
Judiciary Committee

HB 1508

Title: An act relating to small estate guardian reporting intervals and training reporting requirements.

Brief Description: Concerning small estate guardian reporting intervals and training reporting requirements.

Sponsors: Representatives Moeller and Ryu.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Makes changes to reporting intervals and training requirements for guardians of small estates.
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Hearing Date: 2/12/13

Staff: Omeara Harrington (786-7136).

Background:

Guardianship is a legal arrangement in which a guardian is appointed by the court to manage the affairs of a person who is incapacitated. An incapacitated person is someone who is at significant risk of harm due to a demonstrated inability to adequately care for themselves or manage their property or finances. The court may establish a guardianship over a person, a person's estate, or both. The court may also establish a limited guardianship for a person who is partially incapacitated, but is capable of managing some of their own affairs. A guardian or limited guardian may not act on behalf of an incapacitated person without valid letters of guardianship. The court may issue letters of guardianship that are valid for a period of up to five years from the anniversary date of the appointment.

A guardian must file a report within three months of appointment, and annually thereafter. The court in its discretion may allow reports at intervals of up to three years for estates with assets, exclusive of real property, having a value of not more than twice the current homestead amount.

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.

Reports by a guardian of an estate must include a verified account of all the property of the estate, including identification of additional property received and expenditures made during the reporting period.

Guardians and limited guardians who are not professional guardians or financial institutions (lay guardians) must complete any standardized training video or web cast made available by the Administrative Office of the Courts and the superior courts. The training video or web cast must be provided at no cost to the guardian or limited guardian. The court may grant a good cause waiver of the training requirement to guardians who were appointed prior to July 22, 2011, and who already possess the requisite knowledge to serve as a guardian without completing the training. In assessing good cause the court may consider, among other factors, the length of time the guardian has been serving the person, whether reports have been timely filed, and whether there have been allegations of abuse or breach of fiduciary duty.

Summary of Bill:

If a guardian or limited guardian of an estate worth less than \$3,000 files a declaration in lieu of a report stating that there has been no substantial change of circumstances since the last report, and the court finds that good cause exists, certain requirements are relaxed. The court may issue guardianship letters valid for up to six years, guardians cannot be required to report more frequently than every three years, and guardians and limited guardians need not complete any training requirement.

The declaration in lieu of a report need not be filed more frequently than every three years. Good cause is determined in light of all the circumstances of the case, including, but not limited to, the factors a court considers in determining whether there is good cause to waive the lay guardian training requirement.

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.