

SSB 6287 - S AMD 1052

By Senator Pedersen

ADOPTED 02/18/2020

1 On page 16, beginning on line 17, strike all of section 114

2 Renumber the remaining sections consecutively and correct any
3 internal references accordingly.

4 On page 212, beginning on line 21, strike all of section 902 and
5 insert the following:

6 **"Sec. 902.** RCW 11.130.915 and 2019 c 437 s 807 are each amended
7 to read as follows:

8 This act takes effect January 1, (~~2021~~) 2022, except that:

9 (1) Section 129, chapter 437, Laws of 2019 takes effect on the
10 effective date of this section; and

11 (2) Sections 101 through 128, 130 through 136, 201 through 216,
12 602, 802, 803, and 805, chapter 437, Laws of 2019 take effect January
13 1, 2021.

14 NEW SECTION. **Sec. 903.** 2019 c 437 s 801 (uncodified) is
15 repealed.

16 NEW SECTION. **Sec. 904.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977
19 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

20 (2) RCW 11.88.008 ("Professional guardian" defined) and 1997 c
21 312 s 2;

22 (3) RCW 11.88.010 (Authority to appoint guardians—Definitions—
23 Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802,
24 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267
25 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c
26 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

27 (4) RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312
28 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c
29 145 s 11.88.020;

1 (5) RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s
2 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2,
3 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965
4 c 145 s 11.88.030;

5 (6) RCW 11.88.040 (Notice and hearing, when required—Service—
6 Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c
7 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95
8 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

9 (7) RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical
10 report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995
11 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, &
12 1975 1st ex.s. c 95 s 7;

13 (8) RCW 11.88.080 (Guardians nominated by will or durable power
14 of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, &
15 1965 c 145 s 11.88.080;

16 (9) RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—
17 Qualifications—Notice of and statement by guardian ad litem—Hearing
18 and notice—Attorneys' fees and costs—Registry—Duties—Report—
19 Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1,
20 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977
21 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

22 (10) RCW 11.88.093 (Ex parte communications—Removal) and 2000 c
23 124 s 10;

24 (11) RCW 11.88.095 (Disposition of guardianship petition) and
25 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

26 (12) RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

27 (13) RCW 11.88.100 (Oath and bond of guardian or limited
28 guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977
29 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

30 (14) RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s
31 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

32 (15) RCW 11.88.107 (When bond not required) and 1990 c 122 s 12,
33 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s
34 11.88.107;

35 (16) RCW 11.88.110 (Law on executors' and administrators' bonds
36 applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

37 (17) RCW 11.88.115 (Notice to department of revenue);

38 (18) RCW 11.88.120 (Modification or termination of guardianship—
39 Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c

1 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c
2 145 s 11.88.120;

3 (19) RCW 11.88.125 (Standby limited guardian or limited guardian)
4 and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8,
5 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st
6 ex.s. c 95 s 6;

7 (20) RCW 11.88.127 (Guardianship—Incapacitated person—Letters of
8 guardianship) and 2011 c 329 s 6;

9 (21) RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990
10 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

11 (22) RCW 11.88.140 (Termination of guardianship or limited
12 guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9,
13 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, &
14 1965 c 145 s 11.88.140;

15 (23) RCW 11.88.150 (Administration of deceased incapacitated
16 person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c
17 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

18 (24) RCW 11.88.160 (Guardianships involving veterans) and 1990 c
19 122 s 13;

20 (25) RCW 11.88.170 (Guardianship courthouse facilitator program)
21 and 2015 c 295 s 1;

22 (26) RCW 11.88.900 (Construction—Chapter applicable to state
23 registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

24 (27) RCW 11.92.010 (Guardians or limited guardians under court
25 control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, &
26 1965 c 145 s 11.92.010;

27 (28) RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c
28 95 s 19, & 1965 c 145 s 11.92.035;

29 (29) RCW 11.92.040 (Duties of guardian or limited guardian in
30 general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985
31 c 30 s 9;

32 (30) RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c
33 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

34 (31) RCW 11.92.050 (Intermediate accounts or reports—Hearing—
35 Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st
36 ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

37 (32) RCW 11.92.053 (Settlement of estate upon termination) and
38 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s
39 11.92.053;

1 (33) RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s
2 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

3 (34) RCW 11.92.060 (Guardian to represent incapacitated person—
4 Compromise of claims—Service of process) and 1990 c 122 s 26, 1975
5 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

