

HB 1192 - H AMD 232

By Representative Goodman

ADOPTED 03/08/2021

1 On page 2, after line 17, insert the following:

2 "(5) Sections 104 through 108 of this act clarify references to
3 the effective date of chapter 11.130 RCW."

4 On page 122, after line 33, insert the following:

5 "**Sec. 104.** RCW 11.130.040 and 2020 c 312 s 303 are each amended
6 to read as follows:

7 (1) The court shall issue letters of guardianship to a guardian
8 on filing by the guardian of an acceptance of appointment.

9 (2) The court shall issue letters of conservatorship to a
10 conservator on filing by the conservator of an acceptance of
11 appointment and filing of any required bond or compliance with any
12 other verified receipt required by the court.

13 (3) Limitations on the powers of a guardian or conservator or on
14 the property subject to conservatorship must be included on the form
15 prescribed by RCW 11.130.660.

16 (4) The court at any time may limit the powers conferred on a
17 guardian or conservator. The court shall issue new letters of office
18 to reflect the limitation.

19 (5) A guardian or conservator may not act on behalf of a person
20 under guardianship or conservatorship without valid letters of
21 office.

22 (6) The clerk of the superior court shall issue letters of
23 guardianship or conservatorship in or substantially in the same form
24 as set forth in RCW 11.130.660.

25 (7) Letters of office issued to a guardian or conservator who is
26 a nonresident of this state must include the name and contact
27 information for the resident agent of the guardian or conservator,
28 appointed pursuant to RCW 11.130.090(1)(c).

29 (8) This chapter does not affect the validity of letters of
30 office issued under chapter 11.88 RCW prior to January 1, (~~2021~~)
31 2022.

1 **Sec. 105.** RCW 11.130.245 and 2020 c 312 s 111 are each amended
2 to read as follows:

3 (1) This chapter does not affect the validity of any court order
4 issued under chapter 26.10 RCW prior to (~~January 1, 2021~~) the
5 repeal of chapter 26.10 RCW. Orders issued under chapter 26.10 RCW
6 prior to (~~January 1, 2021~~) the repeal of chapter 26.10 RCW, remain
7 in effect and do not need to be reissued in a new order under this
8 chapter.

9 (2) All orders issued under chapter 26.10 RCW prior to the
10 effective date of chapter 437, Laws of 2019 remain operative after
11 the effective date of chapter 437, Laws of 2019. After the effective
12 date of chapter 437, Laws of 2019, if an order issued under chapter
13 26.10 RCW is modified, the modification is subject to the
14 requirements of this chapter.

15 **Sec. 106.** RCW 11.130.670 and 2020 c 312 s 225 are each amended
16 to read as follows:

17 (1) The certified professional guardianship board must resolve
18 grievances against professional guardians and/or conservators within
19 a reasonable time for alleged violations of the certified
20 professional guardianship board's standards of practice, statutes,
21 regulations, or rules, that relate to the conduct of a certified
22 professional guardian or conservator.

23 (a) All grievances must initially be reviewed within thirty days
24 by certified professional guardianship board members, or a subset
25 thereof, to determine if the grievance is complete, states facts that
26 describe a violation of the standards of practice, statutes,
27 regulations, or rules, and relates to the conduct of a professional
28 guardian and/or conservator, before investigating, requesting a
29 response from the professional guardian or conservator, or forwarding
30 to the superior courts. To be complete, grievances must provide
31 sufficient details of the alleged conduct to demonstrate that a
32 violation of the statute, regulation, standard of practice, or rule,
33 relating to the conduct of a certified professional guardian or
34 conservator could have occurred, the dates the alleged conduct
35 occurred, and must be signed and dated by the person filing the
36 grievance. Grievance investigations by the board are limited to the
37 allegations contained in the grievance unless, after review by a
38 majority of the members of the certified professional guardianship
39 board, further investigation is justified.

