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**HOUSE BILL 2043**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representative Schmick

AN ACT Relating to limiting the maximum fee allowed for professional guardianships; and amending RCW 11.92.180.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 11.92.180 and 1995 c 297 s 8 are each amended to read as follows:

A guardian or limited guardian shall be allowed such compensation for his or her services as guardian or limited guardian as the court shall deem just and reasonable. Guardians and limited guardians shall not be compensated at county or state expense. Additional compensation may be allowed for other administrative costs, including services of an attorney and for other services not provided by the guardian or limited guardian. Where a guardian or limited guardian is an attorney, the guardian or limited guardian shall separately account for time for which compensation is requested for services as a guardian or limited guardian as contrasted to time for which compensation for legal services provided to the guardianship is requested. In all cases, compensation of the guardian or limited guardian and his or her expenses including attorney's fees shall be fixed by the court and may be allowed at any annual or final accounting; but at any time during the administration of the estate, the guardian or limited guardian or his or her attorney may apply to the court for an allowance upon the compensation or necessary expenses of the guardian or limited guardian and for attorney's fees for services already performed. If the court finds that the guardian or limited guardian has failed to discharge his or her duties as such in any respect, it may deny the guardian any compensation whatsoever or may reduce the compensation which would otherwise be allowed. Where the incapacitated person is a department of social and health services client residing in a nursing facility or in a residential or home setting and is required by the department of social and health services to contribute a portion of their income towards the cost of residential or supportive services then the department shall be entitled to notice of proceedings as described in RCW 11.92.150. ((~~The amount of guardianship fees and additional compensation for administrative costs shall not exceed the amount allowed by the department of social and health services by rule.~~))The superior court may allow guardianship fees and administrative costs in an amount set out in an order. For orders that establish or continue a legal guardianship for a client of the department of social and health services, and requires a future review or accounting, then:

(1) The amount of guardianship fees may not exceed fifteen percent of the incapacitated person's monthly income or one hundred seventy-five dollars per month, whichever is less;

(2) The amount of administrative costs directly related to establishing a guardianship may not exceed seven hundred dollars; and

(3) The amount of administrative costs may not exceed a total of six hundred dollars during any three-year period.

**--- END ---**