6 (35) RCW 11.92.090 (Sale, exchange, lease, or mortgage of
7 property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145
8 s 11.92.090;

9 (36) RCW 11.92.096 (Guardian access to certain held assets) and
10 1991 c 289 s 13;

11 (37) RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975
12 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

13 (38) RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29,
14 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

15 (39) RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8
16 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s
17 11.92.115;

18 (40) RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c
19 95 s 28 & 1965 c 145 s 11.92.120;

20 (41) RCW 11.92.125 (Broker's fee and closing expenses—Sale,
21 exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s
22 15 & 1965 c 145 s 11.92.125;

23 (42) RCW 11.92.130 (Performance of contracts) and 1990 c 122 s
24 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

25 (43) RCW 11.92.140 (Court authorization for actions regarding
26 guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s
27 32, 1990 c 122 s 32, & 1985 c 30 s 10;

28 (44) RCW 11.92.150 (Request for special notice of proceedings)
29 and 1990 c 122 s 33 & 1985 c 30 s 11;

30 (45) RCW 11.92.160 (Citation for failure to file account or
31 report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s
32 11.92.160;

33 (46) RCW 11.92.170 (Removal of property of nonresident
34 incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16,
35 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

36 (47) RCW 11.92.180 (Compensation and expenses of guardian or
37 limited guardian—Attorney's fees—Department of social and health
38 services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994

1 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33,
2 & 1965 c 145 s 11.92.180;

3 (48) RCW 11.92.185 (Concealed or embezzled property) and 1990 c
4 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

5 (49) RCW 11.92.190 (Detention of person in residential placement
6 facility against will prohibited—Effect of court order—Service of
7 notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c
8 249 s 11, & 1977 ex.s. c 309 s 14; and

9 (50) RCW 11.92.195 (Incapacitated persons—Right to associate with
10 persons of their choosing) and 2017 c 268 s 1.

11 NEW SECTION. **Sec. 905.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 26.10.010 (Intent) and 1987 c 460 s 25;

14 (2) RCW 26.10.015 (Mandatory use of approved forms) and 1992 c
15 229 s 4 & 1990 1st ex.s. c 2 s 27;

16 (3) RCW 26.10.020 (Civil practice to govern—Designation of
17 proceedings—Decrees) and 1987 c 460 s 26;

18 (4) RCW 26.10.030 (Child custody proceeding—Commencement—Notice
19 —Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, &
20 1987 c 460 s 27;

21 (5) RCW 26.10.032 (Child custody motion—Affidavit required—
22 Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;

23 (6) RCW 26.10.034 (Petitions—Indian child statement—Application
24 of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s
25 1, & 2003 c 105 s 7;

26 (7) RCW 26.10.040 (Provisions for child support, custody, and
27 visitation—Federal tax exemption—Continuing restraining orders—
28 Domestic violence or antiharassment protection orders—Notice of
29 modification or termination of restraining order) and 2000 c 119 s 8,
30 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s
31 28;

32 (8) RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;

33 (9) RCW 26.10.050 (Child support by parents—Apportionment of
34 expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;

35 (10) RCW 26.10.060 (Health insurance coverage—Conditions) and
36 1989 c 375 s 19 & 1987 c 460 s 30;

