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HOUSE BILL 1873

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Mitchell and Constantine

Read first time 02/09/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to guardianship fees and costs; and amending RCW  
2 11.92.180.

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

4 **Sec. 1.** RCW 11.92.180 and 1995 c 297 s 8 are each amended to read  
5 as follows:

6 A guardian or limited guardian shall be allowed such compensation  
7 for his or her services as guardian or limited guardian as the court  
8 shall deem just and reasonable. Guardians and limited guardians shall  
9 not be compensated at county or state expense. Additional compensation  
10 may be allowed for other administrative costs, including services of an  
11 attorney and for other services not provided by the guardian or limited  
12 guardian. Where a guardian or limited guardian is an attorney, the  
13 guardian or limited guardian shall separately account for time for  
14 which compensation is requested for services as a guardian or limited  
15 guardian as contrasted to time for which compensation for legal  
16 services provided to the guardianship is requested. In all cases,  
17 compensation of the guardian or limited guardian and his or her  
18 expenses including attorney's fees shall be fixed by the court and may  
19 be allowed at any annual or final accounting; but at any time during

1 the administration of the estate, the guardian or limited guardian or  
2 his or her attorney may apply to the court for an allowance upon the  
3 compensation or necessary expenses of the guardian or limited guardian  
4 and for attorney's fees for services already performed. If the court  
5 finds that the guardian or limited guardian has failed to discharge his  
6 or her duties as such in any respect, it may deny the guardian any  
7 compensation whatsoever or may reduce the compensation which would  
8 otherwise be allowed. Where the incapacitated person is a department  
9 of social and health services client residing in a nursing facility or  
10 in a residential or home setting and is required by the department of  
11 social and health services to contribute a portion of their income  
12 towards the cost of residential or supportive services then the  
13 department shall be entitled to notice of proceedings as described in  
14 RCW 11.92.150. ((The amount of guardianship fees and additional  
15 compensation for administrative costs shall not exceed the amount  
16 allowed by the department of social and health services by rule.))

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