

HOUSE BILL ANALYSIS

HB 1525

Title: An act relating to authorizing mediation in guardianship proceedings.

Brief Description: Authorizing mediation in guardianship proceedings.

Sponsors: Representatives Dickerson, Constantine and Lambert.

Brief Summary of Bill

- Authorizes a court to order parties to a guardianship proceeding into mediation.

HOUSE COMMITTEE ON JUDICIARY

Staff: Jim Morishima (786-7191).

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. In order 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.

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 of Bill:

Whenever it appears that the best interests of the incapacitated person would be served, including situations in which an application has been filed to have a guardianship modified or terminated, the court may order the parties subject to its jurisdiction into mediation. If the court chooses to order such a mediation, the court must establish the terms for the mediation and allocate the costs of the mediation among the parties. If the mediation does not result in an agreement, the court may still appoint a guardian ad litem as otherwise permitted by law. The court's ability to

order the parties into mediation does not affect the court's duty to appoint a guardian ad litem after a petition for a guardianship has been filed.

Fiscal Note: Not requested.

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

Office of Program Research