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**HOUSE BILL 1258**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Jinkins, Harris, Tharinger, Kilduff, Ortiz-Self, Appleton, Wylie, Fey, and Leavitt

AN ACT Relating to improving guardianship monitoring; and adding a new section to chapter 11.88 RCW.

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

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the administrative office of the courts must establish a guardianship monitoring pilot program to provide superior courts the resources necessary to enhance the monitoring of guardianships; assure proper care and protection for incapacitated adults; assist and support guardians in meeting their duties to incapacitated adults and their reporting responsibilities to the court; and provide information and training to the public.

(2) Pilot sites must be selected to serve in three superior court judicial districts: Two in a district without an existing guardianship monitoring program, and one in a district with an existing guardianship monitoring program.

(3) The administrative office of the courts must:

(a) In coordination with the selected pilot sites, develop uniform data points to be maintained and tracked by each site. Data points should include, at a minimum, guardianship status, guardian type, use of counsel by incapacitated person, and complaints filed against guardians; and

(b) In consultation with stakeholders including the superior court judges' association, the Washington association of professional guardians, the Washington state bar association, the Washington association of elder law attorneys, the state long-term ombuds, and disability rights Washington, develop an evaluation tool.

(4) Each pilot site must include:

(a) A staffing model that supports a full-time program manager to oversee a formal volunteer monitoring program, data collection and analysis, and education and a full-time employee with guardianship expertise to provide information via telephone, email, web site, and training events;

(b) Monitoring practices that provide a balance between document review and in-person contact with incapacitated persons and guardians;

(c) A mechanism for the disclosure and resolution of individual and organizational conflicts of interest among guardians, guardians ad litem, attorneys, and staff and volunteer monitors; and

(d) A courthouse facilitator as authorized by RCW 11.88.170.

(5) Each pilot site must, in coordination with community stakeholders, develop an education component with information targeted to the following groups:

(a) Pretraining for individuals who are considering whether to petition for guardianship;

(b) Individuals who are considering whether to serve as guardian;

(c) Individuals seeking alternatives to guardianship;

(d) Individuals against whom guardianship petitions are pending;

(e) Individuals in guardianships;

(f) Proposed guardians and appointed guardians; and

(g) Individuals seeking general information about guardianships.

(6) The administrative office of the courts must, within one year of the commencement of the full operation of the pilot programs, submit a report to the legislature in compliance with RCW 43.01.036. Reports must include, at a minimum, a description and analysis of (a) uniform data collection, including complaints filed against guardians; (b) types of monitoring practices used; (c) types of education and outreach activities provided; (d) outcomes for individuals, families, guardians, and courts; (e) program evaluation using the evaluation tool; (f) costs, volunteer hours, and number of outputs; (g) program policies and procedures, including those used for volunteer management, guardianship monitoring, and education and outreach; and (h) challenges, successes, and recommendations for ongoing monitoring.

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