

CERTIFICATION OF ENROLLMENT

SENATE BILL 5692

63rd Legislature
2013 Regular Session

Passed by the Senate April 23, 2013
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 12, 2013
YEAS 95 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5692** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5692

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senators King, Harper, Conway, Eide, and Tom

Read first time 02/08/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to standby guardians and limited guardians; and
2 amending RCW 11.88.125.

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

4 **Sec. 1.** RCW 11.88.125 and 2011 c 329 s 5 are each amended to read
5 as follows:

6 (1) (~~The person~~) Any individual or professional guardian
7 appointed by the court as either guardian or limited guardian of the
8 person and/or estate of an incapacitated person shall file in writing
9 with the court, within ninety days from the date of appointment, a
10 notice designating a standby (~~limited~~) guardian or standby limited
11 guardian to serve as (~~limited~~) guardian or limited guardian at the
12 death (~~or~~), legal incapacity, or planned absence of the court-
13 appointed guardian or limited guardian. The notice shall state the
14 name, address, zip code, and telephone number of the designated standby
15 guardian or standby limited guardian. Notice of the guardian's
16 designation of the standby guardian or standby limited guardian shall
17 be given to the standby guardian or standby limited guardian, the
18 incapacitated person and his or her spouse or domestic partner and
19 adult children, any facility in which the incapacitated person resides,

1 and any person (~~entitled to~~) who requested special notice under RCW
2 11.92.150 (~~or any person entitled to receive pleadings pursuant to RCW~~
3 ~~11.88.095(2)(j)~~). (~~Such~~)

4 (2)(a) If the regularly appointed guardian or limited guardian dies
5 or becomes incapacitated, then the standby guardian or standby limited
6 guardian shall have all the powers, duties, and obligations of the
7 regularly appointed guardian or limited guardian and in addition shall,
8 within a period of thirty days from the death or adjudication of
9 incapacity of the regularly appointed guardian or limited guardian,
10 file with the superior court in the county in which the guardianship or
11 limited guardianship is then being administered, a petition for
12 appointment of a substitute guardian or limited guardian. Upon the
13 court's appointment of a new, substitute guardian or limited guardian,
14 the standby guardian or standby limited guardian shall make an
15 accounting and report to be approved by the court, and upon approval of
16 the court, the standby guardian or standby limited guardian shall be
17 released from all duties and obligations arising from or out of the
18 guardianship or limited guardianship.

19 ~~((+2))~~ (b) Letters of guardianship shall be issued to the standby
20 guardian or standby limited guardian upon filing an oath and posting a
21 bond as required by RCW 11.88.100 (~~as now or hereafter amended~~). The
22 oath may be filed prior to the regularly appointed guardian's or
23 limited guardian's death or incapacity. The standby guardian or
24 standby limited guardian shall provide notice of such appointment
25 (~~shall be provided~~) to the (~~standby guardian, the~~) incapacitated
26 person and his or her spouse or domestic partner and adult children,
27 (~~and~~) any facility in which the incapacitated person resides, and any
28 person who requested special notice under RCW 11.92.150.

29 (c) The provisions of RCW 11.88.100 through 11.88.110 (~~as now or~~
30 hereafter amended) shall apply to standby guardians and standby
31 limited guardians.

32 (3)(a) A standby guardian or standby limited guardian may assume
33 some or all of the duties, responsibilities, and powers of the guardian
34 or limited guardian during the guardian's or limited guardian's planned
35 absence. Prior to the commencement of the guardian's or limited
36 guardian's planned absence and prior to the standby guardian or standby
37 limited guardian assuming any duties, responsibilities, and powers of
38 the guardian or limited guardian, the guardian or limited guardian

1 shall file a petition in the superior court where the guardianship or
2 limited guardianship is being administered stating the dates of the
3 planned absence and the duties, responsibilities, and powers the
4 standby guardian or standby limited guardian should assume. The
5 guardian or limited guardian shall give notice of the planned absence
6 petition to the standby guardian or standby limited guardian, the
7 incapacitated person and his or her spouse or domestic partner and
8 adult children, any facility in which the incapacitated person resides,
9 and any person who requested special notice under RCW 11.92.150.

10 (b) Upon the conclusion of the hearing on the planned absence
11 petition, and a determination by the court that the standby guardian or
12 standby limited guardian meets the requirements of RCW 11.88.020, the
13 court shall issue an order specifying: (i) The amount of bond as
14 required by RCW 11.88.100 through 11.88.110 to be filed by the standby
15 guardian or standby limited guardian; (ii) the duties,
16 responsibilities, and powers the standby guardian or standby limited
17 guardian will assume during the planned absence; (iii) the duration the
18 standby guardian or standby limited guardian will be acting; and (iv)
19 the expiration date of the letters of guardianship to be issued to the
20 standby guardian or standby limited guardian.

21 (c) Letters of guardianship consistent with the court's
22 determination under (b) of this subsection shall be issued to the
23 standby guardian or standby limited guardian upon filing an oath and
24 posting a bond as required by RCW 11.88.100. The standby guardian or
25 standby limited guardian shall give notice of such appointment to the
26 incapacitated person and his or her spouse or domestic partner and
27 adult children, any facility in which the incapacitated person resides,
28 and any person who requested special notice under RCW 11.92.150.

29 (d) The provisions of RCW 11.88.100 through 11.88.110 shall apply
30 to standby guardians and standby limited guardians.

31 (4) In addition to the powers of a standby ((limited)) guardian or
32 standby limited guardian as noted in ((subsection (1) of)) this
33 section, the standby ((limited)) guardian or standby limited guardian
34 shall have the authority to provide timely, informed consent to
35 necessary medical procedures, as authorized in ((RCW 11.92.040 as now
36 or hereafter amended)) RCW 11.92.043, if the guardian or limited

1 guardian cannot be located within four hours after the need for such
2 consent arises.

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