

SENATE BILL REPORT

SHB 2989

As Reported By Senate Committee On:
Human Services & Corrections, February 26, 1998

Title: An act relating to guardians and guardians ad litem.

Brief Description: Augmenting provisions regarding guardians and guardians ad litem.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Mitchell, Tokuda, Sheahan, Costa and Veloria).

Brief History:

Committee Activity: Human Services & Corrections: 2/25/98, 2/26/98 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Staff: Joan Mell (786-7447)

Background: The office of the Administrator for the Courts issued a final report of the Guardian Certification Study Committee. The Guardian Certification Study Committee was created via legislative mandate in 1997. The Administrator for the Courts was directed to make recommendations on standards and criteria for implementing a system of certification of professional guardians and improved coordination between guardians and guardians ad litem. The scope of the study committee was further designated as follows: examination of criteria for certification as professional guardians; a fee structure that will make the certification process self supporting; whether persons other than an alleged incapacitated person should be given standing to request a jury trial to determine incapacity; whether, following appointment a guardian, a guardian ad litem may continue to serve at public expense; whether the superior court should have authority to limit fees for attorneys, guardians and guardians ad litem; the appropriate entity to certify professional guardians; and grounds for discipline of professional guardians. The final report of the Guardian Certification Study Committee made recommendations on each of the above criteria.

Summary of Amended Bill: The recommendations of the Guardian Certification Study Committee are adopted with respect to certification and disciplining requirements. Certified professional guardians are charged a fee for certification.

A jury trial in a case alleging a person's incapacity may only be requested by the alleged incapacitated person or that person's attorney.

Amended Bill Compared to Substitute Bill: The Guardian Certification Study Committee recommendations related to guardians ad litem are stricken.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Guardian Certification Study came up with specific recommendations relating to guardians ad litem that are in the bill. Certification recommendations are not included because the Office for Administrator of the Courts is presumably undertaking the certification recommendations.

Testimony Against: None.

Testified: PRO: John Jardine, WA Association of Professional Guardians; Jim Hardman, King County Bar Association; Liz Lindley, Glenda Voller, LA, WAPG.