000) and therefore no bond is required.  
21  Are to be placed in a blocked account with an insured financial institution or are to be  
22 held by a bank or trust company, and therefore no bond is required.  
23  Are to be held by a nonprofit corporation authorized to act as Guardian, and the Court  
24 waives any bond requirement.  
25  Are in whole or in part to be held by the Guardian and bond in the amount of \$20,000 is  
26 required.

**9. Right to Vote:** The Alleged Incapacitated Person

shall  
 shall not  
retain the right to vote.

ORDER RE: APPOINTMENT OF GUARDIAN OF  
PERSON AND ESTATE, APPROVAL OF  
ATTORNEY FEES AND GUARDIAN AD LITEM  
FEES, AND ISSUE LETTERS OF GUARDIANSHIP  
(with Bond Waived) - 3

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## II. CONCLUSIONS OF LAW

1. That JESSY LEE HAMILTON is an Incapacitated Person within the meaning of RCW Chapter 11.88, and a:

[X] Full [ ] Limited Guardian of the Person and/or

[X] Full [ ] Limited Guardian of the Estate

[X] should be appointed; and that Jackie Hamilton (mother), is a fit and proper person as required by RCW 11.88.020 to be appointed.

2. That the powers of the Guardian and the limitations and restrictions placed on the Incapacitated Person should be as follows:

Powers of the Guardian. Jackie Hamilton, as Full Guardian of the Person and Estate of JESSY LEE HAMILTON, shall have all the authority granted to a guardian of an incapacitated person pursuant to RCW 11.88 and 11.92, including, but not limited to, the following duties, responsibilities and powers:

- a. To consent to and arrange for appropriate medical treatment and care and residential care for JESSY LEE HAMILTON.
- b. To review, release, consent to the release of and use as appropriate all medical, mental health, psychological, psychiatric, and social work records, charts and evaluations concerning. This power is intended to comply with any and all release and authority provisions and requirements of HIPPA, and 45 C.F.R. Sec. 164, in that all such providers shall treat the Guardian as the Ward would have been treated if such provider was dealing with the Ward directly.
- c. To make all necessary decisions regarding personal, financial, and medical needs for the remainder of the incapacitated person's lifetime, to make investments of estate in accordance with RCW 11.88 and 11.92 as they apply to guardians of the person and estate, and to make such expenditures of the incapacitated person's estate as the court may from time to time direct or authorize.
- d. To establish guardianship bank accounts in the name of JACKIE HAMILTON, as Guardian of the Estate of JESSY LEE HAMILTON with funds belonging to JESSY LEE HAMILTON.

ORDER RE: APPOINTMENT OF GUARDIAN OF PERSON AND ESTATE, APPROVAL OF ATTORNEY FEES AND GUARDIAN AD LITEM FEES, AND ISSUE LETTERS OF GUARDIANSHIP (with Bond Waived) - 4

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PHONE: (360) 740-9201  
FAX: (360) 748-3184

- 1 e. To withdraw, transfer, and deal in any manner with any and all funds and  
2 securities held in the name of JESSY LEE HAMILTON, by any bank,  
3 savings and loan association, credit union, brokerage or any other financial  
4 institution.  
5 f. For the Guardian to apply on behalf of JESSY LEE HAMILTON for any  
6 pension, retirement, or other public or private benefit to which he/she may  
7 be entitled.

### 8 III. ORDER

#### 9 IT IS HEREBY ORDERED:

10 1. **Prior Power of Attorney:** Any Power of Attorney of any kind previously  
11 executed by the Incapacitated Person: N/A

12  is not canceled

13  is canceled in its entirety

14  is canceled in its entirety except for those provisions pertaining to health care.

15 2. **Appointment of Guardian:** JACKIE HAMILTON is appointed as:

16  Full  Limited Guardian of the Person and/or

17  Full  Limited Guardian of the Estate

18 of JESSY LEE HAMILTON, and the powers of the Guardian and the limitation and  
19 restrictions placed on the Incapacitated Person shall be as set forth in Conclusion of Law 2.

20 3. **Letters of Guardianship/Limited Guardianship:** The Clerk of the Court  
21 shall issue Letters of

22  Full  Limited Guardianship of the Person and/or

23  Full  Limited Guardianship of the Estate to

24 JACKIE HAMILTON, upon the filing of an oath and

25  a Guardianship bond in the amount of \$ \_\_\_\_\_ or

26  bond is waived.

