

## CHAPTER 118.

[H. B. 356.]

## RELATING TO THE APPOINTMENT OF GUARDIANS.

AN ACT providing for the procedure in the appointment of guardians for the estate of minors, insane and mentally incompetent persons.

*Be it enacted by the Legislature of the State of Washington:*

Petition for  
appointment.

SECTION 1. When a petition is presented to the superior court verified by the petitioner, and showing that a person, resident of the county where the petition is filed, is a minor, or is insane, or mentally incompetent, and that such person has property needing care and attention and praying for the appointment of a guardian for such minor, insane or mentally incompetent person's property, the court shall thereupon make an order setting a time for the hearing on said petition, and directing the clerk of the court to issue a notice stating that such a petition has been filed, and the time and place of the hearing thereon and stating that all persons interested shall appear at the time and place of the hearing and show cause if any there be, why a guardian should not be appointed for the estate of such minor, insane, or mentally incompetent person.

Notice,  
how served.

SEC. 2. The notice of the hearing shall be served upon such minor personally if over fourteen years of age, or such insane or incompetent person, and also upon the head of the family with whom such minor, insane or incompetent person resides, and if such minor, insane or incompetent person is in the care and custody of an officer, or institution, then upon such officer or head of such institution, at least ten days prior to the time set for the hearing; and proof of such service shall be made and filed in the same manner as proof of the service of a summons: *Provided, however,* That in case that the person making application for the appointment of such guardian, is the parent of a minor under fourteen years of age, then the notice herein provided for shall be dispensed with and the court may

make the order appointing the parent as such guardian upon his or her petition being presented.

SEC. 3. Before the hearing the petition or a copy thereof shall be submitted to the prosecuting attorney who shall appear for such minor, insane or incompetent person at said hearing, and if the prosecuting attorney desires further time in which to make an investigation, the court shall at his request continue the hearing to some certain day, and the court may on its own motion or at the request of the prosecuting attorney, direct that the minor, insane or mentally incompetent person, be brought into court in person, and for this purpose may make an order directing the sheriff to bring him or her into court.

Prosecuting attorney to appear for ward.

In case the prosecuting attorney or his deputy is unable to attend at the hearing, the court may appoint some suitable person to act in his place: *Provided, however,* That nothing herein shall prevent the minor, insane or mentally incompetent person from appearing by an attorney selected by himself, or by some one on his behalf, in which case it will not be necessary for the prosecuting attorney to appear at the hearing.

SEC. 4. When a minor, insane or mentally incompetent person, resides out of the State of Washington, and has property within the state requiring the care of a guardian, and a petition is filed in the county where such minor, insane or mentally incompetent person has property, the petitioner shall make an affidavit stating the fact of the non-residence of such minor, insane or mentally incompetent person, and then the notice provided for in section one shall be served by publication in some newspaper printed and of general circulation in the county where the petition is filed for four weeks, to-wit: for five successive weekly issues of such paper prior to the time set for the hearing and proof of such publication shall be made and filed, as in the case of a summons by publication, and thereafter the same proceedings shall be had as hereinbefore provided.

Notice by publication.

Passed by the House March 6, 1909.

Passed by the Senate March 10, 1909.

Approved March 13, 1909.