

FINAL BILL REPORT

SB 5647

C 295 L 15
Synopsis as Enacted

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

Sponsors: Senators Conway, Dansel and Fraser.

Senate Committee on Human Services, Mental Health & Housing
House Committee on Judiciary

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

Summary: 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

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.

as other county funds are collected and deposited, and must be maintained in a separate guardianship courthouse facilitator account.

Votes on Final Passage:

Senate	48	0	
House	80	17	(House amended)
Senate	47	1	(Senate concurred)

Effective: July 24, 2015