If bond is waived, the Guardian is required to report to the Court if the total assets of the  
Incapacitated Person reaches or exceeds Three Thousand Dollars. Pursuant to RCW  
11.88.100, the Guardian of the Estate shall file a yearly statement showing the monthly  
income of the Incapacitated Person if said monthly income, excluding moneys from state or

ORDER RE: APPOINTMENT OF GUARDIAN OF  
PERSON AND ESTATE, APPROVAL OF  
ATTORNEY FEES AND GUARDIAN AD LITEM  
FEES, AND ISSUE LETTERS OF GUARDIANSHIP  
(with Bond Waived) - 5

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1 federal benefits, is over the sum of Five Hundred Dollars per month for any three consecutive  
2 months.

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

7 **5. Inventory:** Within three months of appointment, the Guardian of the Estate  
8 shall file a verified Inventory of all the property of the Incapacitated Person, which shall  
9 come into the Guardian's possession or knowledge, including a statement of all  
10 encumbrances, liens and other secured charges on any item. A review hearing upon filing of  
11 the inventory

12 [ ] is required.

13 [X] is not required.

14 **6. Disbursements:** On or before the date the Inventory is due, the Guardian of  
15 the Estate shall also apply to the Court for an Order Authorizing Disbursements on behalf of  
16 the Incapacitated Person as required by RCW 11.92.040.

17 **7. Personal Care Plan:** The Guardian of the Person shall complete and file  
18 within three (3) months after appointment a Personal Care Plan which shall comply with the  
19 requirements of RCW 11.92.043(1).

20 **8. Status of Incapacitated Person:** Unless otherwise ordered, the Guardian of  
21 the Person shall file an annual report on the status of the Incapacitated Person that shall  
22 comply with the requirements of RCW 11.92.043(2).

23 **9. Substantial Change in Condition or Residence:** The Guardian of the  
24 Person shall report to the Court within thirty (30) days any substantial change in the  
25 Incapacitated Person's condition, or any change in residence of the Incapacitated Person.

26 **10. Designation of Standby Guardian:** The Guardian shall file a written  
designation of a standby Guardian that complies with the requirements of RCW 11.88.125.

**11. Authority for Investment and Expenditure:** The authority of the Guardian  
of the Estate for investment and expenditure of the ward's estate are as outlined in  
Conclusions of Law 2.

**12. Duration of Guardianship:** This Guardianship shall continue in effect:

ORDER RE: APPOINTMENT OF GUARDIAN OF  
PERSON AND ESTATE, APPROVAL OF  
ATTORNEY FEES AND GUARDIAN AD LITEM  
FEES, AND ISSUE LETTERS OF GUARDIANSHIP  
(with Bond Waived) - 6

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FAX: (360) 748-3184

1 [ ] until \_\_\_\_\_; OR  
2 [X] until terminated pursuant to RCW 11.88.140;  
3 [ ] the necessity for the Guardianship to continue shall be periodically reviewed.

4 **13. Discharge/Retention of Guardian ad Litem:**

5 [X] The Guardian ad Litem is discharged; or  
6 [ ] The Guardian ad Litem shall continue performing further duties or obligations as  
7 follows: \_\_\_\_\_

8 **14. Notice of Right to Receive Pleadings:** The following persons are described  
9 in RCW 11.88.090(5)(d), and the Guardian shall notify them of their right to file with the  
10 Court and serve upon the Guardian, or the Guardian's attorney, a request to receive copies of  
11 pleadings filed by the Guardian with respect to the Guardianship:

12 Retha Hagler  
13 161 Riblien Road  
14 Chehalis, WA 98532.

14 **15. Guardian Fees:**

15 [ ] DSHS cases: The Guardian is allowed such fees and costs as permitted by the  
16 Washington Administrative Code, which fees shall be \$175.00 per month pursuant to WAC  
17 388-79-030 which sets a presumption that the amount of monthly Guardianship fees shall be  
18 \$175.00 per month for clients of the Dept. of Social & Health Services. Further, the client's  
19 participation shall be adjusted to reflect that amount pursuant to WAC 388-790-150. The  
20 Guardian shall reserve the right to petition the court to revise such amount pursuant to WAC  
21 388-79-040. Such guardian fees shall be reported to the Court in the Accounting of the  
22 Guardian of the Estate which will be filed every 12 months pursuant to RCW 11.92.010(3).

