

# HOUSE BILL REPORT

## SB 5699

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**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:** Senators Franklin, Kline and Parlette.

**Brief History:**

**Committee Activity:**

Judiciary: 3/16/09, 3/18/09 [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.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, 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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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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.

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**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.

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**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) There are about 14 counties in the state where there are no certified guardians able to serve as public guardians. This bill allows the Office of Public Guardianship (Office) to train people who are not currently contracting with the Office in order to encourage people to become public guardians. The Office is a well-administered office that is protective of the public purse and would use this authority appropriately.

The bill should not be amended to require a particular period of service from a person who receives training. The Office has ample authority now to impose requirements on those receiving training. The determination of whether such an obligation should be imposed, and for how long, is an administrative issue that should be left to the judgment of the Office.

(With concerns) The bill should include an additional requirement that if a person receives training from the Office, the person should be obligated to serve as a public guardian for a particular amount of time. If the state is going to devote resources to training the person, the person should be willing to be on the list of potential public guardians for a couple of years.

**Persons Testifying:** (In support) Senator Franklin, prime sponsor; David Lord, Disability Rights Washington; and Peter Greenfield, Washington State Bar Association.

(With concerns) Richard McDermott, Superior Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** None.