
SUBSTITUTE SENATE BILL 5667

State of Washington

55th Legislature

1997 Regular Session

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

Read first time 03/05/97.

1 AN ACT Relating to court appointed guardians; creating a new
2 section; making an appropriation; providing an expiration date; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The administrator for the courts shall
6 conduct a study on the feasibility and desirability of requiring all
7 persons appointed as a guardian for three or more incapacitated persons
8 in any consecutive twelve-month period, to whom the appointee is not
9 related by blood or marriage, and who charges fees for guardianship
10 services, to be certified as professional guardians. The study shall
11 include recommendations on: (a) Possible criteria for certification;
12 (b) the appropriate agency to provide certification; (c) standards of
13 conduct and continuing education requirements; and (d) whether
14 certification, if proposed, should apply to individuals, business
15 entities, or both.

16 (2) The administrator shall also study and make recommendations
17 whether: (a) Persons other than an alleged incapacitated should be
18 given standing to request a jury trial to determine incapacity; (b) to
19 clarify criteria for excluding persons from becoming a guardian based
20 on criminal convictions; (c) following appointment of a guardian, a
21 guardian ad litem may continue to serve at public expense; and (d) the

1 court should have the authority to limit fees for attorneys, guardians,
2 and guardians ad litem.

3 (3) The administrator for the courts shall report the findings and
4 recommendations to the senate human services and corrections committee
5 and the house of representatives law and justice committee no later
6 than December 31, 1997.

7 (4) In conducting the review and study, the administrator for the
8 courts shall consult with: (a) The presidents or directors of all
9 public benefit nonprofit corporations that are eligible to receive
10 state funds under RCW 43.330.135; (b) the attorney general, or a
11 designee; (c) the secretary of the department of social and health
12 services, or a designee; (d) the superior court judges' association;
13 (e) the Washington state bar association; (f) public defenders who
14 represent children under Title 13 or 26 RCW; (g) private attorneys who
15 represent persons under Titles 11, 13, and 26 RCW; (h) professionals
16 who evaluate families for the purposes of determining the custody or
17 placement decisions of children; (i) the office of financial
18 management; (j) persons who act as volunteer or compensated guardians
19 ad litem; and (k) persons who have been petitioners with guardianship
20 cases.

21 (5) This section expires July 1, 1998.

22 NEW SECTION. **Sec. 2.** The sum of thirty-five thousand dollars, or
23 as much thereof as may be necessary, is appropriated for the fiscal
24 year ending June 30, 1998, from the general fund to the office of the
25 administrator for the courts for the purposes of this act.

26 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

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