

HOUSE BILL REPORT

HB 1417

As Reported by House Committee On:
Judiciary

Title: An act relating to the office of public guardianship.

Brief Description: Concerning the office of public guardianship.

Sponsors: Representatives Kenney, Rodne, Pedersen and Morrell.

Brief History:

Committee Activity:

Judiciary: 2/2/09, 2/9/09 [DP].

Brief Summary of Bill

- Allows the Office of Public Guardianship to provide training to individuals who are likely to provide public guardianship services in the future.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Edie Adams (786-7180)

Background:

In 2007 the Legislature established an Office of Public Guardianship (Office) to provide public guardianship services to incapacitated individuals who need the services of a guardian and for whom adequate services may be otherwise unavailable. Initial implementation of the public guardianship program is on a pilot basis in the counties of Clallam, Grays Harbor, Okanogan, Pierce and Spokane.

The Office contracts with individuals and organizations to provide guardianship services where there is no one else qualified, willing, and able to serve. To be eligible for a public guardian, incapacitated individuals must have incomes less than 200 percent of the federal

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poverty level or be receiving long-term care services through the Department of Social and Health Services.

A public guardian must be certified by the Certified Professional Guardian Board and must meet minimum standards of practice adopted by the Office. Any entity providing professional guardianship services to more than 20 incapacitated persons per certified professional guardian may not be compensated for public guardian services.

The Office is authorized to provide guardianship training to individuals with which the Office contracts to provide public guardian services. The Office does not have the authority to provide training to other individuals.

The Governor vetoed a provision of the 2007 legislation that created a Public Guardianship Advisory Committee to review the activities of the Office and make recommendations on issues relating to the provision of public guardianship services. However, references to the advisory committee remain in the public guardianship statute.

Summary of Bill:

The Office of Public Guardianship (Office) may provide training to individuals who, in the judgment of the administrator of the Office, are likely to provide public guardianship services in the future.

References to the advisory committee that was vetoed by the Governor are removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Office of Public Guardianship was created to provide guardianship services to people who need these services but who are unable to pay for them. The Office fills a real need in providing needed services in a timely fashion and helping people stay in their homes. There will be an increasing need for public guardian services as the state sees an increase in the elderly population.

In many counties there are no available certified public guardians, or none that are able or willing to contract with the Office. The bill will give the Office the authority to assess and respond to training needs by providing training to help prepare people to become public

guardians. The original training authority was drafted too narrowly to allow the Office to provide training to guardians with which the Office is not currently contracting.

(Opposed) None.

Persons Testifying: (In support) Representative Kenney, prime sponsor; Shirley Bondon, Office of Public Guardianship; and Peter Greenfield, Washington State Bar Association Elder Law Section.

Persons Signed In To Testify But Not Testifying: None.