

SB 5692 - H COMM AMD
By Committee on Judiciary

ADOPTED 04/12/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 11.88.125 and 2011 c 329 s 5 are each amended to read
4 as follows:

5 (1) (~~The person~~) Any individual or professional guardian
6 appointed by the court as either guardian or limited guardian of the
7 person and/or estate of an incapacitated person shall file in writing
8 with the court, within ninety days from the date of appointment, a
9 notice designating a standby (~~limited~~) guardian or standby limited
10 guardian to serve as (~~limited~~) guardian or limited guardian at the
11 death (~~of~~), legal incapacity, or planned absence of the court-
12 appointed guardian or limited guardian. The notice shall state the
13 name, address, zip code, and telephone number of the designated standby
14 guardian or standby limited guardian. Notice of the guardian's
15 designation of the standby guardian or standby limited guardian shall
16 be given to the standby guardian or standby limited guardian, the
17 incapacitated person and his or her spouse or domestic partner and
18 adult children, any facility in which the incapacitated person resides,
19 and any person (~~entitled to~~) who requested special notice under RCW
20 11.92.150 (~~or any person entitled to receive pleadings pursuant to RCW~~
21 ~~11.88.095(2)(j))~~). ((Such))

22 (2)(a) If the regularly appointed guardian or limited guardian dies
23 or becomes incapacitated, then the standby guardian or standby limited
24 guardian shall have all the powers, duties, and obligations of the
25 regularly appointed guardian or limited guardian and in addition shall,
26 within a period of thirty days from the death or adjudication of
27 incapacity of the regularly appointed guardian or limited guardian,
28 file with the superior court in the county in which the guardianship or
29 limited guardianship is then being administered, a petition for
30 appointment of a substitute guardian or limited guardian. Upon the

1 court's appointment of a new, substitute guardian or limited guardian,
2 the standby guardian or standby limited guardian shall make an
3 accounting and report to be approved by the court, and upon approval of
4 the court, the standby guardian or standby limited guardian shall be
5 released from all duties and obligations arising from or out of the
6 guardianship or limited guardianship.

7 ~~((+2))~~ (b) Letters of guardianship shall be issued to the standby
8 guardian or standby limited guardian upon filing an oath and posting a
9 bond as required by RCW 11.88.100 (~~as now or hereafter amended~~). The
10 oath may be filed prior to the regularly appointed guardian's or
11 limited guardian's death or incapacity. The standby guardian or
12 standby limited guardian shall provide notice of such appointment
13 ~~((shall be provided))~~ to the ~~((standby guardian, the))~~ incapacitated
14 person and his or her spouse or domestic partner and adult children,
15 ~~((and))~~ any facility in which the incapacitated person resides, and any
16 person who requested special notice under RCW 11.92.150.

17 (c) The provisions of RCW 11.88.100 through 11.88.110 (~~as now or~~
18 ~~hereafter amended~~) shall apply to standby guardians and standby
19 limited guardians.

20 (3)(a) A standby guardian or standby limited guardian may assume
21 some or all of the duties, responsibilities, and powers of the guardian
22 or limited guardian during the guardian's or limited guardian's planned
23 absence. Prior to the commencement of the guardian's or limited
24 guardian's planned absence and prior to the standby guardian or standby
25 limited guardian assuming any duties, responsibilities, and powers of
26 the guardian or limited guardian, the guardian or limited guardian
27 shall file a petition in the superior court where the guardianship or
28 limited guardianship is being administered stating the dates of the
29 planned absence and the duties, responsibilities, and powers the
30 standby guardian or standby limited guardian should assume. The
31 guardian or limited guardian shall give notice of the planned absence
32 petition to the standby guardian or standby limited guardian, the
33 incapacitated person and his or her spouse or domestic partner and
34 adult children, any facility in which the incapacitated person resides,
35 and any person who requested special notice under RCW 11.92.150.

36 (b) Upon the conclusion of the hearing on the planned absence
37 petition, and a determination by the court that the standby guardian or
38 standby limited guardian meets the requirements of RCW 11.88.020, the

1 court shall issue an order specifying: (i) The amount of bond as
2 required by RCW 11.88.100 through 11.88.110 to be filed by the standby
3 guardian or standby limited guardian; (ii) the duties,
4 responsibilities, and powers the standby guardian or standby limited
5 guardian will assume during the planned absence; (iii) the duration the
6 standby guardian or standby limited guardian will be acting; and (iv)
7 the expiration date of the letters of guardianship to be issued to the
8 standby guardian or standby limited guardian.

9 (c) Letters of guardianship consistent with the court's
10 determination under (b) of this subsection shall be issued to the
11 standby guardian or standby limited guardian upon filing an oath and
12 posting a bond as required by RCW 11.88.100. The standby guardian or
13 standby limited guardian shall give notice of such appointment to the
14 incapacitated person and his or her spouse or domestic partner and
15 adult children, any facility in which the incapacitated person resides,
16 and any person who requested special notice under RCW 11.92.150.

17 (d) The provisions of RCW 11.88.100 through 11.88.110 shall apply
18 to standby guardians and standby limited guardians.

19 (4) In addition to the powers of a standby ((limited)) guardian or
20 standby limited guardian as noted in ((subsection (1) of)) this
21 section, the standby ((limited)) guardian or standby limited guardian
22 shall have the authority to provide timely, informed consent to
23 necessary medical procedures, as authorized in ((RCW 11.92.040 as now
24 or hereafter amended)) RCW 11.92.043, if the guardian or limited
25 guardian cannot be located within four hours after the need for such
26 consent arises."

27 Correct the title.

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