

HOUSE BILL ANALYSIS

SSB 5667

Title: An act relating to court appointed guardians.

Brief Description: Providing for certification of professional guardians.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Roach, Haugen and Kohl; by request of Secretary of State).

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

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 as to that person's estate if the individual is at a significant risk of financial harm because of an inability to manage his or her property or financial affairs. A person is incapacitated "as to person" if the individual has a significant risk of personal harm because of an inability to provide for nutrition, health, housing, or physical safety.

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 and/or estate of an incapacitated person.

Summary of Bill: The administrator for the courts is directed to study the desirability and feasibility of requiring professional guardian certification for guardians who meet the following requirements: (1) charge a fee for guardianship services; (2) serve as guardian for three or more people during a 12-month period; and (3) are not related by blood or marriage to the incapacitated persons. The study must include recommendations on possible certification requirements, the appropriate agency to provide certification, standards of conduct, continuing education requirements, and whether certification should apply to individuals, business entities, or both.

The administrator for the courts must also study and make recommendations on whether: (1) persons other than an alleged incapacitated person should be able to request a jury trial to determine incapacity; (2) to clarify criteria regarding the exclusion of persons as guardians who have a criminal history; (3) a guardian ad litem

may continue to serve at public expense following appointment of a guardian; and (4) the court should be able to limit the fees of attorneys, guardians, and guardians ad litem.

The administrator for the courts must consult with a variety of entities, organizations, agencies, and individuals in conducting the review and study. The findings of the study must be reported to the Legislature by December 31, 1997.

Thirty-five thousand dollars is appropriated for the study.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Office of Program Research