

# SENATE BILL REPORT

## SB 5667

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As Reported By Senate Committee On:  
Human Services & Corrections, March 4, 1997

**Title:** An act relating to court appointed guardians.

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

**Sponsors:** Senators Roach, Haugen and Kohl; by request of Secretary of State.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/19/97, 3/4/97 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5667 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Richard Rodger (786-7461)

**Background:** Courts are authorized to appoint guardians for incapacitated persons to assist them in handling their personal or financial affairs. To be appointed as a guardian a person must be a resident of the state, over 18 years of age, be of sound mind, have no felony convictions for crimes involving moral turpitude, and to be a person the court finds "suitable." A corporation may serve as a guardian under specified conditions.

It has been suggested that persons who are appointed to act as guardians for three or more incapacitated persons should be certified as professional guardians.

**Summary of Substitute Bill:** The Administrator for the Courts must conduct a study on the feasibility and desirability of requiring certification as "professional guardians" all persons appointed as a guardian when the guardian: (1) represents three or more incapacitated persons in any 12 month period, (2) is not related to the incapacitated person, and (3) charges fees for guardianship services.

The administrator must also study and make recommendations whether: (1) persons other than an alleged incapacitated may request a jury trial; (2) to clarify criteria for excluding guardians based on criminal convictions; (3) following appointment of a guardian, a guardian ad litem may continue to serve at public expense; and (4) the authority of the court to limit fees for attorneys, guardians, and guardians ad litem should be expanded.

The administrator must report the findings and recommendations to the appropriate committees not later than December 31, 1997.

**Substitute Bill Compared to Original Bill:** The original bill required the Administrator for the Courts to develop and administer a system of certification for professional guardians. The substitute bill eliminates the certification requirement and requires to the administrator to under take two studies regarding guardianships. An appropriation is added.

**Appropriation:** \$35,000.

**Fiscal Note:** Available.

**Testimony For:** This bill will help protect persons who are incapacitated to handle their own affairs by requiring the certification of persons who hold themselves out as professional guardians.

**Testimony Against:** None.

**Testified:** John Jardine, Unlimited Guardianship Services, (pro); Bill Dussault, Unlimited Guardianship Services, (pro); Liz Lindley, Washington Assn. of Guardians, (pro); Jon Brandon Johnson, Northwest Support Services Group, (pro); Maurice Epctein, (pro); Mike Courtney, AARP, (pro); Helen Pulsifer, AARP, (pro); Douglas A. Schafer, independent attorney, (pro).