
Judiciary Committee

SB 5647

Title: An act relating to allowing counties to create guardianship courthouse facilitator programs.

Brief Description: Allowing counties to create guardianship courthouse facilitator programs.

Sponsors: Senators Conway, Dansel and Fraser.

Brief Summary of Bill

- Permits counties to create guardianship courthouse facilitator programs.
- Permits the legislative authority of any county to impose user fees, surcharges, or both, on certain cases filed in superior court in order to pay for guardianship courthouse facilitator programs.

Hearing Date: 3/19/15

Staff: Brent Campbell (786-7152).

Background:

Guardianship.

Guardianship is a legal process in which a guardian is appointed and empowered by the court to make decisions for an incapacitated person. This process removes decision-making authority from the incapacitated person and gives the authority to make decisions for an incapacitated person to the guardian. A guardian is appointed for an incapacitated person after an initial guardianship hearing. Subsequent guardianship proceedings may occur to determine whether a guardianship should be modified or terminated.

An alleged incapacitated person has the right to be represented by counsel during an initial guardianship hearing, and the court must provide counsel to represent any alleged incapacitated person at public expense if the alleged incapacitated person cannot afford one. An incapacitated

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person is not provided counsel for guardianship hearings other than the initial guardianship hearing.

Courthouse Facilitator Programs.

Courthouse facilitator programs are currently authorized by statute for family law cases in superior court. Courthouse facilitators assist self-represented parties with their family law cases, but cannot give legal advice or represent the parties.

County legislative authorities are authorized to impose user fees or may impose a surcharge of up to \$20, or both, on certain superior court cases to pay for the expenses of the courthouse facilitator program.

Summary of Bill:

Counties are allowed to create guardianship courthouse facilitator programs. These programs are to provide basic services to litigants who represent themselves in guardianship cases.

The legislative authority of any county may impose user fees or impose a surcharge of up to \$20, or both, on superior court cases filed relating to: the appointment, qualification, or removal of guardians; the powers and duties of a guardian or limited guardian; or the Veteran's Guardianship Act. Fees must be collected and deposited in the same manner that other county funds are collected and deposited and are to be maintained in a separate guardianship courthouse facilitator account.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.