23 [ ] Non-DSHS cases: The Guardian is approved to bill for guardian services at \$ \_\_\_\_\_  
24 per hour.

25 [X] Proposed Guardian is a Family Member: The proposed Guardian is a relative of the  
26 Alleged Incapacitated Person and plans to serve in said capacity without compensation.

ORDER RE: APPOINTMENT OF GUARDIAN OF  
PERSON AND ESTATE, APPROVAL OF  
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FEES, AND ISSUE LETTERS OF GUARDIANSHIP  
(with Bond Waived) - 7

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**16. Guardian ad Litem Fee:**

Thomas Deutsch's fees and costs are approved as reasonable; OR  The Guardian ad Litem fees and costs are approved as reasonable in the total amount of \$550.00. They shall be paid to Thomas Deutsch, from  the Guardianship estate assets,  by Lewis County, OR  other source(s) as follows: \_\_\_\_\_.

**17. Legal Fees:** The legal fees and costs of SCOTT E. BLINKS, P.O. Box 867, Chehalis, Washington 98532, are approved as reasonable in the amount of \$700.00, and shall be paid from the

Guardianship estate assets, OR

If the Alleged Incapacitated Person is currently or becomes a client of the Department of Social and Health Services (within such time period that the attorney's fees for establishing the guardianship are eligible to be paid by the Department of Social and Health Services), the attorney's fees and costs in an amount not to exceed \$700.00 shall be paid to SCOTT E.

BLINKS pursuant to WAC 388-79-030 which sets a presumption that the amount of administrative costs directly related to establishing a guardianship for a department client shall not exceed seven hundred dollars (\$700.00). Further, the client's participation amount shall be adjusted to reflect that amount pursuant to WAC 388-79-150, OR

If JESSY LEE HAMILTON is not a client of the Department of Social and Health Services or the Attorney's fees and costs cannot be paid by the Department of Social and Health Services pursuant to WAC 388-79-030, and considering the fact that the guardianship estate assets are not sufficient, then the attorney's fees and costs of SCOTT E. BLINKS shall be paid by Lewis County.

other source(s) as follows: \_\_\_\_\_

**18. Guardian's Report:** The Guardian's report shall cover the

12 (twelve) month

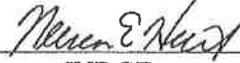
24 (twenty-four) month or

36 (thirty-six) month

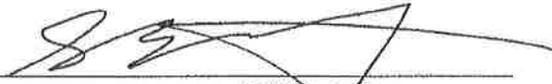
period following the appointment. The Guardian's report is due within 90 days of the end of the reporting period and shall comply with the requirements of RCW 11.92.040(2).

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DONE IN OPEN COURT this 16 day of October, 2009.

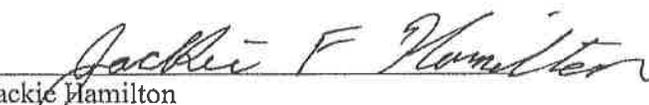
  
\_\_\_\_\_  
JUDGE

Presented by:

  
\_\_\_\_\_  
SCOTT E. BLINKS, WSBA 21837  
Attorney for Petitioner

Approved for entry:

*See attached*  
  
\_\_\_\_\_  
Thomas Deutsch, Guardian Ad Litem

  
\_\_\_\_\_  
Jackie Hamilton

ORDER RE: APPOINTMENT OF GUARDIAN OF  
PERSON AND ESTATE, APPROVAL OF  
ATTORNEY FEES AND GUARDIAN AD LITEM  
FEES, AND ISSUE LETTERS OF GUARDIANSHIP  
(with Bond Waived) - 9

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CHEHALIS, WASHINGTON 98532  
PHONE: (360) 748-9281  
FAX: (360) 748-3184

SUPERIOR COURT  
LEWIS COUNTY, WASH  
REC'D & FILED

2009 OCT 16 AM 9:52

KATHY BRACK, CLERK

BY JRS  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF LEWIS

IN THE GUARDIANSHIP OF: )	NO: 09-4-00190-7 (14)
JESSY LEE HAMILTON, )	DESIGNATION OF STANDBY GUARDIAN
Incapacitated Person. )	OF THE PERSON AND ESTATE

The Guardian of the Person and Estate of Jessy Lee Hamilton designates the following individual to serve as Standby Guardian of the Person and Estate:

Name: Cory Dean Hamilton  
Address: 161 Riblien Road  
Phone: 360-996-4105

DATED this 13 day of October, 2009.