1 (b) If the certified professional guardianship board determines
2 the grievance is complete, states facts that allege a violation of
3 the certified professional guardianship board's standards of
4 practice, and relates to the conduct of a professional guardian
5 and/or conservator, the certified professional guardianship board
6 must forward that grievance within ten days to the superior court for
7 that guardianship or conservatorship and to the professional guardian
8 and/or conservator. The court must review the matter as set forth in
9 RCW 11.130.140, and must direct the clerk of the court to send a copy
10 of the order entered under this section to the certified professional
11 guardianship board. The certified professional guardianship board
12 must accept as facts any finding of fact contained in the order. The
13 certified professional guardianship board must act consistently with
14 any finding of fact issued in that order.

15 (2) Grievances received by the certified professional
16 guardianship board must be investigated and the resolution determined
17 and in process within one hundred eighty days of receipt. The one
18 hundred eighty days is tolled during any period of time when:

19 (a) The certified professional guardianship board has provided a
20 certified professional guardian or conservator an opportunity to
21 respond to a grievance against the certified professional guardian or
22 conservator and the certified professional guardianship board is
23 awaiting the certified professional guardian or conservator's
24 response;

25 (b) The certified professional guardianship board has forwarded a
26 grievance to the superior court for review under subsection (1)(b) of
27 this section and is awaiting receipt of the court's entered order
28 with findings; or

29 (c) A certified professional guardianship board disciplinary
30 hearing has been requested or is in process and during the time of
31 posthearing board review of the hearing officer's recommendations
32 through issuance of a final certified professional guardianship
33 board's order on the matter.

34 (3) If the grievance cannot be resolved within one hundred eighty
35 days, the certified professional guardianship board must notify the
36 professional guardian and/or conservator. The professional guardian
37 or conservator may propose a resolution of the grievance with facts
38 and/or arguments. The certified professional guardianship board may
39 accept the proposed resolution or determine that an additional ninety
40 days are needed to review the grievance. If the certified

1 professional guardianship board has not resolved the grievance within
2 the additional ninety days the professional guardian or conservator
3 may:

4 (a) File a motion for a court order to compel the certified
5 professional guardianship board to resolve the grievance within a
6 reasonable time; or

7 (b) Move for the superior court to resolve the grievance instead
8 of being resolved by the certified professional guardianship board.

9 (4) The superior court has authority to enforce the certified
10 professional guardianship board's standards of practice in this
11 article to the extent those standards are related to statutory or
12 fiduciary duties of guardians and conservators.

13 (5) Any unresolved grievances filed with the certified
14 professional guardianship board one year or more before January 1,
15 ((2021)) 2022, must be forwarded to the superior court for that
16 guardianship or conservatorship for review by the superior court as
17 set forth in RCW 11.130.140 if the grievance is not in process of a
18 hearing or final resolution.

19 **Sec. 107.** RCW 11.130.910 and 2019 c 437 s 804 are each amended
20 to read as follows:

21 This chapter applies to:

22 (1) A proceeding for appointment of a guardian or conservator or
23 for a protective arrangement instead of guardianship or
24 conservatorship commenced after January 1, ((2021)) 2022; and

25 (2) A guardianship, conservatorship, or protective arrangement
26 instead of a guardianship or conservatorship in existence on January
27 1, ((2021)) 2022, unless the court finds application of a particular
28 provision of chapter 437, Laws of 2019 would substantially interfere
29 with the effective conduct of the proceeding or prejudice the rights
30 of a party, in which case the particular provision of chapter 437,
31 Laws of 2019 does not apply and the superseded law applies.

32 NEW SECTION. **Sec. 108.** Sections 106 and 107 of this act take
33 effect January 1, 2022."

34 Correct the title.

EFFECT: Makes a technical correction to the effective date of
several provisions of the Uniform Guardianship Act as it relates to
adult guardianships and conservatorships. Modifies the effective date
in a provision of the Uniform Guardianship Act as it relates to
Code Rev/KS:jlb 4 H-0982.2/21 2nd draft

guardianship of minors due to the delay of the repeal of RCW 26.10 by order of Proclamation 20-84 (delaying the repeal of RCW 26.10).

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