

# HOUSE BILL REPORT

## HB 1417

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**As Reported by House Committee On:**  
Judiciary  
General Government Appropriations

**Title:** An act relating to the office of public guardianship.

**Brief Description:** Concerning the office of public guardianship.

**Sponsors:** Representatives Kenney, Rodne, Pedersen and Morrell.

**Brief History:**

**Committee Activity:**

Judiciary: 2/2/09, 2/9/09 [DP];

General Government Appropriations: 2/19/09, 2/25/09 [DP].

**Brief Summary of Bill**

- Allows the Office of Public Guardianship to provide training to individuals who are likely to provide public guardianship services in the future.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

**Staff:** Edie Adams (786-7180)

**Background:**

In 2007 the Legislature established an Office of Public Guardianship (Office) to provide public guardianship services to incapacitated individuals who need the services of a guardian and for whom adequate services may be otherwise unavailable. Initial implementation of the public guardianship program is on a pilot basis in the counties of Clallam, Grays Harbor, Okanogan, Pierce and Spokane.

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*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.*

The Office contracts with individuals and organizations to provide guardianship services where there is no one else qualified, willing, and able to serve. To be eligible for a public guardian, incapacitated individuals must have incomes less than 200 percent of the federal poverty level or be receiving long-term care services through the Department of Social and Health Services.

A public guardian must be certified by the Certified Professional Guardian Board and must meet minimum standards of practice adopted by the Office. Any entity providing professional guardianship services to more than 20 incapacitated persons per certified professional guardian may not be compensated for public guardian services.

The Office is authorized to provide guardianship training to individuals with which the Office contracts to provide public guardian services. The Office does not have the authority to provide training to other individuals.

The Governor vetoed a provision of the 2007 legislation that created a Public Guardianship Advisory Committee to review the activities of the Office and make recommendations on issues relating to the provision of public guardianship services. However, references to the advisory committee remain in the public guardianship statute.

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**Summary of Bill:**

The Office of Public Guardianship (Office) may provide training to individuals who, in the judgment of the administrator of the Office, are likely to provide public guardianship services in the future.

References to the advisory committee that was vetoed by the Governor are removed.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Office of Public Guardianship was created to provide guardianship services to people who need these services but who are unable to pay for them. The Office fills a real need in providing needed services in a timely fashion and helping people stay in their homes. There will be an increasing need for public guardian services as the state sees an increase in the elderly population.

In many counties there are no available certified public guardians, or none that are able or willing to contract with the Office. The bill will give the Office the authority to assess and respond to training needs by providing training to help prepare people to become public guardians. The original training authority was drafted too narrowly to allow the Office to provide training to guardians with which the Office is not currently contracting.

(Opposed) None.

**Persons Testifying:** (In support) Representative Kenney, prime sponsor; Shirley Bondon, Office of Public Guardianship; and Peter Greenfield, Washington State Bar Association Elder Law Section.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

**Majority Report:** Do pass. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong, Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short, Van De Wege and Williams.

**Staff:** Alex MacBain (786-7288)

### **Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Judiciary:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) This is an important bill because there are so many vulnerable people who need assistance in public guardianship. This program is especially helpful in rural areas where there are no such services available. The Office of Public Guardianship (Office) has contracts with guardians in six counties. It has been difficult to get contacts into place because of the limited number of guardians who are certified. Currently 14 counties have no guardianship services. One thing that could make the program more effective is to address this training issue. It would cost more and be less effective to have guardians travel distances and learn local court rules than it would be to train people in the communities that have no guardians. Had there been more foresight, this broader authority would have been built into the original enacting legislation for the Office. If training produces the most cost effective way to serve people then we ought to allow the Office to do that training.

(Opposed) None.

**Persons Testifying:** Representative Kenney, prime sponsor; Peter Greenfield, Washington State Bar Association; and Shirley Bondon, Administrative Office of the Courts, Office of Public Guardianship.

**Persons Signed In To Testify But Not Testifying:** None.