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SENATE BILL 5667

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State of Washington

55th Legislature

1997 Regular Session

By Senators Roach, Haugen and Kohl; by request of Secretary of State

Read first time 02/06/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to court appointed guardians; amending RCW 2.56.030  
2 and 11.88.020; and adding a new section to chapter 11.88 RCW.

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

4 **Sec. 1.** RCW 2.56.030 and 1996 c 249 s 2 are each amended to read  
5 as follows:

6 The administrator for the courts shall, under the supervision and  
7 direction of the chief justice:

8 (1) Examine the administrative methods and systems employed in the  
9 offices of the judges, clerks, stenographers, and employees of the  
10 courts and make recommendations, through the chief justice, for the  
11 improvement of the same;

12 (2) Examine the state of the dockets of the courts and determine  
13 the need for assistance by any court;

14 (3) Make recommendations to the chief justice relating to the  
15 assignment of judges where courts are in need of assistance and carry  
16 out the direction of the chief justice as to the assignments of judges  
17 to counties and districts where the courts are in need of assistance;

18 (4) Collect and compile statistical and other data and make reports  
19 of the business transacted by the courts and transmit the same to the

1 chief justice to the end that proper action may be taken in respect  
2 thereto;

3 (5) Prepare and submit budget estimates of state appropriations  
4 necessary for the maintenance and operation of the judicial system and  
5 make recommendations in respect thereto;

6 (6) Collect statistical and other data and make reports relating to  
7 the expenditure of public moneys, state and local, for the maintenance  
8 and operation of the judicial system and the offices connected  
9 therewith;

10 (7) Obtain reports from clerks of courts in accordance with law or  
11 rules adopted by the supreme court of this state on cases and other  
12 judicial business in which action has been delayed beyond periods of  
13 time specified by law or rules of court and make report thereof to  
14 supreme court of this state;

15 (8) Act as secretary of the judicial conference referred to in RCW  
16 2.56.060;

17 (9) Formulate and submit to the judicial council of this state  
18 recommendations of policies for the improvement of the judicial system;

19 (10) Submit annually, as of February 1st, to the chief justice and  
20 the judicial council, a report of the activities of the administrator's  
21 office for the preceding calendar year;

22 (11) Administer programs and standards for the training and  
23 education of judicial personnel;

24 (12) Examine the need for new superior court and district judge  
25 positions under a weighted caseload analysis that takes into account  
26 the time required to hear all the cases in a particular court and the  
27 amount of time existing judges have available to hear cases in that  
28 court. The results of the weighted caseload analysis shall be reviewed  
29 by the board for judicial administration and the judicial council, both  
30 of which shall make recommendations to the legislature. It is the  
31 intent of the legislature that weighted caseload analysis become the  
32 basis for creating additional district court positions, and  
33 recommendations should address that objective;

34 (13) Provide staff to the judicial retirement account plan under  
35 chapter 2.14 RCW;

36 (14) Attend to such other matters as may be assigned by the supreme  
37 court of this state;

38 (15) Within available funds, develop a curriculum for a general  
39 understanding of child development, placement, and treatment resources,

1 as well as specific legal skills and knowledge of relevant statutes  
2 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,  
3 interviewing skills, and special needs of the abused or neglected  
4 child. This curriculum shall be completed and made available to all  
5 juvenile court judges, court personnel, and service providers and be  
6 updated yearly to reflect changes in statutes, court rules, or case  
7 law;

8 (16) Develop, in consultation with the entities set forth in RCW  
9 2.56.150(3), a comprehensive state-wide curriculum for persons who act  
10 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall  
11 be made available July 1, 1997, and include specialty sections on child  
12 development, child sexual abuse, child physical abuse, child neglect,  
13 clinical and forensic investigative and interviewing techniques, family  
14 reconciliation and mediation services, and relevant statutory and legal  
15 requirements. The curriculum shall be made available to all superior  
16 court judges, court personnel, and all persons who act as guardians ad  
17 litem;

18 (17) Develop a curriculum for a general understanding of crimes of  
19 malicious harassment, as well as specific legal skills and knowledge of  
20 RCW 9A.36.080, relevant cases, court rules, and the special needs of  
21 malicious harassment victims. This curriculum shall be made available  
22 to all superior court and court of appeals judges and to all justices  
23 of the supreme court;

24 (18) Develop, in consultation with the criminal justice training  
25 commission and the commissions established under chapters 43.113,  
26 43.115, and 43.117 RCW, a curriculum for a general understanding of  
27 ethnic and cultural diversity and its implications for working with  
28 youth of color and their families. The curriculum shall be available  
29 to all superior court judges and court commissioners assigned to  
30 juvenile court, and other court personnel. Ethnic and cultural  
31 diversity training shall be provided annually so as to incorporate  
32 cultural sensitivity and awareness into the daily operation of juvenile  
33 courts state-wide;

34 (19) Authorize the use of closed circuit television and other  
35 electronic equipment in judicial proceedings. The administrator shall  
36 promulgate necessary standards and procedures and shall provide  
37 technical assistance to courts as required;

1       (20) Develop a system for standards and administration of  
2 certification of professional guardians as defined in section 3 of this  
3 act.

4       **Sec. 2.** RCW 11.88.020 and 1990 c 122 s 3 are each amended to read  
5 as follows:

6       Any suitable person over the age of eighteen years, or any parent  
7 under the age of eighteen years or, if the petition is for appointment  
8 of a professional guardian, any individual or guardianship service that  
9 meets any certification requirements established by the administrator  
10 of the courts, may, if not otherwise disqualified, be appointed  
11 guardian or limited guardian of the person and/or the estate of an  
12 incapacitated person(~~(; any trust company regularly organized under the~~  
13 ~~laws of this state and national banks when authorized so to do may act~~  
14 ~~as guardian or limited guardian of the estate of an incapacitated~~  
15 ~~person; and any nonprofit corporation may act as guardian or limited~~  
16 ~~guardian of the person and/or estate of an incapacitated person if the~~  
17 ~~articles of incorporation or bylaws of such corporation permit such~~  
18 ~~action and such corporation is in compliance with all applicable~~  
19 ~~provisions of Title 24 RCW)). No person is qualified to serve as a~~  
20 guardian who is

21       (1) under eighteen years of age except as otherwise provided  
22 herein;

23       (2) of unsound mind;

24       (3) convicted of a felony or of a misdemeanor involving moral  
25 turpitude;

26       (4) a nonresident of this state who has not appointed a resident  
27 agent to accept service of process in all actions or proceedings with  
28 respect to the estate and caused such appointment to be filed with the  
29 court;

30       (5) a corporation not authorized to act as a fiduciary, guardian,  
31 or limited guardian in the state;

32       (6) a person whom the court finds unsuitable.

33       NEW SECTION. **Sec. 3.** A new section is added to chapter 11.88 RCW  
34 to read as follows:

35       As used in this chapter, "professional guardian" means a guardian  
36 appointed under this chapter who is not a member of the incapacitated

1 person's family and who charges fees for carrying out the duties of  
2 court-appointed guardian of three or more incapacitated persons.

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