*Jackie F Hamilton*  
Jackie Hamilton, Guardian  
161 Riblien Road  
Chehalis, WA 98532

DESIGNATION OF STANDBY GUARDIAN OF  
THE PERSON AND ESTATE - 1

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FAX: (360) 748-3184

# **Exhibit C**



# Centralia Police Department

## Incident Report

Incident #: 15A6328

Incident: Assault 4th

Location: 311 N Tower Ave; A

When Reported: 19:09:18 05/23/15

Area: Area 2 Centralia City

Occurred Between: 19:08:12 05/23/15

And: 19:08:17 05/23/15

### COMPLAINANTS:

1) Name: COMPLAINANT VICTIM,

DOB: \*\*/\*\*/\*\*

Race/Sex: /

Address:

Home Phone: ( ) -

Work Phone: ( ) -

Employer:

### ARRESTEES:

1) Name: HAMILTON, JESSY LEE

DOB: [REDACTED]

Race/Sex: W/M

Height: 5'06"

Weight: 150

Hair: BRO

Eyes: BRO

Address: 311 N Tower Ave 8  
Centralia, WA 98531

Home Phone: (360)388-0017

Work Phone: ( ) -

### VICTIMS:

1) Name: HAMILTON, JACKIE FAYE

DOB: [REDACTED]

Race/Sex: W/F

Address: 311 N Tower Ave; 8  
Centralia, WA 98531

Home Phone: (360)388-0017

Work Phone: ( ) -

Employer: SSI

### WITNESSES:

1) Name: HARTNELL, ROBERTA ANN

DOB: [REDACTED]

Race/Sex: I/F

Address: 636 SW William Ave  
Chehalis, WA 98532

Home Phone: (360)878-3071

Work Phone: ( ) -

Employer:

### NARRATIVE:

Name: Shannon J

On 5/23/15 I Sgt James Shannon was dispatched to a report of an assault which had just occurred at 311 N Tower ave, within the city limits of the city of Centralia WA. On my arrival I talked to the victim Hamilton, Jackie. Jackie told me that she is the caregiver for her adult son Jesse who is severely disabled with Autism. Jesse cannot communicate in any meaningful way, and is prone to violent outbursts. Jackie has taken Jesse to the hospital every day for the past 5 days over violent outbursts related to Jesse passing a kidney stone. Jesse was released from the hospital yesterday and his diagnosis was violent outbursts and Autism, and Jackie was instructed to call the police if it continued. Jack told me that she can no longer deal with Jesse, that Jesse today threw a metal ashtray at her striking her in the head. Jackie claimed that she was injured. I asked her to show me that injury and she could not show me any injury. Jackie said she had a witness to what happened and she wanted her son arrested and taken to jail because she could not deal with him anymore. I went upstairs and contacted Jesse. He was not able to communicate with me in any meaningful way. He was very subdued and lethargic. I could not tell if it was the effect of medication, or if it was the effect of his autism. I placed handcuffs on him as he is prone to violent outbursts and he was detained in a patrol vehicle. I then interviewed the witness, Hartness, who told me that she saw Jesse throw an ashtray at Jackie hitting her in the head. I asked Jackie to show me the ashtray and she showed me a plastic ashtray which had one side broken. Jackie said that was the ashtray she was hit with. I asked where the missing broken piece was and she did not know where it was. The ashtray had cigarette butts in it but Jackie was adamant that she was hit in the head with the ashtray and wanted Jesse arrested. If it were not for the independent witness, Hartness, I would not have found the story credible. Jackie provided me with all of Jesse medication and he was transported to the jail and booked as Assault 4 DV is a mandatory booking. If there were sufficient mental health resources available Jesse should be involuntarily committed as Jackie does not appear capable of caring for him. I do not feel jail is a suitable environment for caring for Jesse but I had no other options available for providing him care as it is mandatory arrest situation.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT (RCW 9A.72.085).  
Electronically Signed: Yes      Signature: Sgt James Shannon  
Centralia/Lewis/Washington      Date: 5/23/15

