
ENGROSSED SUBSTITUTE HOUSE BILL 1771

State of Washington

55th Legislature

1997 Regular Session

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)

Read first time 03/05/97.

1 AN ACT Relating to court appointed guardians; amending RCW 2.56.030
2 and 11.88.020; adding a new section to chapter 11.88 RCW; and providing
3 an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 2.56.030 and 1996 c 249 s 2 are each amended to read
6 as follows:

7 The administrator for the courts shall, under the supervision and
8 direction of the chief justice:

9 (1) Examine the administrative methods and systems employed in the
10 offices of the judges, clerks, stenographers, and employees of the
11 courts and make recommendations, through the chief justice, for the
12 improvement of the same;

13 (2) Examine the state of the dockets of the courts and determine
14 the need for assistance by any court;

15 (3) Make recommendations to the chief justice relating to the
16 assignment of judges where courts are in need of assistance and carry
17 out the direction of the chief justice as to the assignments of judges
18 to counties and districts where the courts are in need of assistance;

1 (4) Collect and compile statistical and other data and make reports
2 of the business transacted by the courts and transmit the same to the
3 chief justice to the end that proper action may be taken in respect
4 thereto;

5 (5) Prepare and submit budget estimates of state appropriations
6 necessary for the maintenance and operation of the judicial system and
7 make recommendations in respect thereto;

8 (6) Collect statistical and other data and make reports relating to
9 the expenditure of public moneys, state and local, for the maintenance
10 and operation of the judicial system and the offices connected
11 therewith;

12 (7) Obtain reports from clerks of courts in accordance with law or
13 rules adopted by the supreme court of this state on cases and other
14 judicial business in which action has been delayed beyond periods of
15 time specified by law or rules of court and make report thereof to
16 supreme court of this state;

17 (8) Act as secretary of the judicial conference referred to in RCW
18 2.56.060;

19 (9) Formulate and submit to the judicial council of this state
20 recommendations of policies for the improvement of the judicial system;

21 (10) Submit annually, as of February 1st, to the chief justice and
22 the judicial council, a report of the activities of the administrator's
23 office for the preceding calendar year;

24 (11) Administer programs and standards for the training and
25 education of judicial personnel;

26 (12) Examine the need for new superior court and district judge
27 positions under a weighted caseload analysis that takes into account
28 the time required to hear all the cases in a particular court and the
29 amount of time existing judges have available to hear cases in that
30 court. The results of the weighted caseload analysis shall be reviewed
31 by the board for judicial administration and the judicial council, both
32 of which shall make recommendations to the legislature. It is the
33 intent of the legislature that weighted caseload analysis become the
34 basis for creating additional district court positions, and
35 recommendations should address that objective;

36 (13) Provide staff to the judicial retirement account plan under
37 chapter 2.14 RCW;

38 (14) Attend to such other matters as may be assigned by the supreme
39 court of this state;

1 (15) Within available funds, develop a curriculum for a general
2 understanding of child development, placement, and treatment resources,
3 as well as specific legal skills and knowledge of relevant statutes
4 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
5 interviewing skills, and special needs of the abused or neglected
6 child. This curriculum shall be completed and made available to all
7 juvenile court judges, court personnel, and service providers and be
8 updated yearly to reflect changes in statutes, court rules, or case
9 law;

10 (16) Develop, in consultation with the entities set forth in RCW
11 2.56.150(3), a comprehensive state-wide curriculum for persons who act
12 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
13 be made available July 1, 1997, and include specialty sections on child
14 development, child sexual abuse, child physical abuse, child neglect,
15 clinical and forensic investigative and interviewing techniques, family
16 reconciliation and mediation services, and relevant statutory and legal
17 requirements. The curriculum shall be made available to all superior
18 court judges, court personnel, and all persons who act as guardians ad
19 litem;

20 (17) Develop a curriculum for a general understanding of crimes of
21 malicious harassment, as well as specific legal skills and knowledge of
22 RCW 9A.36.080, relevant cases, court rules, and the special needs of
23 malicious harassment victims. This curriculum shall be made available
24 to all superior court and court of appeals judges and to all justices
25 of the supreme court;

26 (18) Develop, in consultation with the criminal justice training
27 commission and the commissions established under chapters 43.113,
28 43.115, and 43.117 RCW, a curriculum for a general understanding of
29 ethnic and cultural diversity and its implications for working with
30 youth of color and their families. The curriculum shall be available
31 to all superior court judges and court commissioners assigned to
32 juvenile court, and other court personnel. Ethnic and cultural
33 diversity training shall be provided annually so as to incorporate
34 cultural sensitivity and awareness into the daily operation of juvenile
35 courts state-wide;

36 (19) Authorize the use of closed circuit television and other
37 electronic equipment in judicial proceedings. The administrator shall
38 promulgate necessary standards and procedures and shall provide
39 technical assistance to courts as required;

1 (20) Develop a system for standards and administration of
2 certification of professional guardians as defined in section 3 of this
3 act.

4 **Sec. 2.** RCW 11.88.020 and 1990 c 122 s 3 are each amended to read
5 as follows:

6 (1) Any suitable person over the age of eighteen years, or any
7 parent under the age of eighteen years or, if the petition is for
8 appointment of a professional guardian, any individual or guardianship
9 service that meets any certification requirements established by the
10 administrator for the courts, may, if not otherwise disqualified, be
11 appointed guardian or limited guardian of the person and/or the estate
12 of an incapacitated person(~~(; any trust company regularly organized~~
13 ~~under the laws of this state and national banks when authorized so to~~
14 ~~do may act as guardian or limited guardian of the estate of an~~
15 ~~incapacitated person; and any nonprofit corporation may act as guardian~~
16 ~~or limited guardian of the person and/or estate of an incapacitated~~
17 ~~person if the articles of incorporation or bylaws of such corporation~~
18 ~~permit such action and such corporation is in compliance with all~~
19 ~~applicable provisions of Title 24 RCW)). A financial institution~~
20 subject to the jurisdiction of the department of financial institutions
21 and authorized to exercise trust powers, and a federally chartered
22 financial institution when authorized to do so, may act as a guardian
23 of the estate of an incapacitated person without having to meet the
24 certification requirements established by the administrator for the
25 courts. No person is qualified to serve as a guardian who is

26 ~~((1))~~ (a) under eighteen years of age except as otherwise
27 provided herein;

28 ~~((2))~~ (b) of unsound mind;

29 ~~((3))~~ (c) convicted of a felony or of a misdemeanor involving
30 moral turpitude;

31 ~~((4))~~ (d) a nonresident of this state who has not appointed a
32 resident agent to accept service of process in all actions or
33 proceedings with respect to the estate and caused such appointment to
34 be filed with the court;

35 ~~((5))~~ (e) a corporation not authorized to act as a fiduciary,
36 guardian, or limited guardian in the state;

37 ~~((6))~~ (f) a person whom the court finds unsuitable.

1 (2) The professional guardian certification requirements required
2 under this section shall not apply to a testamentary guardian appointed
3 under RCW 11.88.080.

4 NEW SECTION. Sec. 3. A new section is added to chapter 11.88 RCW
5 to read as follows:

6 As used in this chapter, "professional guardian" means a guardian
7 appointed under this chapter who is not a member of the incapacitated
8 person's family and who charges fees for carrying out the duties of
9 court-appointed guardian of three or more incapacitated persons.

10 NEW SECTION. Sec. 4. Sections 2 and 3 of this act take effect
11 July 1, 1998.

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