

CERTIFICATION OF ENROLLMENT

SENATE BILL 6604

Chapter 68, Laws of 1994

53rd Legislature
1994 Regular Session

INCAPACITATED PUBLIC ASSISTANCE RECIPIENTS--GUARDIANSHIP
FEES AND COMPENSATION

EFFECTIVE DATE: 6/9/94

Passed by the Senate March 1, 1994
YEAS 45 NAYS 2

JOEL PRITCHARD

President of the Senate

Passed by the House March 3, 1994
YEAS 92 NAYS 2

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved March 23, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6604** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 23, 1994 - 9:24 a.m.

**Secretary of State
State of Washington**

SENATE BILL 6604

Passed Legislature - 1994 Regular Session

State of Washington

53rd Legislature

1994 Regular Session

By Senator Rinehart; by request of Department of Social and Health Services

Read first time 02/16/94. Referred to Committee on Ways & Means.

1 AN ACT Relating to certain public assistance recipients who are
2 incapacitated persons; amending RCW 11.92.180; and adding a new section
3 to chapter 43.20B RCW.

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

5 **Sec. 1.** RCW 11.92.180 and 1991 c 289 s 12 are each amended to read
6 as follows:

7 A guardian or limited guardian shall be allowed such compensation
8 for his or her services as guardian or limited guardian as the court
9 shall deem just and reasonable. Guardians and limited guardians shall
10 not be compensated at county or state expense. Additional compensation
11 may be allowed for other administrative costs, including services of an
12 attorney and for other services not provided by the guardian or limited
13 guardian. Where a guardian or limited guardian is an attorney, the
14 guardian or limited guardian shall separately account for time for
15 which compensation is requested for services as a guardian or limited
16 guardian as contrasted to time for which compensation for legal
17 services provided to the guardianship is requested. In all cases,
18 compensation of the guardian or limited guardian and his or her
19 expenses including attorney's fees shall be fixed by the court and may

1 be allowed at any annual or final accounting; but at any time during
2 the administration of the estate, the guardian or limited guardian or
3 his or her attorney may apply to the court for an allowance upon the
4 compensation or necessary expenses of the guardian or limited guardian
5 and for attorney's fees for services already performed. If the court
6 finds that the guardian or limited guardian has failed to discharge his
7 or her duties as such in any respect, it may deny the guardian any
8 compensation whatsoever or may reduce the compensation which would
9 otherwise be allowed. Where the incapacitated person is a department
10 of social and health services client residing in a nursing facility or
11 in a residential or home setting and is required by the department of
12 social and health services to contribute a portion of their income
13 towards the cost of residential or supportive services then the amount
14 of guardianship fees and additional compensation for administrative
15 costs shall not exceed the amount allowed by the department of social
16 and health services by rule, and shall not include compensation for
17 services provided or funded by the department or a department
18 contractor that the incapacitated person is eligible to receive.

19 NEW SECTION. Sec. 2. A new section is added to chapter 43.20B RCW
20 to read as follows:

21 The department of social and health services shall establish by
22 rule the maximum amount of guardianship fees and additional
23 compensation for administrative costs that may be allowed by the court
24 as compensation for a guardian or limited guardian of an incapacitated
25 person who is a department of social and health services client
26 residing in a nursing facility or in a residential or home setting and
27 is required by the department of social and health services to
28 contribute a portion of their income towards the cost of residential or
29 supportive services.

Passed the Senate March 1, 1994.

Passed the House March 3, 1994.

Approved by the Governor March 23, 1994.

Filed in Office of Secretary of State March 23, 1994.