
HOUSE BILL 2043

State of Washington

64th Legislature

2015 Regular Session

By Representative Schmick

Read first time 02/09/15. Referred to Committee on Judiciary.

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

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

4 **Sec. 1.** RCW 11.92.180 and 1995 c 297 s 8 are each amended to
5 read as follows:

6 A guardian or limited guardian shall be allowed such compensation
7 for his or her services as guardian or limited guardian as the court
8 shall deem just and reasonable. Guardians and limited guardians shall
9 not be compensated at county or state expense. Additional
10 compensation may be allowed for other administrative costs, including
11 services of an attorney and for other services not provided by the
12 guardian or limited guardian. Where a guardian or limited guardian is
13 an attorney, the guardian or limited guardian shall separately
14 account for time for which compensation is requested for services as
15 a guardian or limited guardian as contrasted to time for which
16 compensation for legal services provided to the guardianship is
17 requested. In all cases, compensation of the guardian or limited
18 guardian and his or her expenses including attorney's fees shall be
19 fixed by the court and may be allowed at any annual or final
20 accounting; but at any time during the administration of the estate,
21 the guardian or limited guardian or his or her attorney may apply to

1 the court for an allowance upon the compensation or necessary
2 expenses of the guardian or limited guardian and for attorney's fees
3 for services already performed. If the court finds that the guardian
4 or limited guardian has failed to discharge his or her duties as such
5 in any respect, it may deny the guardian any compensation whatsoever
6 or may reduce the compensation which would otherwise be allowed.
7 Where the incapacitated person is a department of social and health
8 services client residing in a nursing facility or in a residential or
9 home setting and is required by the department of social and health
10 services to contribute a portion of their income towards the cost of
11 residential or supportive services then the department shall be
12 entitled to notice of proceedings as described in RCW 11.92.150.
13 (~~The amount of guardianship fees and additional compensation for~~
14 ~~administrative costs shall not exceed the amount allowed by the~~
15 ~~department of social and health services by rule.)) The superior
16 court may allow guardianship fees and administrative costs in an
17 amount set out in an order. For orders that establish or continue a
18 legal guardianship for a client of the department of social and
19 health services, and requires a future review or accounting, then:
20 (1) The amount of guardianship fees may not exceed fifteen
21 percent of the incapacitated person's monthly income or one hundred
22 seventy-five dollars per month, whichever is less;
23 (2) The amount of administrative costs directly related to
24 establishing a guardianship may not exceed seven hundred dollars; and
25 (3) The amount of administrative costs may not exceed a total of
26 six hundred dollars during any three-year period.~~

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