

SENATE BILL REPORT

SB 5647

As of February 16, 2015

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: Human Services, Mental Health & Housing: 2/03/15.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Lindsay Erickson (786-7465)

Background: Any person or entity may petition the court for the appointment of a guardian or limited guardian for an allegedly incapacitated person. Incapacitated means that the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety. Guardians can reduce the likelihood of such problems by managing finances, arranging for health care, organizing living arrangements, and assisting in other ways. A guardian may be a lay guardian, generally a family member or friend of the alleged incapacitated person, or a professional guardian, who charges a fee to provide guardianship services. The court has supervisory power over guardianships, and may modify a guardianship or remove a guardian upon petition and showing of good cause. A guardian ad litem must be appointed to represent an allegedly incapacitated person during the guardianship proceeding.

Any person, including an incapacitated person, may apply to the court for an order to modify or terminate a guardianship order or to replace a guardian or limited guardian. Unless courts direct otherwise, clerks must schedule hearings within 30 days of receiving the requests.

Courthouse facilitator programs exist in counties across the state and provide information and referrals to litigants who are not represented by attorneys. Most facilitator offices exist in the county courthouses and are specific to family law. Litigants usually meet with facilitators on a walk-in basis or by pre-scheduled appointments. Facilitators can assist pro se litigants by providing the following: information on how to start certain legal actions; information on what forms are needed and where to get them; information on court rules, procedures, and

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case schedules; assistance on forms to ensure completeness; and information on other court and community resources.

Summary of Bill: A court may create a guardianship courthouse facilitator program to provide basic services to pro se litigants in guardianship cases. The legislative authority of any county may impose a surcharge of up to \$20 or may impose user fees, or both, to pay for the expenses of the program. Fees collected must be collected and deposited in the same manner as other county funds are collected and deposited, and must be maintained in a separate guardianship courthouse facilitator account.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Approximately 2700 new guardianship cases are filed, on average, each year across the state. A large percentage of those cases are handled by lay guardians without legal assistance, who often are trying to help their loved ones. Many people come to courthouses to renew letters of guardianships and often don't know the court forms they need to complete. Many of these individuals come to the court clerk's office for assistance, but the clerk's offices do not have the money or the authority to assist. This bill is modeled after the family law facilitator program that already exists in many counties. This guardianship facilitator program is written to be optional, and would be helpful for the courts, the clerk's office, and the people seeking help on guardianship filings.

Persons Testifying: PRO: Michael Shaw, WA Assn. of County Officials (WACO); Dave Peterson, Kitsap County Clerk, WACO; Alison Sonntag, WACO, WA Assn. of County Clerks.