

SENATE BILL REPORT

SB 5865

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 1999

Title: An act relating to guardianship fees.

Brief Description: Clarifying language regarding guardianship fees.

Sponsors: Senators Kohl-Welles, Zarelli and Winsley.

Brief History:

Committee Activity: Human Services & Corrections: 2/23/99 [DP-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Kohl-Welles, Long, Patterson and Zarelli.

Staff: Joan K. Mell (786-7447)

Background: The probate statutes in this state provide for the appointment of a guardian or limited guardian to persons who are incapacitated. Guardians can be appointed to make financial and personal decisions for the incapacitated person. Statutory provisions require the courts to set guardian or limited guardians' fees and administrative costs.

In cases where the incapacitated person is a Department of Social and Health Services client residing in a nursing facility or in a residential home setting, the department is entitled to notice of a guardianship proceeding. Guardianship fees and additional compensation for administrative costs are not to exceed the amount allowed by the department by rule. The department sets these fees by rule in an effort to budget expenses and control costs in these cases.

Summary of Bill: The Department of Social and Health Services' limitation of guardianship fees and additional compensation for administrative costs is repealed.

Appropriation: None.

Fiscal Note: Requested on February 19, 1999.

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

Testimony For: Fee setting by rule has resulted in reduced fees for guardians. The DSHS limit is too low.

Testimony Against: None.

Testified: PRO: Jim Hardman, King County Bar Assn.; John Jardine, Liz Lindley, WA Assn. of Professional Guardians.