
Judiciary Committee

HB 2697

Title: An act relating to guardianship fees and compensation in superior courts.

Brief Description: Modifying provisions concerning guardianship fees and compensation in superior courts.

Sponsors: Representatives Lantz, Newhouse, Rockefeller, Carrell and Lovick.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Removes the provision limiting the fees and costs for guardians providing services to certain DSHS clients in long-term care.

Hearing Date: 1/30/04

Staff: Trudes Tango Hutcheson (786-7384).

Background:

A court may appoint a guardian for an incapacitated person if the individual is at a significant risk of financial harm because of an inability to manage his or her property or financial affairs or has a significant risk of personal harm because of an inability to provide for nutrition, health, housing, or physical safety. The court may establish a guardianship over the person, the person's estate, or both. The court may also establish a limited guardianship in which the guardian's duties are limited to specified areas. A guardian or limited guardian may provide a variety of services for the client, such as, managing the client's financial affairs, communicating with the client's service providers, accessing public assistance programs on behalf of the client, and preparing any reports or accounting required by the court.

Generally, at the time the guardianship is established, the court fixes the fee that the guardian or limited guardian may charge for services. Additional compensation may be allowed for other administrative costs. Guardians and limited guardians are not compensated at county or state expense.

Medicaid clients who are in long-term care facilities with the DSHS are required to contribute a portion of their income to the cost of their own long-term care. The DSHS must establish the maximum amount of fees a guardian or limited guardian may receive for guardianship services provided to Medicaid clients in DSHS long-term care facilities.

Under DSHS administrative rules, the guardianship fee shall not exceed \$175 per month. Costs related to establishing the guardianship for the client shall not exceed \$700, and administrative costs overall shall not exceed a total of \$600 during any three-year period. The guardian may request fees that exceed those amounts. If the court determines that the fees and costs in excess of the amounts allowed by rule are just and reasonable and should be allowed, the DSHS will adjust the client's current contribution to the client's own long-term care to account for the guardianship fee allowed.

Summary of Bill:

Guardianship fees and costs for DSHS clients who are required to contribute towards their long-term care are not limited by DSHS rule.

Appropriation: None.

Fiscal Note: Requested on January 21, 2004.

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