Printed: 07:22:21 06/17/15

# **Exhibit D**



Verbatim

CD-R

COMPACT  
DISC

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HAMILTON

# **Exhibit E**

SUPERIOR COURT  
LEWIS COUNTY, WASH  
REC'D & FILED

2009 SEP 24 PM 12:08

KATHY BRACK, CLERK

BY \_\_\_\_\_ **JRS**  
DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON  
FOR THE COUNTY OF LEWIS

6

In the Guardianship of:	)	Case No: 09-4-00190-7
	)	<b>PUBLIC</b>
JESSY LEE HAMILTON,	)	GUARDIAN AD LITEM REPORT
	)	RCW 11.88.090
An alleged incapacitated person.	)	
_____	)	(RTGAL)

**RECOMMENDATION:** JESSY LEE HAMILTON is in need of guardianship.

**1.0 Procedural History.**

**Date of Appointment:** September 11, 2009

**Date of Service of Copy of Petition on Guardian ad Litem:** September 15, 2009

**Date Guardian ad Litem's Statement of Qualifications was filed & served:** Filed and served: September 17, 2009.

I attest that I am on the Guardian ad Litem Registry for this County, have conducted more than 653 Title XI Guardian ad Litem investigations, and am qualified to serve as Guardian ad Litem in Guardianship matters.

**1. Medical/Psychological Report.** As required by RCW 11.88.045, I have obtained a written, medical/psychiatric report from Terry L. Wilson, PA-C. The report was filed with the

1 court on September \_\_\_\_, 2009. The examining physician/psychiatrist was selected by the GAL.  
2 The reason for selecting this individual was the need to have him examined for capacity.  
3

4 **2. Meeting(s) with Alleged Incapacitated Person.**

5

Dates of Meetings with Alleged Incapacitated Person	Location of Meeting	Other Person Present <i>(GAL must meet alone at least once with Alleged Incapacitated Person).</i>
September 17, 2009	Residence	

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9

10 **3.1 Personal Information Regarding Alleged Incapacitated Person:**

11 Date of Birth                      Sealed  
12 Age:                                      20  
13 Current Residence                161 Riblien Road, Chehalis, WA 98532  
14 Current Phone Number  
15 (With area code)

16 **3.2 Incapacitated Person's Responses Regarding Specific Issues:**

17 Agreement or objection to appointment of a Guardian:      Agreed  
18 Reaction to the proposed Guardian:                              Agreed  
19 Right to counsel:    Not requested  
20 Preferences regarding choice of counsel:                              N/A  
21 Right to a jury trial:    Not requested  
22  
23

24 **Summary of Interviews with Alleged Incapacitated Person and Guardian ad Litem.**

25 **BACKGROUND**

26 The petition for guardianship of Jessie Lee Hamilton was filed by his mother, Jackie Hamilton,  
27 through Chehalis attorney Scott Blinks.  
28

1 A detailed report of my investigation and interviews is contained in the Sealed Guardian ad  
2 Litem Report.

3 Based upon my observations, interviews, and review of medical records, I believe that under  
4 RCW 11.88.010(1)(a), Jessy Lee Hamilton is at "significant risk of personal harm based upon a  
5 demonstrated inability to provide for nutrition, health, housing or physical safety."

6 I further believe that under RCW 11.88.010(1)(b), Jessy Lee Hamilton is at "significant risk of  
7 financial harm based upon a demonstrated inability to adequately manage property or financial  
8 affairs."

9 It is my opinion that it would be in the best interests of Jessy Lee Hamilton for the Court to  
10 appoint a Guardian to assist with his personal and financial affairs. I recommend the Court  
11 appoint his mother, Jackie Hamilton, as Guardian of the person and estate of Jessy Lee Hamilton.  
12 I reviewed the duties and responsibilities of guardianship with Mrs. Hamilton and believe she is  
13 qualified to serve in that capacity.

