

# FINAL BILL REPORT

## ESHB 1771

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Synopsis as Enacted

**Brief Description:** Providing for certification of professional guardians.

**Sponsors:** By House Committee on Law & Justice (originally sponsored by Representatives Mitchell, Tokuda, Constantine, Sheahan, Keiser, Mason, Blalock, Costa, Conway, Butler, Murray and Cody; by request of Secretary of State).

**House Committee on Law & Justice**  
**Senate Committee on Human Services & Corrections**

**Background:** A court may appoint a guardian for an incapacitated person to help the person manage his or her personal or financial affairs. A person is incapacitated if the individual is at a significant risk of personal harm because of an inability to provide for nutrition, health, housing, or physical safety, or at risk of financial harm because of an inability to manage his or her property or financial affairs. The court may appoint a guardian over the person— of an incapacitated person if the incapacity results from an inability to manage health and safety matters, or over the estate of an incapacitated person if the incapacity results from an inability to manage financial affairs.

Generally, any resident of the state who is at least 18 years of age, of sound mind, and has not committed certain crimes may be appointed as a guardian. If authorized, a trust company or national bank may serve as guardian of the estate of an incapacitated person, and a nonprofit corporation may serve as guardian of the person or estate of an incapacitated person.

A testamentary guardian is a person appointed as the guardian of a minor child by a parent in the parent's will.

**Summary:** The Office of the Administrator for the Courts (OAC) is required to study and make recommendations on standards and criteria for certification of professional guardians and other issues related to the provision of guardianship services.

The express authority for a nonprofit corporation to act as guardian of the person or the estate of an incapacitated person is removed. An individual or entity may be appointed as the professional guardian of the person or the estate of an incapacitated person if the individual or entity meets certification requirements established by the

OAC. Testamentary guardians and financial institutions serving as the guardian of the estate of an incapacitated person are not subject to the certification requirements.

A professional guardian is a court-appointed guardian who is not a member of the incapacitated person's family, charges a fee for providing guardianship services, and serves as guardian for at least three incapacitated persons.

**Votes on Final Passage:**

House 87 7

Senate 46 0 (Senate amended)

House 96 1 (House concurred)

**Effective:** July 27, 1997 (Section 3)

January 1, 1999 (Sections 1 & 2)