

# SENATE BILL REPORT

## ESHB 1771

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As Reported By Senate Committee On:  
Human Services & Corrections, April 2, 1997

**Title:** An act relating to court appointed guardians.

**Brief Description:** Providing for certification of professional guardians.

**Sponsors:** House Committee on Law & Justice (originally sponsored by Representatives Mitchell, Tokuda, Constantine, Sheahan, Keiser, Mason, Blalock, Costa, Conway, Butler, Murray and Cody; by request of Secretary of State).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 3/27/97, 4/2/97 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

**Staff:** Richard Rodger (786-7461)

**Background:** A court may appoint a guardian over the estate or the person of an incapacitated person. A person is incapacitated if the individual is at a significant risk of personal harm because of an inability to provide for nutrition, health, housing, or physical safety, or at risk of financial harm because of an inability to manage his or her property or financial affairs.

Generally, any resident of the state who is at least 18 years of age, of sound mind, and has not committed certain crimes may be appointed as a guardian. If authorized, a trust company or national bank may serve as guardian of the estate of an incapacitated person, and a nonprofit corporation may serve as guardian of the person and/or estate of an incapacitated person.

A testamentary guardian is a person appointed as the guardian of a minor child by a parent in the parent's will.

**Summary of Amended Bill:** The Office of the Administrator for the Courts (OAC) is directed to study and make recommendations regarding the implementation of a system for standards and administration of certification of professional guardians.

An individual or guardianship service may be appointed as the professional guardian of the person and/or the estate of an incapacitated person if the individual or guardianship service meets certification requirements established by OAC. Testamentary guardians and financial

institutions serving as the guardian of the estate of an incapacitated person are not subject to the certification requirements.

A professional guardian is a court-appointed guardian who is not a member of the incapacitated person's family, charges a fee for providing guardianship services, and serves as guardian for at least three incapacitated persons.

**Amended Bill Compared to Substitute Bill:** The striking amendment adds a study provision and the effective date is moved to January 1, 1999.

**Appropriation:** None.

**Fiscal Note:** Available on companion SB 5667.

**Effective Date:** The study provision takes effect in 90 days. The remainder of the bill takes effect on January 1, 1999.

**Testimony For:** This bill will help protect persons who are incapacitated to handle their own affairs by requiring the certification of persons who hold themselves out as professional guardians.

**Testimony Against:** None.

**Testified:** Ralph Munro, Secretary of State; John Jardine, Washington Association of Professional Guardians (pro); Liz Lindley, Lifetime Advocacy Plus (pro).