14 I further recommend Jessy Lee Hamilton should not retain the following rights:

- 15 • To marry or divorce
- 16 • To vote or hold elective office
- 17 • To enter into a contract or make or revoke a will
- 18 • To appoint someone to act on your behalf
- 19 • To sue or be sued other than through a guardian
- 20 • To possess a license to drive
- 21 • To buy, sell, own, mortgage, or lease property
- 22 • To consent to or refuse medical treatment
- 23 • To decide who shall provide care and assistance
- 24 • To make decisions regarding the social aspects of your life

25 I would be happy to answer any additional questions the court may have.

#### 26 **4.0 Investigation.**

27 **Individuals Contacted. Written Materials Reviewed.** Review of the  
28 Medical/Psychological Report of Terry Hamilton, PA-C; interviews with family members and  
interested parties; review of the record and file herein.

#### **5.0 Nature, Cause and Degree of Incapacity – Functional Limitation: Medication Administration.**

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**5.1 Medical Diagnosis and Cause.** Sealed

**5.2 Degree of Incapacity.** Moderate to Severe

**6.0 Alternatives to Guardianship.** None

**7.0 Abilities of Alleged Incapacitated Person and Degree of Assistance Required.**  
Requires moderate assistance

**8.0 Recommendation as to Appointment of Guardian:** Jackie Hamilton

**9.0 Recommendation Regarding Alleged Incapacitated Person's Right to Vote:**  
May not vote due to cognitive deficits.

**10.0 Evaluation of Proposed Guardian:**

**10.1 Dates of Contact Between Guardian ad Litem and Proposed Guardian and Written Materials Reviewed:** I met with Mrs. Hamilton, reviewed the duties and responsibilities of guardianship and believe she is qualified to serve as Guardian.

**10.2 Identity and Contact Information Regarding Proposed Guardian:**

Name: Jackie Hamilton  
Mailing Address: 161 Riblien Road  
Chehalis, WA 98532

**Relationship, if any, between Proposed Guardian and Alleged Incapacitated Person:**  
Mother

**10.3 Description of Steps Proposed Guardian Has or Intends to Take to Meet the Alleged Incapacitated Person's Needs.** Plan will meet needs.

**11.0 Recommendation Regarding Advice of Right to Jury Trial.** Note requested.

**12.0 Recommendation Regarding Appointment of Independent Counsel.** Not requested or recommended.

**13.0 Estimate of Estate (Based on Available Information),**

Real Property	\$
Cash on Hand	\$
Securities	\$
Mortgages and Notes	\$

1	Bank/Trust Account	\$
2	Cash Surrender Value Insurance	\$
3	Personal Property	\$
4	Sources of Income	\$
5	Other:	\$
	ESTIMATED TOTAL	\$

6 Social Security Disability Income of \$661 per month.

7 [ ] The Court set bond in the amount of \$

8 [ ] The Court block or restrict access to the following assets:

9 [ x ] The guardian file financial report

10 [ ] every year

11 [ ] every other year

12 [ x ] every third year

13  
14  
15 **14.0 Recommendation Regarding Presence of Alleged Incapacitated Person at**  
16 **Hearing**

17 The presence of the Alleged Incapacitated Person

18 [ x ] should

19 [ ] should not

20 be waived. \_\_\_\_\_ is

21 [ ] able

22 [ x ] unable

23 to attend the hearing. If unable to attend, please explain the reason(s): Unable to participate  
24 in proceedings.

25  
26  
27 **15.0 Other Recommendations.**

1           **16.0 Recommendation as to Guardian ad Litem's Continuing Involvement in**  
2 **Future Proceedings.**

3 I recommend that the Guardian ad Litem

4      be

5      not be

6 involved in future proceedings in this matter.  
7

8           **17.0 Individuals Who Should be Advised of Their Right to Request Special Notice**  
9 **of Proceedings Pursuant to RCW 11.92.150.**

10

Name, Title and Address	Relationship to Alleged Incapacitated Person
Jackie Hamilton 161 Riblien Road Chehalis, WA 98532	Mother
Corey Hamilton Incarcerated in Arizona	Brother
Travis Hamilton  Chehalis, WA 98532	Brother
Dustin J. Hamilton (minor)	Brother
Retha Hagler 161 Riblien Road Chehalis, WA 98532	Grandmother

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22 I certify (or declare) under penalty of perjury under the laws of the State of Washington that to  
23 the best of my knowledge the statements above are true and correct.

24 DATED this 22 day of 9, 2009.

25  
26  
27 Signature of Guardian/Attorney  
100 Inglewood Park  
Longview, Washington 98632  
28 (360) 423-0335

Thomas B. Deutsch  
Printed Name of Guardian/Attorney