1 (11) RCW 26.10.070 (Minor or dependent child—Court appointed
2 attorney to represent—Payment of costs, fees, and disbursements) and
3 1989 c 375 s 20 & 1987 c 460 s 31;
4 (12) RCW 26.10.080 (Payment of costs, attorney's fees, etc.) and
5 1987 c 460 s 35;
6 (13) RCW 26.10.090 (Failure to comply with decree or temporary
7 injunction—Obligation to make support payments or permit visitation
8 not suspended—Motion) and 1987 c 460 s 36;
9 (14) RCW 26.10.100 (Determination of custody—Child's best
10 interests) and 1987 c 460 s 38;
11 (15) RCW 26.10.110 (Temporary custody order—Vacation of order)
12 and 1987 c 460 s 39;
13 (16) RCW 26.10.120 (Interview with child by court—Advice of
14 professional personnel) and 1987 c 460 s 40;
15 (17) RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2
16 & 1987 c 460 s 41;
17 (18) RCW 26.10.135 (Custody orders—Background information to be
18 consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;
19 (19) RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and
20 1987 c 460 s 42;
21 (20) RCW 26.10.150 (Access to child's education and medical
22 records) and 1987 c 460 s 43;
23 (21) RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183
24 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2,
25 1989 c 326 s 2, & 1987 c 460 s 44;
26 (22) RCW 26.10.170 (Powers and duties of custodian—Supervision by
27 appropriate agency when necessary) and 1987 c 460 s 45;
28 (23) RCW 26.10.180 (Remedies when a child is taken, enticed, or
29 concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;
30 (24) RCW 26.10.190 (Petitions for modification and proceedings
31 concerning relocation of child—Assessment of attorneys' fees) and
32 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;
33 (25) RCW 26.10.200 (Temporary custody order or modification of
34 custody decree—Affidavits required) and 1987 c 460 s 48;
35 (26) RCW 26.10.210 (Venue) and 1987 c 460 s 49;
36 (27) RCW 26.10.220 (Restraining orders—Notice—Refusal to comply
37 —Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s
38 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s
39 50; and

1 (28) RCW 26.10.910 (Short title—1987 c 460).

2 NEW SECTION. **Sec. 906.** A new section is added to chapter 11.130
3 RCW to read as follows:

4 (1) To the extent of a conflict between this chapter and chapter
5 11.88 or 11.92 RCW, chapter 11.88 or 11.92 RCW prevails.

6 (2) This section expires January 1, 2022.

7 NEW SECTION. **Sec. 907.** (1) Except for sections 101 through 113,
8 115 through 123, 301 through 307, 312, 313, 801, 902, 903, 905, and
9 906 of this act, this act takes effect January 1, 2022.

10 (2) Sections 101 through 113, 115 through 123, 301 through 307,
11 312, 313, 801, 905, and 906 of this act take effect January 1, 2021."

SSB 6287 - S AMD 1052
By Senator Pedersen

ADOPTED 02/18/2020

12 On page 1, line 4 of the title, after "11.130.250," strike
13 "11.130.915,"

14 On page 1, line 22 of the title, after "74.34.163," strike "and
15 74.42.430" and insert "74.42.430, and 11.130.915"

16 On page 2, line 2 of the title, after "RCW;" strike "and
17 providing an effective date." and insert "repealing RCW 11.88.005,
18 11.88.008, 11.88.010, 11.88.020, 11.88.030, 11.88.040, 11.88.045,
19 11.88.080, 11.88.090, 11.88.093, 11.88.095, 11.88.097, 11.88.100,
20 11.88.105, 11.88.107, 11.88.110, 11.88.115, 11.88.120, 11.88.125,
21 11.88.127, 11.88.130, 11.88.140, 11.88.150, 11.88.160, 11.88.170,
22 11.88.900, 11.92.010, 11.92.035, 11.92.040, 11.92.043, 11.92.050,
23 11.92.053, 11.92.056, 11.92.060, 11.92.090, 11.92.096, 11.92.100,
24 11.92.110, 11.92.115, 11.92.120, 11.92.125, 11.92.130, 11.92.140,
25 11.92.150, 11.92.160, 11.92.170, 11.92.180, 11.92.185, 11.92.190,
26 11.92.195, 26.10.010, 26.10.015, 26.10.020, 26.10.030, 26.10.032,
27 26.10.034, 26.10.040, 26.10.045, 26.10.050, 26.10.060, 26.10.070,
28 26.10.080, 26.10.090, 26.10.100, 26.10.110, 26.10.120, 26.10.130,
29 26.10.135, 26.10.140, 26.10.150, 26.10.160, 26.10.170, 26.10.180,
30 26.10.190, 26.10.200, 26.10.210, 26.10.220, and 26.10.910; repealing

1 2019 c 437 s 801 (uncodified); providing effective dates; and
2 providing an expiration date."

EFFECT: Delays until January 1, 2022:

- (1) The repeal of chapters 11.88 and 11.92 RCW;
- (2) The effective date of Articles 3 through 7 of the uniform guardianship, conservatorship, and other protective arrangements act, except for RCW 11.130.645;
- (3) Changes by this bill to the office of public guardianship and the uniform adult guardianship and protective proceedings jurisdiction act;
- (4) The effectiveness of supported decision-making agreement provisions in this bill; and
- (5) Technical corrections in other statutes.

--- END ---