
HOUSE BILL 1330

State of Washington

66th Legislature

2019 Regular Session

By Representatives Kilduff, Harris, Jinkins, Valdez, Walen, and Tharinger

Read first time 01/18/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to the management of services provided by the
2 office of public guardianship; and amending RCW 2.72.030.

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

4 **Sec. 1.** RCW 2.72.030 and 2009 c 117 s 1 are each amended to read
5 as follows:

6 The public guardianship administrator is authorized to establish
7 and administer a public guardianship program as follows:

8 (1)(a) The office shall contract with public or private entities
9 or individuals to provide public guardianship services to persons age
10 eighteen or older whose income does not exceed two hundred percent of
11 the federal poverty level determined annually by the United States
12 department of health and human services or who are receiving long-
13 term care services through the Washington state department of social
14 and health services. Neither the public guardianship administrator
15 nor the office may act as public guardian or limited guardian or act
16 in any other representative capacity for any individual.

17 (b) The ~~((office is exempt from RCW 39.29.008 because the))~~
18 primary function of the office is to contract for public guardianship
19 services that are provided in a manner consistent with the
20 requirements of this chapter. The office ~~((shall otherwise comply~~

1 ~~with chapter 39.29 RCW and~~) is subject to audit by the state
2 auditor.

3 (c) Public guardianship service contracts are dependent upon
4 legislative appropriation. This chapter does not create an
5 entitlement.

6 ~~((d) The initial implementation of public guardianship services
7 shall be on a pilot basis in a minimum of two geographical areas that
8 include one urban area and one rural area. There may be one or
9 several contracts in each area.))~~

10 (2) The office shall, within one year of the commencement of its
11 operation, adopt eligibility criteria to enable it to serve
12 individuals with the greatest need when the number of cases in which
13 courts propose to appoint a public guardian exceeds the number of
14 cases in which public guardianship services can be provided. In
15 adopting such criteria, the office may consider factors including,
16 but not limited to, the following: Whether an incapacitated
17 individual is at significant risk of harm from abuse, exploitation,
18 abandonment, neglect, or self-neglect; and whether an incapacitated
19 person is in imminent danger of loss or significant reduction in
20 public services that are necessary for the individual to live
21 successfully in the most integrated and least restrictive environment
22 that is appropriate in light of the individual's needs and values.

23 (3) The office shall adopt minimum standards of practice for
24 public guardians providing public guardianship services. Any public
25 guardian providing such services must be certified by the certified
26 professional guardian board established by the supreme court.

27 (4) The office shall require a public guardian to visit each
28 incapacitated person for which public guardianship services are
29 provided no less than monthly to be eligible for compensation.

30 (5) The office shall not petition for appointment of a public
31 guardian for any individual. It may develop a proposal for the
32 legislature to make affordable legal assistance available to petition
33 for guardianships.

34 (6) ~~((The office shall not authorize payment for services for any
35 entity that is serving more than twenty incapacitated persons per
36 certified professional guardian.))~~ The office shall develop and adopt
37 a case-weighting system designed to balance the increasing need for
38 access to guardianship services, effectively managing public guardian
39 caseloads, and providing appropriate supports for individuals on that
40 caseload.

1 (a) The standard caseload limit for an entity contracted by the
2 office must be no more than twenty incapacitated persons per
3 certified professional guardian. The office may authorize adjustments
4 to the standard caseload limit on a case-by-case basis, and payment
5 for services to an entity contracting with the office that serves
6 more than twenty incapacitated persons per professional guardian is
7 subject to review by the office. In evaluating caseload size, the
8 office shall consider the expected activities, time, and demands
9 involved, as well as the available support for each case.

10 (b) Caseload limits must not exceed thirty-six cases. The office
11 shall not authorize payment for services for any entity that fails to
12 comply with the standard caseload limit guidelines.

13 (c) The office shall develop case-weighting guidelines to include
14 a process for adjusting caseload limits, relevant policies and
15 procedures, and recommendations for changes in court rules which may
16 be appropriate for the implementation of the system.

17 (d) By December 1, 2019, the office must submit to the
18 legislature a report detailing the final case-weighting system and
19 guidelines, and implementation progress and recommendations. The
20 report must be made available to the public.

21 (e) The administrative office of the courts shall notify the
22 superior courts of the policies contained in the final case-weighting
23 system.

24 (7) The office shall monitor and oversee the use of state funding
25 to ensure compliance with this chapter.

26 (8) The office shall collect uniform and consistent basic data
27 elements regarding service delivery. This data shall be made
28 available to the legislature and supreme court in a format that is
29 not identifiable by individual incapacitated person to protect
30 confidentiality.

31 ~~(9) ((The office shall report to the legislature on how services~~
32 ~~other than guardianship services, and in particular services that~~
33 ~~might reduce the need for guardianship services, might be provided~~
34 ~~under contract with the office by December 1, 2009. The services to~~
35 ~~be considered should include, but not be limited to, services~~
36 ~~provided under powers of attorney given by the individuals in need of~~
37 ~~the services.~~

38 ~~(10))~~ The office shall require public guardianship providers to
39 seek reimbursement of fees from program clients who are receiving
40 long-term care services through the department of social and health

1 services to the extent, and only to the extent, that such
2 reimbursement may be paid, consistent with an order of the superior
3 court, from income that would otherwise be required by the department
4 to be paid toward the cost of the client's care. Fees reimbursed
5 shall be remitted by the provider to the office unless a different
6 disposition is directed by the public guardianship administrator.

7 ~~((11))~~ (10) The office shall require public guardianship
8 providers to certify annually that for each individual served they
9 have reviewed the need for continued public guardianship services and
10 the appropriateness of limiting, or further limiting, the authority
11 of the public guardian under the applicable guardianship order, and
12 that where termination or modification of a guardianship order
13 appears warranted, the superior court has been asked to take the
14 corresponding action.

15 ~~((12))~~ (11) The office shall adopt a process for receipt and
16 consideration of and response to complaints against the office and
17 contracted providers of public guardianship services. The process
18 shall include investigation in cases in which investigation appears
19 warranted in the judgment of the administrator.

20 ~~((13) The office shall contract with the Washington state
21 institute for public policy for a study. An initial report is due two
22 years following July 22, 2007, and a second report by December 1,
23 2011. The study shall analyze costs and off-setting savings to the
24 state from the delivery of public guardianship services.~~

25 ~~(14))~~ (12) The office shall develop standardized forms and
26 reporting instruments that may include, but are not limited to,
27 intake, initial assessment, guardianship care plan, decisional
28 accounting, staff time logs, changes in condition or abilities of an
29 incapacitated person, and values history. The office shall collect
30 and analyze the data gathered from these reports.

31 ~~((15))~~ (13) The office shall identify training needs for
32 guardians it contracts with, and shall make recommendations to the
33 supreme court, the certified professional guardian board, and the
34 legislature for improvements in guardianship training. The office may
35 offer training to individuals providing services pursuant to this
36 chapter or to individuals who, in the judgment of the administrator
37 or the administrator's designee, are likely to provide such services
38 in the future.

39 ~~((16))~~ (14) The office shall establish a system for monitoring
40 the performance of public guardians, and office staff shall make in-

1 home visits to a randomly selected sample of public guardianship
2 clients. The office may conduct further monitoring, including in-home
3 visits, as the administrator deems appropriate. For monitoring
4 purposes, office staff shall have access to any information relating
5 to a public guardianship client that is available to the guardian.

6 ~~((17) During the first five years of its operations, the office~~
7 ~~shall issue annual reports of its activities.))~~

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