
SENATE BILL 6399

State of Washington

58th Legislature

2004 Regular Session

By Senators Esser and Rasmussen

Read first time 01/19/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to guardianship fees and compensation in superior
2 courts; and amending RCW 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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