
SENATE BILL 6632

State of Washington 60th Legislature 2008 Regular Session

By Senators Roach and Jacobsen

Read first time 01/21/08. Referred to Committee on Judiciary.

1 AN ACT Relating to guardian appointments; and adding a new section
2 to chapter 11.88 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 11.88 RCW
5 to read as follows:

6 (1) Subject to subsection (3) of this section, the court in
7 appointing a guardian shall consider persons otherwise qualified in the
8 following order of priority:

9 (a) A guardian, other than a temporary or emergency guardian,
10 currently acting for the alleged incapacitated person in this state or
11 elsewhere;

12 (b) A person nominated as guardian by the alleged incapacitated
13 person, including that person's most recent nomination made in a
14 durable power of attorney, if at the time of the nomination the alleged
15 incapacitated person had sufficient capacity to express a preference;

16 (c) An agent appointed by the alleged incapacitated person under a
17 durable power of attorney for health care;

18 (d) The spouse or state registered domestic partner of the alleged
19 incapacitated person;

- 1 (e) An adult child of the alleged incapacitated person;
 - 2 (f) A parent of the alleged incapacitated person;
 - 3 (g) Adult brothers and sisters of the alleged incapacitated person;
 - 4 and
 - 5 (h) An adult with whom the alleged incapacitated person has resided
 - 6 for more than six months before the filing of the petition.
- 7 (2) With respect to persons having equal priority, the court shall
- 8 select the one it considers best qualified. The court, acting in the
- 9 best interest of the alleged incapacitated person, may decline to
- 10 appoint a person having priority and appoint a person having a lower
- 11 priority or no priority. The court's decision under this section shall
- 12 be supported by specific findings, which demonstrate good cause for the
- 13 decision.
- 14 (3) An owner, operator, or employee of a long-term-care institution
- 15 at which the alleged incapacitated person is receiving care may not be
- 16 appointed as guardian unless related to the alleged incapacitated
- 17 person by blood, marriage, or adoption.

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