

HOUSE BILL REPORT

SB 5647

As Reported by House Committee On:
Judiciary

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 History:

Committee Activity:

Judiciary: 3/19/15, 3/26/15 [DPA].

**Brief Summary of Bill
(As Amended by Committee)**

- 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.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Minority Report: Do not pass. Signed by 1 member: Representative Shea, Assistant Ranking Minority Member.

Staff: Brent Campbell (786-7152).

Background:

Guardianship.

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.

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 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 Amended 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 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; the powers and duties of a guardian or limited guardian; or the Uniform 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.

Amended Bill Compared to Original Bill:

Counties are also allowed to charge user fees or surcharges for cases filed under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, to pay for guardianship courthouse facilitator programs.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Each year there are about 2,700 new guardianship cases in Washington. There are also thousands of existing cases. A large percentage of these are done by lay guardians without the means for legal assistance, and these people are puzzled by guardianship requirements that are getting more and more complex. They don't know what they are supposed to do and need help. This ends up taking a lot of court time. Judges are not allowed to help them. Clerks do not have the time or the authority to help.

A guardianship courthouse facilitator program would be helpful for these people. It would be able to assist them in filling out forms, sending letters, and other necessary tasks. This bill is based on the family law courthouse facilitator program.

This bill would not cost the state any money. It would be paid for by counties who can implement fees. The small fees allowed would increase access to justice by giving people the help they need to actually use the court system.

Counties should also be able to impose fees to pay for these programs on cases filed under chapter 11.90 RCW.

This bill passed the Senate unanimously.

(Opposed) None.

Persons Testifying: Michael Shaw, Dave Peterson, and Alison Sonntay, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.