

SHB 1053 - S AMD TO JUD COMM AMD (S-2536.1/11) **259**
By Senators Pflug, Kline

ADOPTED 04/05/2011

1 On page 2, line 10 of the amendment, after "11.92.043" insert "or
2 11.92.040"

3 On page 3, at the beginning of line 32 of the amendment, insert the
4 following:

5 "(2)"

6 Renumber the remaining subsections consecutively and correct
7 internal references accordingly.

8 On page 6, line 13 of the amendment, after "to" strike all material
9 through "section" and insert "July 24, 2011"

10 On page 6, beginning on line 17 of the amendment, after "may"
11 strike all material through "rule" on line 30 and insert ", upon (A)
12 petition by the guardian or limited guardian; or (B) any other method
13 as provided by local court rule: (I) For good cause, waive this
14 requirement for guardians appointed prior to July 24, 2011. Good cause
15 shall require evidence that the guardian already possesses the
16 requisite knowledge to serve as a guardian without completing the
17 training. When determining whether there is good cause to waive the
18 training requirement, the court shall consider, among other facts about
19 the guardianship, whether the guardian is a family member caring for
20 another family member with a developmental disability whose estate is
21 worth three thousand dollars or less; the length of time the guardian
22 has been serving the incapacitated person; whether the guardian has
23 timely filed all required reports with the court; whether the guardian
24 is monitored by other state or local agencies; and whether there have
25 been any allegations of abuse, neglect, or a breach of fiduciary duty

1 against the guardian; or (II) extend the time period for completion of
2 the training requirement for ninety days"

3 On page 21, line 7 of the amendment, after "to" strike all material
4 through "section" and insert "July 24, 2011"

5 On page 21, beginning on line 10 of the amendment, after "may"
6 strike all material through "rule" on line 24 and insert ", upon (i)
7 petition by the guardian or limited guardian; or (ii) any other method
8 as provided by local court rule: (A) For good cause, waive this
9 requirement for guardians appointed prior to July 24, 2011. Good cause
10 shall require evidence that the guardian already possesses the
11 requisite knowledge to serve as a guardian without completing the
12 training. When determining whether there is good cause to waive the
13 training requirement, the court shall consider, among other facts about
14 the guardianship, whether the guardian is a family member caring for
15 another family member with a developmental disability whose estate is
16 worth three thousand dollars or less; the length of time the guardian
17 has been serving the incapacitated person; whether the guardian has
18 timely filed all required reports with the court; whether the guardian
19 is monitored by other state or local agencies; and whether there have
20 been any allegations of abuse, neglect, or a breach of fiduciary duty
21 against the guardian; or (B) extend the time period for completion of
22 the training requirement for ninety days"

EFFECT: Specifies that the waiver of the training requirement by the court is limited to guardians who were appointed prior to July 24, 2011, who already possess the requisite knowledge to serve as a guardian without completing the training. Regarding one of the factors that the court must consider when determining good cause for granting a training waiver, increases the estate amount from \$2,000 to \$3,000 to be consistent with other minimum estate amounts within the guardian chapter. Makes other technical corrections.

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