

# FINAL BILL REPORT

## SHB 1525

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Synopsis as Enacted

**Brief Description:** Authorizing mediation in guardianship proceedings.

**Sponsors:** By House Committee on Judiciary (Originally sponsored by Representatives Dickerson, Constantine and Lambert).

**House Committee on Judiciary**  
**Senate Committee on Judiciary**

### **Background:**

A court may appoint a guardian to help an "incapacitated" person manage his or her personal or financial affairs. A person may be "incapacitated" because of old age, disability, or youth. To establish a guardianship, a person must file a petition with the superior court. Upon the filing of such a petition, the court must appoint a guardian ad litem to represent the best interests of the alleged incapacitated person. The guardianship proceeding.

Once a guardianship has been established, a person may apply to the court to have the guardianship modified or terminated. After the application has been filed, the court may (1) schedule a hearing, (2) appoint a guardian ad litem to investigate the issues raised by the application or protect the incapacitated person until the hearing, or (3) deny the application. In a hearing to modify or terminate a guardianship, the court may grant any relief it deems just and in the best interests of the incapacitated person.

### **Summary:**

In a guardianship proceeding, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, the court may order the parties subject to its jurisdiction into mediation upon a motion of certain parties. Before the appointment of the guardian, the incapacitated person or the guardian ad litem may make a motion for mediation. After the appointment of the guardian, any interested person may make a motion for mediation. The court must establish the terms for the mediation and allocate the costs of the mediation among the parties and the estate of the incapacitated person as justice requires.

### **Votes on Final Passage:**

House 98 0  
Senate 48 0 (Senate amended)  
House (House refused to concur)  
Senate 45 0 (Senate recessed)

**Effective:** July 25, 1999